



Independence Police

223 North Memorial Drive
Independence, MO 64050
(816) 325-7300
FAX (816) 325-7270

GENERAL ORDER	No. 1995-018	Page 1 of 7
SUBJECT: Disciplinary System	EFFECTIVE DATE: 1995	
	REVIEW/REVISION DATE: October 21, 2013	
	REFERENCE: Personnel P&P, Article VII Sections A thru M, Article 13 FOP Work Agreement	

PURPOSE

The purpose of this directive is to establish a fair and effective disciplinary system for employees of the Independence Police Department. Discipline, up to dismissal, is designed to modify future behavior and should be progressive. A regular (non-probationary) employee whose work performance is substandard or who engages in activity which reflects poorly on the department may be disciplined for cause.

POLICY

It shall be the policy of the Independence Police Department to promote and adhere to progressive disciplinary practices as outlined in the City of Independence Policies and Procedures Manual and applicable work agreements.

PROCEDURE

Definitions

- Training Measures: Preventative steps taken to promote compliance with established agency rules and expectations and to encourage appropriate/correct behavior. The intent is to bring change and therefore prevent having to discipline.
- Cumulative Discipline: Prior offenses for which an employee was disciplined may be used to determine the severity of the action to be taken for the current offense.
- Discipline: Process by which the Department ensures that each employee's conduct conforms to standards set by the Department.
- Disciplinary Actions: Formal disciplinary steps taken when more informal, corrective actions have not altered/eliminated inappropriate behavior or the seriousness of the

offense warrants more formal measures.

- Employee File: For the purposes of this directive, Employee File shall refer only to that file which contains an employee's employment history and is secured in the Office of the Chief of Police. An employee's file will be maintained by the department during the course of their employment and five years after employment has ended.
- Progressive Discipline: Increasing levels of discipline when lower levels do not improve performance. It does not bar a higher level of discipline from being initially applied.
- Supervisor's Personal Notes: For the purposes of this directive, Supervisor's Personal Notes shall refer to that personnel file maintained by an employee's immediate supervisor. This file is used to document an employee's performance for future use in completing the employee's annual performance evaluation. Supervisors will ensure that Supervisor's Personal Notes are transferred to the affected supervisor when an employee is re-assigned/transferred.

General

- Supervisors will treat each employee fairly and will apply constructive and positive measures to improve performance.
- Supervisors should address performance issues using the lowest level of training measure and/or disciplinary action deemed appropriate to the specific circumstances and then progress up the steps.
- The severity of training measures/disciplinary action taken will be dependent on several factors including but not limited to the gravity of the offense, the circumstances under which it occurred, the intent of the misconduct, the time between violations, the employee's prior work performance, the employee's disciplinary record, and the willingness/ability of the employee to improve.
- To be effective, discipline must not only be fair in its application, it must also follow within a reasonable time the act which it is intended to correct.
- A supervisor initiating any training measure/disciplinary action procedure shall consider such action as a personnel matter, and shall:
 - Handle all documents concerning the action confidentially.
 - Not discuss the matter with any person uninvolved with the action.
 - Document such measures as required within the affected employee's Employee File, Demeanor Record, Supervisor's Personal Notes and Annual Performance Evaluation.:

- Disciplinary action may be initiated when an employee has violated any of the following:
 - Federal or state laws.
 - City ordinances.
 - City employee rules and regulations.
 - Department Code of Conduct.
 - Departmental directives, regulations, policies or procedures, general or special orders.
 - Verbal or written instruction of a supervisor.

Training Measures

- The Department's training measure system will consist of the following, listed in order of severity:
 - Training Measures
 - A. Remedial Training
 - B. Professional Counseling
 - C. Verbal Reprimand
 - D. Supervisor Training Form
- Training Measures

Remedial Training (ordered by any chain of command supervisor).

A. Remedial training will provide for the improvement of employee skills.

B. Remedial training will be provided for employees where a skill deficiency has been noted during a disciplinary process.

Remedial training received will be documented in the Supervisor's Personal Notes, and the employee's Training File. It will not be documented in the employee's Employee File or the employee's Demeanor Record.

- Professional Counseling (ordered by any chain of command supervisor).
 - A. Professional counseling may take a variety of forms: practitioners (including physicians, mental health counselors and clergy) may be utilized in resolving personal

problems which affect job performance.

B. An employee needing such assistance may:

1. Be referred by a supervisor to the City's Employee Assistance Program, or
2. Seek assistance on his own, either through the City's Employee Assistance Program or another source.

C. Documented in the Supervisor's Personal Notes. It will not be documented in the employee's Employee File or the employee's Demeanor Record.

➤ Verbal Reprimand (ordered by any chain of command supervisor).

A. Verbal Reprimand- Upon indication of substandard performance or for violation of a work rule, the employee's supervisor shall advise the employee of the unsatisfactory performance and recommend specific areas of improvement. In the case of a work rule violation, the supervisor should instruct the employee of the proper work rules and procedures.

B. The verbal reprimand will be administered in a conference between the affected employee and the supervisor issuing the reprimand. The supervisor will advise the employee of the circumstances prompting the action and the proper procedures to correct the employee's performance.

C. Verbal reprimands for violations of the same or different rules, policies, and practices will be cumulative towards the issuance of a higher disciplinary action.

D. A verbal reprimand will be documented in the Supervisor's Personal Notes. The verbal reprimand will not be documented in the employee's Employee File or the employee's Demeanor Record.

➤ Supervisor Training Form: (ordered by any chain of command supervisor).

A. A counseling session between the employee and the supervisor that points out errors to employee and outlines a plan for the employee to correct errors or behavior.

The Supervisor Counseling session will be documented on a Supervisor Training Form. The Supervisor Training Form will be forwarded by the issuing supervisor through the Chain of Command to be placed in the employee's Employee File for one year from occurrence. The counseling session will also be documented in the Supervisor's Personal Notes. The counseling session will not be documented in the employee's Demeanor Record.

Disciplinary Actions

- The Department's Disciplinary system will consist of the following, listed in order of severity:

Reviewed 10-21-13

- Disciplinary Actions
 - A. Written Letter of Reprimand
 - B. Service Probation
 - C. Suspension
 - D. Reduction in Pay
 - E. Demotion
 - F. Termination

- Written Letter of Reprimand (ordered by any chain of command supervisor with approval of the Chief of Police or designee).
 - A. A written letter of reprimand may be given to an employee for isolated, repeated, or cumulative minor disciplinary violations, or as the minimal corrective action for a more severe violation when, in the judgment of the issuing supervisor, a more stringent action is not justified.

 - B. The issuing supervisor will document the written letter of reprimand by means of a memorandum to the effected employee to include the following information:
 1. The nature of the offense.
 2. Dates and circumstances surrounding any related oral reprimands previously issued.
 3. Measures deemed appropriate to correct the situation.
 4. Future action that may be taken if the situation is not corrected.
 5. A statement regarding any appeal procedures available to the affected employee.

 - C. The written Letter of Reprimand shall be signed by the employee and the supervisor. The employee's signature shall indicate receipt of a copy and not necessarily acceptance of the contents. The employee's refusal to sign the written Letter of Reprimand will not constitute a reason for not placing the reprimand in the Employee File.

 - D. Written Letters of Reprimand for violations of rules, regulations, policies, directives and practices may be cumulative towards higher disciplinary practices.

 - E. A copy of each written Letter of Reprimand will be forwarded by the issuing supervisor through the Chain of Command to be maintained in the employee's Employee File. A written letter of reprimand will be documented in the Supervisor's Personal Notes, and the employee's Demeanor Record.

- Service Probation (ordered by Chief of Police or designee).
 - A. If the Service Probation is due to poor performance, the supervisor must prepare

a plan for improved performance with the request for a particular time period for the employee to demonstrate improved performance.

B. If improvement is not made further disciplinary action may result.

C. A copy of the disciplinary letter will be placed in the affected employee's Employee File. The Service Probation Plan will be documented in the Supervisor's Personal Notes and the employee's Demeanor Record.

➤ Suspension (ordered by Chief of Police with approval of the City Manager).

A. Suspension without pay is defined as the temporary forced withdrawal of an employee from official duties, with an accompanying loss of pay.

B. The Chief of Police, on approval of the City Manager, may suspend an employee without pay for a period not to exceed thirty (30) calendar days (City of Independence Policies and Procedures Manual, Article VII, and Section H).

C. Suspension time may be imposed in addition to other disciplinary actions for isolated, repeated or cumulative disciplinary violations when either a lesser or a more stringent action is deemed inappropriate.

D. The affected employee will be given written notification by the Chief of Police stating the following:

1. The reason for the suspension.
2. The duration of the suspension period.
3. A statement regarding the grievance procedure available to the affected employee.

E. A copy of the disciplinary letter will be placed in the affected employee's Employee File. The suspension will be documented in the Supervisor's Personal Notes, the employee's Early Warning System and the employee's Demeanor Record.

➤ Reduction in Pay (Ordered by Chief of Police with approval of the City Manager). Refer to City Personnel Policies and Procedures.

➤ Demotion (ordered by Chief of Police with approval of the City Manager). Refer to City Personnel Policies and Procedures.

➤ Termination (ordered by Chief of Police with approval of the City Manager). Refer to City Personnel Policies and Procedures.

When Documentation is required

- Written reports are required whenever a supervisor wishes to cause a recommendation for disciplinary action to be made a part of the employee's file.

- All documentation of disciplinary action or recommended disciplinary action will be maintained in secured file.
- Training Measures/Disciplinary Actions resulting in notations in the Supervisor's Personal Notes, Demeanor Record or Employee File may be documented in the employee's next annual evaluation if it is deemed necessary.
- Purging Files
 - Employee File: Only the Chief of Police will have the authority to purge an employee's file. The Chief of Police, or designee, may purge minor infractions, where no suspension occurred, after one year.
 - Supervisor's Personal Notes: Supervisors may purge their Personal Notes after all entries/notations have been appropriately documented in the employee's next annual evaluation.
- Appeal Procedure
 - All regular (non-probationary) employees have the right to appeal any disciplinary action through the grievance procedures outlined in the City Policies and Procedures and applicable Work Agreements.