

	<h1>Garner Police Department</h1> <h2>Written Directive</h2>	
	Chapter: 300 – Personnel Management	
	Directive: 320.02 – Disciplinary System	
Authorized by: Chief Brandon Zuidema		Effective Date: August 1, 2017
CALEA Standards: 22.2.6, 26.1.1, 26.1.2, 26.1.4, 26.1.5, 26.1.6, 26.1.7 and 26.1.8		Last Revision: October 1, 2015

320.2.1 - Purpose

The purpose of this directive is to establish a system to provide procedures to address and correct inadequate performance, personal misconduct, and training deficiencies.

320.2.2 - Policy

It is the policy of the Garner Police Department to administer discipline in a fair and equitable manner consistent with the provisions of the Town of Garner Personnel Policies and Procedures Manual.

320.2.3 - Training as a Function of Discipline (26.1.4)

A supervisory member of the Department may recommend remedial training in addition to counseling, written warnings, suspension, or demotion. The supervisor should contact the Personnel and Training Sergeant to schedule remedial training within thirty (30) days of the date of the unsatisfactory performance or misconduct being addressed. Participation in remedial training is mandatory. Failure to successfully complete remedial training within the prescribed time will subject the employee to punitive disciplinary action. The employee's supervisor shall retain written documentation concerning remedial training.

320.2.4 - Counseling as a Function of Discipline (22.2.6; 26.1.4)

- A. Counseling is an important part of improving employee performance and should be used in conjunction with remedial training, written warnings, suspensions and demotions. The following information should be clearly communicated to the employee during any counseling session:
 1. The type of poor performance or employee misconduct;
 2. How the poor performance has affected the employee's team and the Department;
 3. How the employee can correct the poor performance or misconduct; and
 4. What will occur if the performance or conduct is not improved.
- B. The supervisor will maintain written records of counseling sessions. The Town of Garner has an Employee Assistance Program (EAP) available to all employees. Supervisors may recommend and encourage (but may not order) employees to seek assistance through EAP if appropriate. When used, an EAP recommendation is in addition to remedial training, counseling, written warnings, suspension or demotion.

320.2.5 - Employee Responsibilities during Supervisor/Subordinate Discussions (26.1.1)

Employees are required to fully and truthfully answer all questions specifically, narrowly and directly related to the performance of their official duties and/or questions pertaining to detrimental personal conduct. Refusal to answer, or failure to answer questions fully and truthfully, is considered gross personal misconduct and may subject the employee to punitive disciplinary action, up to and including termination.

320.2.6 - Written Warnings

- A. Written warnings are not considered punitive disciplinary action. The purpose of a written warning is to formally notify the employee of poor performance or misconduct. Generally, written warnings are defined as follows:
 - 1. Level 1 Warning – an initial documented warning from the employee’s supervisor;
 - 2. Level 2 Warning – a written warning for a repeated offense previously documented in a Level 1 Warning, OR a higher level offense involving job performance and/or conduct; and
 - 3. Level 3 Warning – a final written warning from a supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid further disciplinary action, up to and including dismissal.
- B. Specific information concerning written warnings is found in the Town of Garner Personnel Policies and Procedures Manual. At a minimum, written warnings shall include the following information:
 - 1. The type of poor performance or employee misconduct,
 - 2. How the poor performance has affected the employee’s team and the Department,
 - 3. What the employee can do to correct the poor performance or misconduct, and
 - 4. What will occur if the performance or conduct is not improved.

320.2.7 - Punitive Disciplinary Action (26.1.4)

- A. Punitive disciplinary action is defined as suspension, demotion or dismissal. Specific information concerning punitive disciplinary action is found in the Town of Garner Personnel Policies and Procedures Manual.
- B. Prior to any punitive disciplinary action being taken, the accused employee is entitled to a pre-disciplinary conference. Any employee subject to a pre-disciplinary conference will be given notice of said hearing using a *Notice of Pre-Disciplinary Conference* (GPD form 320.2-A).

320.2.8 - Role of Supervisors in Discipline (26.1.2; 26.1.5)

- A. All Department supervisors (sworn and civilian) are responsible for the identification and documentation of superior employee performance and the identification and documentation of poor performance and employee misconduct.
- B. Specific Supervisory Responsibilities by Rank
 - 1. All Department supervisors are authorized to:
 - a. Institute emergency relief from duty,

- b. Investigate performance complaints,
 - c. Conduct counseling sessions,
 - d. Recommend remedial training,
 - e. Recommend pre-disciplinary conferences, and
 - f. Issue written warnings in accordance with Town policy.
2. Operations Captain – is typically responsible for reviewing all internal investigation summaries regarding allegations of serious misconduct against all department employees at the rank of lieutenant or below. This includes, but is not limited to, reviewing employee personnel files and considering past department disciplinary practices in order to make a disciplinary recommendation to the Chief of Police if punitive disciplinary action is warranted.
 3. Chief of Police – is typically responsible for conducting pre-disciplinary hearings for any employees facing recommendations of punitive disciplinary action. The Chief of Police may, based on the requirements found in the Town of Garner Personnel Policies and Procedures Manual, suspend, demote, or dismiss employees.

C. Other Disciplinary Guidelines

1. Any supervisor recommending suspension, demotion or termination will ensure that a pre-disciplinary conference is conducted in accordance with the Department Internal Affairs Manual.
2. Supervisors are not to reprimand employees in public or in the presence of other employees or persons. This rule is not intended to restrict supervisors from correcting actions of subordinates to ensure proper police action.

320.2.9 - Appeal of Written Warnings and Punitive Disciplinary Action (26.1.6)

Specific procedures for the appeal of written warnings and punitive disciplinary action are found in the Town of Garner Personnel Policies and Procedures Manual. Employees may appeal written warnings up to the Chief of Police (step 2 of the Town grievance procedure); the Chief of Police is the final decision-maker in such an appeal. Employees may appeal punitive disciplinary action up to the Town Manager (step 3 of the Town grievance procedure); the Town Manager is the final decision-maker in such an appeal.

320.2.10 - Employee Termination (26.1.7)

In addition to the requirements set forth in the Town of Garner Personnel Policies and Procedures Manual, the following information shall be provided to terminated employees:

- A. A statement citing the reason for termination;
- B. The effective date of the termination;
- C. A statement of the status of fringe and retirement benefits after termination; and
- D. A statement to the content of the employee's employment record relating to the termination.

320.2.11 - Records Maintenance (26.1.8)

- A. All records of internal affairs investigations will be maintained in the Department's electronic internal affairs management system. The Internal Affairs Administrator will ensure that each employee subject to an internal affairs investigation receives a letter documenting the final disposition of the investigation.
- B. All records of disciplinary action will be maintained in the employee's permanent personnel file within the Office of the Town Human Resource Manager. These files will not be purged without the explicit permission of the Chief of Police and Town Manager. Copies of all disciplinary actions will be maintained in the employee's personnel file within the Police Department.