

Scotts Valley Fire Protection District	Policy: 900
Subject: Disciplinary Action	Dated: January 12, 2005

Policy 900: Disciplinary Action

Purpose

The purpose of this policy is to establish an effective and fair system of discipline for all District personnel.

The violation of any of the provisions of policies, rules, regulations, applicable state law or local ordinance, of the orders of officers of the Scotts Valley Fire Protection District, or the neglect or evasion of the duties prescribed herein, shall be cause for disciplinary action as provided in this policy. The interests of the District shall be paramount in consideration of imposing disciplinary action.

Every officer, or acting officer, is responsible for the maintenance of the discipline and proper conduct of the persons under his/her supervision or command, and each officer or acting officer shall carry out the disciplinary procedures specified herein, as necessary, with respect to persons under his/her supervision or command. Causes that can lead to disciplinary action are set forth in these policies as well as appropriate professional conduct to maintain the public trust for public safety personnel.

Nothing herein is to be construed as preventing the supervising chief from conferring with a person charged with a violation, any officer, acting officer, or other person, relating to a possible disciplinary violation during the course of the procedures outlined in this policy.

1. Informal Discipline

Informal discipline includes the following:

Counseling

Counseling is when an employee is made aware of his/her violation verbally by his/her supervisor, but there are circumstances that impair the employee's ability to comply with the provisions of policies contained herein; and action is taken by the supervisor to work with the employee in an attempt to correct the problem rather than take other disciplinary measures against the employee. The counseling session will be documented in the supervisor's anecdotal file to assure that multiple such incidents are accounted for.

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Admonishment

An admonishment is when an employee is made aware of his/her violation verbally by the supervisor and is informed that he/she is in violation of a specified policy and is instructed to comply in the future. The session will be documented in the supervisor's anecdotal file to assure that multiple such incidents are accounted for.

Remedial Training

Remedial training is conducted when a violation was caused primarily by a need for additional training identified through actions that are deemed incompetent or inadequately prepared for in the judgment of the supervisor. The fire chief, in consultation with the supervisor, will determine specific remedial training based on the nature of the problem. Such actions will be recorded in the supervisor's anecdotal file.

2. Formal Discipline

The forms of discipline outlined below are considered formal or negative forms of discipline and shall be considered as previous offenses when considering subsequent violations. A record of all negative discipline by an employee shall be maintained in the employee's permanent personnel file.

Written Reprimand

A written reprimand is a formal memorandum reprimand by a supervisor finding a subordinate in violation of a specific policy or a criminal act. The memorandum shall cite the violation and state that the violator is being formally reprimanded.

Administrative Leave

The fire chief, or a member he/she delegates, may place an employee on 'Administrative Leave' with pay, where appropriate, pending the investigation of a possible violation of the provision contained in the district policies and SOPs. Administrative Leave pending an investigation shall not be considered punitive in nature and is to be used only while the investigation is in process

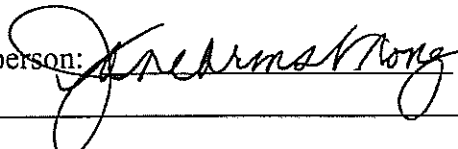
Suspension

Suspension is the temporary removal of an employee without pay from his/her position. The fire chief shall advise the employee's supervisor and the employee suspended in writing of such action and the offense committed. Unless extended by approval of the fire chief, the maximum period of suspension shall be 30 calendar days. All suspension

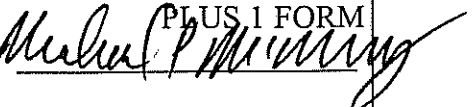
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days shall run consecutively and shall not include any scheduled days off. The district may choose to offer an employee who is subject to a suspension, an alternative in lieu of actual suspension consisting of loss of accumulated vacation of an equal monetary value.

Any member, if relieved from duty during the course of any disciplinary proceedings, shall promptly surrender all district property to his/her immediate superior, who will retain such property pending disposition of the proceeding.

Salary Reduction and/or Demotion

Salary reduction is when an employee's salary is permanently reduced from one step to a lower step.

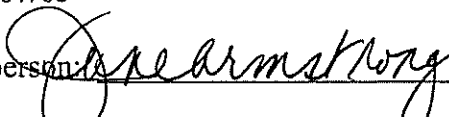
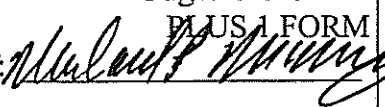
Demotion is the reduction of a employee from a position in one class to a position in another class having a lower maximum salary rate subject to district policy. The fire chief shall advise the employee's supervisor in writing of his/her intention to demote an employee prior to taking such action. In demoting the employee the fire chief shall make an order in writing, utilizing the form entitled "*Notice of Formal Discipline*" stating specifically the cause for demotion. The fire chief shall give a copy of said order for demotion to the employee and forward a copy to the employee's supervisor.

Termination

Termination is the involuntary separation of an employee from the district. The fire chief shall advise the Board in writing of his/her intention to terminate an employee prior to taking such action unless there are reasonable circumstances which prohibit such notification. In terminating an employee, the fire chief shall make an order in writing, utilizing the "*Notice of Formal Discipline*" report, stating specifically the cause for termination and the effective date of the termination. The fire chief shall give a copy of said order to the employee and forward a copy to the District Board of Directors. The fire chief may recommend that the employee be allowed to resign in lieu of dismissal if he/she believes a resignation may be in the best interests of the district and/or the employee.

3. Disciplinary Procedures

Whenever a supervisor discovers that a violation by a subordinate of the Rules of Conduct may have or has been committed, he/she shall investigate the matter thoroughly

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and take immediate action. The supervisor shall be required to report the finding of his/her investigation in a memorandum to the fire chief.

Investigations into alleged employee misconduct can be initiated at any level in the chain of command. Whenever an employee believes that misconduct or a violation of the Rules of Conduct has occurred, the employee shall submit a written memorandum to his/her immediate supervisor. The supervisor has the responsibility to take appropriate action to ensure that the matter is investigated promptly and thoroughly.

Whenever an employee feels that his/her supervisor or any other supervisor in the district is in violation of the Rules of Conduct, he/she shall submit a memorandum directly to the fire chief or to any members subject to open reporting detailing the circumstances relating to the violation. The fire chief or his/her designee will cause an investigation to be conducted.

If an investigation into an alleged violation of the Rules of Conduct results in a conclusion that some form of misconduct has been committed by an employee, then a recommendation for disciplinary action shall be initiated from the supervisor where the employee is assigned.

In all disciplinary actions other than positive or informal discipline, the supervisor shall prepare all memoranda and reports pertinent to the investigation for the fire chief. All pertinent reports and memoranda will be reviewed by the chief officer and forwarded to the fire chief.

All forms of positive or informal discipline may be carried out by a supervisor with the approval of the chief officer or the fire chief.

4. Disciplinary Interviews

All interviews must be conducted under the conditions outlined in Policy 903: Complaints and Complaint Investigations.

5. Investigation Findings, Definitions

All investigations shall be classified listing one of the findings as outlined in Policy 903: Complaints and Complaint Investigations.

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J. Earnstrong

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Melvin Williams

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6. Disciplinary Procedures for Special Circumstances

When conducting investigations into allegations of misconduct, it may become necessary to require an employee to undergo medical and/or laboratory examinations, at the district's expense, when the examination is specifically directed and narrowly related to the particular investigation being conducted by the district.

7. Emergency Removal from Duty

The chief officer or captain has the authority to relieve an employee from duty when it appears that such action is necessary and in the best interest of the district until the next business day. The person relieving the employee will notify his/her immediate superior and the fire chief of the action taken and prepare a written memorandum to the fire chief. The employee will be placed on administrative leave with pay pending an investigation into the matter or notification by the employees' supervisor. Written verification to the employee will be done by the fire chief or his/her designee as soon as is practical.

An employee receiving emergency removal from duty shall be required to report to his/her supervisor on the next business day. The supervisor imposing the action shall also report to the chief officer at the same time.

8. Reports of Disciplinary Action

Whenever disciplinary action of a formal nature is taken or recommended, a written report is necessary. The report is to be directed to the fire chief via the chain of command.

9. Disciplinary Records

Minor informal or positive disciplinary actions as authorized in this Policy will be documented at the discretion of the supervisor or chief officer in an anecdotal file.

The exception to the above is disciplinary action in the form of a written reprimand. A written reprimand will be documented and will be placed in the employee's permanent employee file.

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J. Armstrong

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Michael P. Murray

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Formal or negative discipline will be documented on a memorandum, reviewed by the employee, and placed in his/her permanent employee file.

The employee may submit a written request that a disciplinary action be purged from his/her permanent employee file, after the statute of limitations of 1, 2, or 3 years for reprimands. Suspension, demotions and terminations will not be purged. The fire chief or his/her designee will make a final decision on the request.

All items adverse to an employee's interest, which are entered into the employee's personnel file, must be signed by the employee and his/her supervisor. The employee must review the document(s) and be given a copy thereof. The supervisor is the witness to the employee's signature.

The District recognizes the right of any member to review his/her personnel record. Any employee wishing to review his/her personnel file may contact the fire chief to make arrangements to do so. Items of concern to an employee may be discussed with the fire chief or the employee's supervisor if requested by the employee.

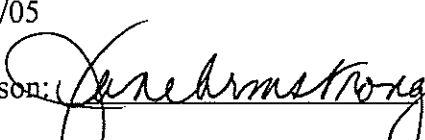
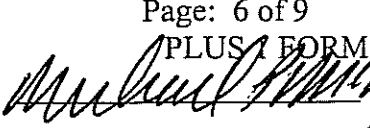
10. Notice of Disciplinary Conference (Skelly)

It is the policy of the district to adhere to the requirements of the Skelly decision and notify the employee of pending disciplinary action that involves a loss of compensation. This includes discipline in the form of termination, suspension, demotion, or punitive transfer if a pay decrease is involved. The employee is formally notified of the pending disciplinary action in the form of a written memorandum. A copy of the investigation package, including copies of any tape recordings, is given to the employee.

11. Disciplinary Hearing (Skelly Conference)

The Fire Chief will serve as the Skelly Officer for any discipline.

The employee has the right to prepare an oral or written response to the proposed discipline. The employee also has the right to be accompanied or represented by an individual of the employee's choice (such as legal counsel and/or union representation) as long as the person is not associated with the investigation or the disciplinary action. At the conclusion of the Skelly hearing, the hearing officer shall prepare a written summation of the hearing.

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12. Appeal Procedures

All appeals of disciplinary actions shall follow the conditions established by the Scotts Valley Fire Protection District Policies as well as those of the current applicable Memorandum of Understanding.

The Board of Directors will be the appeals board.

13. Grievance Procedures

A grievance is a method devised to resolve disputes concerning the interpretation of the documents adopted pursuant to those regulations (such as Memorandums of Understanding), District Policies, or working conditions. The grievance process, as established, is not applicable to matters covered by the Scotts Valley Fire Protection District Policies regarding appeals procedure. Grievance procedures are enumerated in Policies 901 and 902 and are referenced herein.

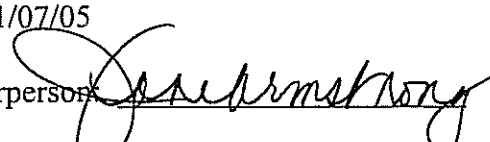
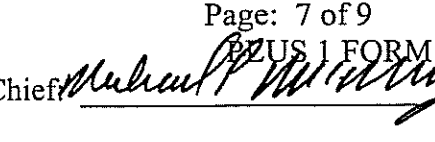
14. Specific Discipline Guidelines

The following disciplinary measures, listed in increasing order of severity, may be imposed upon paid employees of the district, in accordance with the procedures specified herein (Note: Actions in italics may only be imposed by the fire chief):

- A. Informal discipline
- B. Written warning
- C. *Relief from duty with written warning*
- D. *Suspension without pay*
- E. *Reduction in rank*
- F. *Termination/Dismissal*

The following disciplinary measures, listed in increasing order of severity, may be imposed upon district paid call firefighters in accordance with the procedures specified herein:

- A. Informal discipline
- B. Written warning

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- D. Suspension
- E. Termination/Dismissal

The following is a matrix listing disciplinary action for violations of the rules of conduct policies.

NOTE: The following matrix may be utilized as a guide to disciplinary action for violations of the rules of conduct. The action may vary depending on circumstances.

For Violations of Policy 800, Rules of Conduct

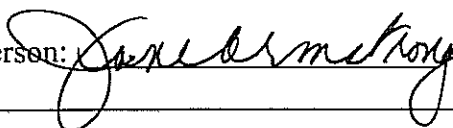
Number	1st Offense	2nd Offense	3rd Offense	4th Offense	5th Offense
2	A	B	C	D	F
3	A	B	C	D	F
4	A	B	C	D	F
5	A	B	C	D	F
6	A	B	C	D	F
7	A	B	C	D	F
8	A	B	C	D	F
9	B	C	D	E	F
10	A	B	C	D	F
11	A	B	C	D	F
12	B	C	D	E	F
13	A	B	C	D	F
14	B	D	E	F	
15	B	D	E	F	
16	B	D	F		
17	B	D	E	F	

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Number	1st Offense	2nd Offense	3rd Offense	4th Offense	5th Offense
18	A	B	C	D	F
19	A	B	C	D	F
20	A	B	C	D	F
21	A	B	C	D	F
22	B	D	E	F	
23	A	B	C	D	F
24	A	B	C	D	F
25	B	D	E	F	
26	A	B	C	D	F
27	A	B	C	D	F
28	A	B	C	D	F
29	B	D	F		
30	B	D	F		
31	B	D	F		
32	D	F			
33	B	D	F		
34	B	D	E	F	
35	B	D	F		
36	D	F			
37	B	D	F		
38	B	D	F		
39	D	F			

The imposition of any discipline mentioned in these policies may be appealed to the Board of Directors. The imposition of other discipline is not appealable.