

DISCIPLINARY ACTION POLICY

Prior to the imposition of a demotion, disciplinary suspension for more than three days, or termination, a Fire District employee shall be afforded an opportunity to be informed of the charges against him/her and to offer his/her side of the story, as set forth in the following procedure:

Procedure

- A. The Review Board shall consist of the Fire Chief, two officers, and one firefighter.
- B. Any infractions of these regulations or any disputes shall be discussed between the firefighter and the Chief. Discussion will be documented and signed. If no resolution is reached, the problem shall be discussed with the Review Board and a summary of charges and recommendations will be made by the Chief (or citizen appointed by the Fire Board to investigate alleged misconduct) to the Fire Board for final disposition at the next regular meeting of the Board, unless an applicant for an extension of times is filed by the accused.
- C. Prior to the presentation of the recommendation by the Chief to the District Trustees, the accused firefighter shall be given reasonable and timely notice of the date, time and place of the meeting. He/she shall be given a copy of the charges or allegations against him/her, along with recommendations of the Fire Chief or the investigative citizen.
- D. At the meeting the firefighter may appear in person and by counsel, examine all witnesses, and answer all charges against him/her. Reasonable notice must be given to the Trustees prior to the meeting, if the firefighter intends to challenge the charges and recommendations.
- E. For the purpose of investigating charges filed against any firefighter or other member of the District, the Fire District Trustees may issue subpoenas or compulsory process to compel the attendance of persons and the production of books and paper before it.
- F. In all cases in which the attendance of the witness is compelled, any member of the District of Trustees may administer the requisite oaths, and such District Board of Trustees has the same power to compel the giving of testimony by attending witnesses as is conferred upon courts. The Trustees may employ the services of a qualified stenographic reporter to record the proceeding of the testimony. In all cases where the testimony is compelled, the witnesses shall be

entitled to the same privileges, immunities, and compensation as are allowed in civil cases, and the costs of all such proceedings shall be payable from the general fund of the Fire District.

- G. Pending any proceedings under this section, an accused firefighter may be suspended by a majority vote of the Fire Board Trustees, but such suspension shall not be longer than 15 days, unless the hearing of such charges is extended upon the application of the accused firefighter, in which even the suspension shall not exceed 30 days.
- H. The judgment of the District Trustees shall be final, but to remove a member of the department requires a two-thirds vote of the Fire District Trustees.
- I. A copy of the Boards' findings and decision shall be served upon the accused firefighter by certified mail or in person.
- J. In case of removal of any member of the Fire District, an appeal may be had to the Court of Common Pleas for Mahoning County, Ohio, to determine the sufficiency of the cause for removal. Such appeal from the findings of the Board shall be taken within 10 days of such notice.
- K. The Chief of the Fire Department is responsible for the investigation of all charges or allegations against a firefighter, including officers, and is further responsible for filing charges and making recommendations within the District Board of Trustees. The Board of Trustees may, however, relieve the Fire Chief of his responsibilities, under this Section by appointing a private citizen in his place to conduct the investigation and cause his findings to be presented to the Board.

Cause to Discipline:

The following are cause for disciplinary action per the Ohio Revised Code, but not limited to: Incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any other failure of good behavior or any other acts of misfeasance (the improper or unlawful execution of an act), malfeasance (misconduct or wrongdoing) or nonfeasance (failure to perform an act that is either an official duty or legal requirement).

Recommendation for Disciplinary Action:

Whenever disciplinary action is recommended, except for oral reprimand, a written report containing the following information must be submitted to the Fire Chief. The full name and rank of the person being recommended for disciplinary action, the date, time and location of the misconduct, the infraction committed, the punishment that is being recommended, and the written signature of the submitting officer.

Supervisory Action in Discipline Cases:

An officer becoming aware of a significant violation of any of the rules, regulations, policies, procedures, or directives in this policy, or orders issued by the officer himself, shall, as soon as possible, begin a preliminary investigation to determine a violation has occurred. This preliminary investigation may include questioning firefighters under the immediate officer's direct supervision, questioning and gathering statements from witnesses, complainants, or the firefighters in question, and gathering evidence which might be lost if not secured immediately. The officer (immediate supervisor) shall not take any investigative action that might jeopardize a subsequent investigation. This preliminary investigation shall be completed within three days. Upon the completion of the preliminary investigation, the officer shall forward it through the chain of command to the Fire Chief.

Disposition by the Fire Chief:

The Fire Chief will review the completed investigation and any and all reports regarding any disciplinary matter. If the Chief deem, after reviewing the reports, that disciplinary action may be necessary, then the firefighter will be informed in writing that the department is contemplating disciplinary action against the firefighter. The firefighter will have 5 days to contact the Fire Chief and schedule an appointment to provide any additional information on the matter. If the meeting is not held or is not successful in resolving the matter, then a letter will be forwarded to the Board of Trustees regarding a request for disciplinary action. After reviewing these reports, if it is the opinion of the Fire Chief that a recommendation of disciplinary action involving demotion, a suspension of more than three days, or termination is needed, the attached policy will be followed.