

## DISCIPLINARY GUIDELINES

The provisions of this agreement shall apply to all bargaining unit members, excluding entry level probationary fire fighters.

### A. MINOR INFRACTIONS OF RULES

It is the intent of the Department to allow Officers to resolve infractions of rules which are considered minor in nature at the lowest level of supervision. Officers are encouraged to use supervisory skills in correcting minor problems before they escalate into major ones. Many times, this is accomplished through nothing more than a simple discussion with the employee. Incidents of this nature do not require formal counseling or documentation.

Officers need to be assertive in the performance of their duties, and to take action to correct problems and be consistent with all employees. If preliminary steps fail to correct behavior, then the supervisor shall utilize the formal disciplinary guidelines after discussing the situation with the District Chief or Rescue Battalion Captain. All entries in the Personnel Evaluation Form will then be initiated by the appropriate District Chief, Rescue Battalion Captain or Division Chief if on a 40 hour week, in addition to the employee involved.

Examples of minor infractions of rules:

1. Failure to follow uniform policy
2. Watchman violations
3. Failure to perform station duties
4. Minor instances of inappropriate language/behavior
5. Unprofessional/inappropriate behavior - minor
6. Failure to follow Department procedures - minor
7. Violations of other minor rules

Unless these infractions are recurring, documentation is not required. Any violation/behavior that Station Officers feel cannot be handled at their level will be forwarded through the chain of command. Any violation of a rule marked with an asterisk (\*) in the following Rules of Conduct shall be forwarded through the chain of command. For additional clarification, contact your District Chief/Rescue Battalion Captain. District Chiefs, Rescue Battalion Captains and 40 hour supervisors may contact their Division Chiefs. If further clarification is necessary, they may contact the Department's Personnel Officer.

B. RULES OF CONDUCT

CONDUCT

- \* 1. Members shall not engage in criminal or unlawful activities.
- \* 2. No member shall take or remove anything from the scene of a fire or emergency without proper authority.
- \* 3. The accepting of money, rewards, gifts, valuable articles, or considerations from any person is prohibited unless permission is granted by the Fire Chief to accept them in accordance with State laws, Civil Service Rules and City Manager's Administrative Directives.
- \* 4. No member shall knowingly make a false report.
- 5. All members shall be polite, courteous, respectful, helpful and refrain from the use of profanity and/or abusive language while dealing with other employees and the public.
- \* 6. All members shall refrain from cruel or abusive treatment of any person regardless of circumstances.
- \* 7. No altercations or fisticuffs shall be permitted.
- \* 8. Members shall not engage in hazing, kangaroo courts, and/or horseplay while on duty.
- \* 9. Members/employees shall not engage in sexual, ethnic, racial and/or religious harassment or harassment prohibited by law while on duty.
- \*10. Members shall not engage in sexual activities while on duty.
- \*11. The carrying, storage or display of firearms or ammunition in or on City property is prohibited except as required by lawful City of Miami duties.
- \*12. Members shall not conduct themselves, on or off duty, in any way that will tend to bring discredit or ill repute to the Department or any of it's members, as a group or as individuals.
- \*13. Members shall not drink alcoholic beverages while on duty nor report for duty while under the influence of alcohol. Application of this rule shall be in accordance with the Labor Agreement.

CONDUCT (Cont'd.)

- \*14. No member shall be on duty while using any illegal or controlled substance unless so authorized by City Medical. Application of this rule shall be in accordance with the Labor Agreement.
- \*15. All members shall promptly and thoroughly obey all lawful orders. If an individual feels aggrieved by an order, he/she shall follow the order and then may initiate a compliant.
- \*16. All Officers shall be just, dignified and firm in their relationships with subordinates. They shall abstain from violent, abusive and/or profane language in giving orders and directions, as well as in normal conversation.

PROCEDURE

- 1. It shall be the duty of all members to report injuries received while on duty to their supervisor at the earliest opportunity and in all instances prior to going off duty.
- 2. Off duty injuries must be reported to the member's supervisor when reporting for duty.
- 3. All members shall have the right to review all public records, concerning themselves, that are kept by the Department, in accordance to the Public Records Law Florida State Statute 119.
- 4. All members are required to have a valid State of Florida Driver's License. A memorandum must be submitted to the Office of the Fire Chief when driver's license is suspended or revoked.
- 5. All telephone calls shall be answered promptly and in a proper and courteous manner.
- 6. All messages shall be delivered properly and promptly to the person concerned.
- 7. Members shall give their name, badge number and rank/functional title upon request.
- 8. All members shall be neat and clean except when duties or assignments obviously prevent it.
- 9. All members/employees shall address Officers by their official titles when conducting official duties.

## PERFORMANCE

1. Satisfactory performance at emergencies, while participating in training activities, or in other duties, shall be required of all members.
2. All members shall be personally responsible for the proper care of all supplies and equipment issued to them by the City.
3. No member shall waste or illegally dispose of supplies or equipment issued by the City.

## LATENESS/ATTENDANCE

- \* 1. No member shall be gainfully employed while on Sick Leave, Injured Leave, or Leave Without Pay.
- \* 2. While on duty or standby, all members shall be alert and remain at their assigned duty posts until properly relieved.
- \* 3. No member shall be absent from duty without permission.
- 4. All members shall report for duty on time.

## C. APPLICATION OF DISCIPLINE

When there is a violation of the Rules of Conduct, discipline will be administered in the following way:

### 1. Category One Discipline:

Violations specified below shall be handled, progressively, by application of the following Step Procedure.

1. Lateness; first offense - Step 1
2. Missed run; first offense - Step 1
3. AWOL; first offense - Step 3 and any other discipline as outlined in the AWOL agreement
4. Delaying a run; first offense - Step 1

Entry - Entry in Personnel Evaluation Form with no disciplinary action taken.

The above applies only to those employees who do not have any negative entries in their record for the previous 3 years from the date of the current violation.

- Step 1 - Entry and formal counseling (Reduce to Entry if employee has a clean record for last 3 years)
- Step 2 - Admonishment (District Chief/RBC can approve Company Punishment in addition to admonishment)
- Step 3 - Up to an Official Reprimand
- Step 4 - Up to a 24 hour fine
- Step 5 - Up to a 24 hour suspension
- Step 6 - Up to a 48 hour suspension
- Step 7 - Up to a 96 hour suspension
- Step 8 - Up to a 192 hour suspension
- Step 9 - Up to demotion or termination

Supervisors shall utilize the Step Procedures progressively until violations have progressed past Step 2. Violations that have progressed past Step 2 or are considered major in nature must be forwarded through the chain of command to management for application of Step Discipline above Step 2. The documentation forwarded is to include a description of the incident and mitigating circumstances, if any, a copy of the member's Personnel Evaluation Form for the previous 3 years, and any other information deemed relevant by the Officer..

## 2. Credit for Good Behavior

Employees who have no negative entries of any kind in their record for the previous three years from the date of the current violation, shall receive a one step reduction in indicated discipline. (This does not apply to serious infractions that justify termination on a first offense.) The first negative entry in the past three years from the date of the current violation, will eliminate the credit for good behavior and will not be counted as an instance in the calculation of future disciplinary steps.

## 3. Infractions not listed in Section C.1. shall have discipline determined by management on a case by case basis; using just cause as the standard.

As other rule violations become recurring, a discipline starting step may be established by mutual agreement of the parties.

4. Related Infractions

The intent of discipline is to modify behavior. Therefore, behaviors that are similar will be dealt with in a progressive manner.

There are 4 major categories of infractions. They are: Conduct, Procedure, Performance and Attendance. When determining discipline, infractions shall be classified in one of the above categories, based on the most serious rule violation per infraction. Previous violations in the last 2 years related to the current infraction will be combined on the infraction line of the discipline work sheet. When the total is greater than Step 2, it shall be forwarded through the chain of command.

When a violation has been processed through the chain of command, management will adhere to the following: Using the discipline work sheet, violations which had the same starting point as the current infraction will be added on the appropriate starting step line. The discipline will be the greater of the infraction line or the step line.

If an individual reaches Step 6 in 2 infraction categories, (example: Conduct (48 hr. suspension) and Performance (48 hr. suspension)), the next major offense may lead to dismissal, Step 9.

If an individual receives a total of 96 hours of suspension or greater discipline during any one rating period (July 1 through June 30 to coincide with Civil Service rating period), that individual will be given an unsatisfactory rating in the annual performance evaluation. The 96 hours shall be tabulated based upon date of infraction, regardless of when the discipline is administered.

Violations of a serious nature will remain on the employee's record throughout their career and will be considered in determining the discipline for the current infraction if the employee commits a similar infraction in the future.

D. GENERAL

Violations of rules not covered under this agreement shall be subject to the "just cause" provision of the collective bargaining agreement. Nothing contained herein shall supersede the provisions of the collective bargaining agreement, including the right to file a grievance in accordance with the labor agreement.

No changes shall be made in the language or intent of this agreement except by mutual consent.

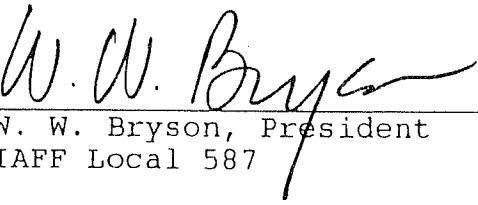
APPROVED

  
C. A. Gimenez, Director  
Fire, Rescue and Inspection  
Services Department

DATE

5/14/93

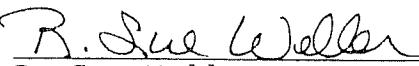
APPROVED

  
W. W. Bryson, President  
IAFF Local 587

DATE

5/14/93

APPROVED

  
R. Sue Weller  
Labor Relations Officer

DATE

April 5, 1993

DISCIPLINE TALLY SHEET

Name \_\_\_\_\_ Rank \_\_\_\_\_ Badge # \_\_\_\_\_

C	P	P	A
O	E	R	T
N	R	O	T
D	F	C	E
U	O	E	N
C	R	D	D
T	M		

### Nature of Infraction

C	R	E	N	Action Taken	Minor	Major
T	M	D	D			

Action Taken | Minor | Major |

## DISCIPLINE WORK SHEET

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

INFRACTION: \_\_\_\_\_

RELATED AREA: \_\_\_\_\_

### INFRACTION LINE

	3 yr. good behavior credit	1	2	3	4	5	6	7	8	9
1.	Counseling	1	2	3	4	5	6	7	8	9
S T E P	2. Admonishment		2	3	4	5	6	7	8	9
N E	3. Reprimand			3	4	5	6	7	8	9
	4. 24 hour fine				4	5	6	7	8	9
	5. 24 hour suspension					5	6	7	8	9
	6. 48 hour suspension						6	7	8	9
	7. 96 hour suspension							7	8	9
	8. 192 hour suspension								8	9
	9. Demotion or termination									9

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## Disciplinary Guidelines

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### A. Minor Infractions of Rules

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B. Rules of Conduct

***Conduct***

1. \* Members shall not engage in criminal or unlawful activities
2. \* No member shall take or remove anything from the scene of a fire or emergency without proper authority.
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### ***Procedure***

1. It shall be the duty of all members to report injuries received while on duty to their supervisor at the earliest opportunity and in all instances prior to going off duty.

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7. Members shall give their name, badge number and rank/functional title upon request.

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### ***Lateness/Attendance***

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[approved May, 1993]

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