



WARREN COUNTY FIRE ACADEMY

Fire Academy Employee Conduct – Employee Discipline



SUBJECT: Employee Conduct – Employee Discipline

ISSUE DATE:	02232021	PART:	AP
REVISION DATE:	N/A	SECTION:	5
EFFECTIVE DATE:	IMMEDIATELY	REVISION #:	N/A
REVIEWED:		NEXT REVIEW:	01012023

Section 1: **PURPOSE**

- 1.1 To establish a consistent application of discipline using policies and procedures related to disciplinary action for Academy employees. It shall be the policy of the Academy to administer discipline fairly, reasonably, and impartially. Employees and the Academy are best served when discipline is administered to correct actions rather than to punish. The Purpose of Disciplinary Action is to be corrective, and not punitive.
- 1.2 All disciplinary actions other than documented verbal warnings or notices, shall be administered in accordance with Academy Policy, New Jersey State Statutes Annotated, and Warren County Community College (WCCC) policy section 201.

Section 2: **DEFINITIONS**

- 2.1 Discipline: Any employee who is found to be in violation of Academy policy may be subject to disciplinary action up to and including termination from employment. Depending upon the seriousness of the action, other appropriate civil or criminal sanctions may also be pursued.
- 2.2 Performance Action Form: A management tool used by all levels of supervisors to provide recognition of positive or negative job performance, as well as a method for providing employees with immediate feedback directly from their supervisors. Use of this form will help guide employees in improving their overall job performance.
- 2.3 Active Document: Those documents that are still considered relevant and current information.

Section 3: **POLICY OBJECTIVE**

- 3.1 The tenure of Academy employees shall be based on reasonable standards of job performance and personal and professional conduct. Failure or refusal to meet these standards shall constitute just cause for disciplinary action including counseling, written reprimands, suspensions, and/or dismissal.



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- 3.2 Employees may be disciplined for failure to follow policy and practice detailed in the Academy's Rules and Regulations and/or Policies and Procedures.
- 3.3 Disciplinary action is not primarily intended to be punitive, but rather to maintain the efficiency and integrity of the Academy's objectives. The nature and severity of the offense and the employee's prior record shall be considered.
- 3.4 In any major disciplinary action, the pertinent information shall be reviewed with the employee specifying the following:
 - 3.4.1 The cause of discipline, and type of problem encountered.
 - 3.4.2 The specific reasons supporting the cause.
 - 3.4.3 The discipline to be imposed, and the effective dates, and.
 - 3.4.4 The right of the employee to be heard.
- 3.5 The degree of discipline administered will depend on the severity of the infraction and shall be in accordance with any applicable labor contract, non-civil service rules and regulations, and Academy policies and procedures.

Section 4: **FORMS AND DEGREES OF DISCIPLINARY ACTION**

- 4.1 It is the responsibility of each supervisor and the Academy Coordinator to evaluate thoroughly the circumstances and facts as objectively as possible and then apply the most suitable form of discipline. The following forms of disciplinary action are listed in degree of severity. With Employee Counseling considered the least offensive form of action and Discharge, being the most severe form of disciplinary action available. Types of disciplinary action may include but are not limited to:
 - 4.1.1 Employee Counseling: This type of discipline should be applied to infractions of a relatively minor degree or in situations where the employee's performance needs to be discussed. A Performance Action Form with employee counseling indicated, will be used for this purpose. It should be given in private. Supervisors should inform the employee that the supervisor is issuing a Performance Notice for employee counseling, and that the employee is being given an opportunity to correct the condition or behavior, and if the condition is not corrected, the person will be subject to more severe disciplinary action.
 - 4.1.2 Reprimand: This notice will be issued in the event the employee continues to disregard the corrective action cited in the Performance Action Form, or if in the opinion of The Academy Coordinator, the infraction is severe enough to warrant a



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reprimand over the counseling action. Reprimand notices must be issued within ten days after the occurrence of the violation claimed by the supervisor. The reprimand shall state the nature of the infraction in detail and what corrective action must be taken by the employee to avoid further discipline. A copy of the reprimand is to be handed to the employee at the time of the discussion of the discipline. The employee shall sign the reprimand to acknowledge receipt. A copy, signed by the employee, shall be placed in the employee's personnel file. If the employee refuses to sign the acknowledgment, then the supervisor and one other witness shall note on the reprimand that the employee received a copy thereof and refused to sign it. Failure to sign a reprimand shall constitute insubordination and subject the employee to further disciplinary action.

4.1.2.1 A copy of the Reprimand shall be forwarded to the WCCC Human Resources Department, Department of Public Safety Director, and the Academy Board of Advisors.

4.1.3 Suspension: This form of discipline is administered as a result of a severe infraction of policies or for repeated violation as determined by the Academy Coordinator. Suspensions may be considered a temporary action, either confirmed or dismissed, following an investigation and determination in the matter. If after investigation, it is determined that the employee was not guilty of any violation, he/she will normally be returned to his/her position, and a letter exonerating the employee will be placed in his/her official personnel file. If, however, the employee is found in violation, then the appropriate disciplinary action will take effect on the date that the investigatory suspension began. An employee will be suspended when the offense is of a serious enough nature usually sufficient for discharge but when circumstances related to an employee's overall performance would not warrant immediate discharge.

4.1.3.1 The Academy Coordinator shall include the WCCC Human Resources and the Academy Board of Advisors in the investigation and determination process.

4.1.3.2 The Department of Public Safety Director shall be advised of the complaint and continue to be updated throughout the process.

4.1.4 Discharge: Removal of an employee from the job pending review for discharge may be warranted in instances involving serious insubordination, theft, serious illegal or destructive acts while on the job, or other substantial reasons deemed appropriate by the Academy Coordinator. An employee may also be discharged after repeated offenses of a less serious nature if the offenses have been documented by the supervisor and appropriate behavioral changes have not resulted from previous progressive disciplinary action.

4.1.4.1 The provisions of section 4.1.3 apply.



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Section 5: IMMEDIATE ACTION

5.1 Should the conduct or action of an employee necessitate immediate action a supervisor / lead instructor may take necessary steps to immediately remove the employee from the situation.

5.1.1 This includes but is not limited to, assigning the employee to another location or terminating the employee's assignment and removing them from the site.

5.1.2 Immediate notification to the Academy Coordinator shall be made.

5.1.3 Should the action of an employee possible be considered criminal in nature proper notifications shall be made to law enforcement.

Section 6: INVESTIGATION PROCESS

6.1 All levels of disciplinary action shall be treated seriously and promptly investigated. The investigation will be as confidential as possible, consistent with the need to investigate. The Academy will immediately undertake or direct an effective, thorough and objective investigation.

6.2 All investigations shall be conducted as soon as is practicable, and reported for appropriate action, if any, pursuant to applicable personnel policies. The investigator shall interview the complainant, the person alleged to have engaged in a violation of this policy and any other persons who witnessed the alleged conduct or similar conduct forming the basis of the complaint. The investigator shall make written factual findings and credibility assessments, and then forward a report to the Academy Coordinator for evaluative assessment. A special emergency session of the Academy Board may be convened to determine appropriate disciplinary and remedial action, if any, subject to applicable notice, personnel policies, procedures and regulations. All investigative materials are deemed confidential and are not subject to disclosure, except as otherwise required by law.

6.3 The investigation will be completed and a determination regarding the allegations will be made and communicated to the accused party.

6.4 Any disciplinary action rising above the level of a verbal warning shall be forwarded to WCCC Human Resources, the Academy Board of Advisors and the Director of the Department of Public Safety.

Section 7: APPEALS

7.1 All forms of discipline are subject to appeal. Performance forms, and written reprimands may not warrant a formal hearing but are subject to appeal through the grievance process as provided in the WCCC Policy Manual – Section 201.4.



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7.2 Should an employee desire to submit a memorandum of explanation rather than an official appeal the memorandum of explanation will be added to the employees personnel file.

Section 8: **LONGEVITY AND TIME LIMITS**

8.1 Performance Notice Forms: When issued for corrective action, performance action forms shall reside in the employee's personnel file as an active document for one year from date of issue. After one year, it shall be considered non-contributory toward any future personnel performance reviews, or promotional opportunities providing no further counseling is required.

8.1.1 Performance action notices for corrective action shall be completely removed from the personnel file five years from the date of its issue.

8.2 Reprimands: Written reprimands shall be retained as a permanent history of the employee's adverse performance. At the end of five years, the reprimand shall be considered inactive and non-contributory toward any future personnel performance reviews, or promotional opportunities.

8.2.1 The inactive reprimand shall be retained for consideration in future disciplinary action only.

Section 9: **REPEALER**

9.1 Any order, policy or directive of a previous administration on this subject matter and in conflict with it is hereby repealed.

9.2 Should another order, policy or directive of this administration appear to conflict with this general order it shall be brought to the attention of the Academy Coordinator who shall make the determination and issue amending orders, if needed.

9.3 This policy is not in conflict with similar policies set forth by the County of Warren, Warren County Department of Public Safety, or the Warren County College.