

**LANCASTER TOWNSHIP
FIRE DEPARTMENT**

**CORRECTIVE ACTION
PROCEDURE**

&

**WORKPLACE HARASSMENT
POLICY**

Purpose: It is the purpose of this document to provide the elected and non-elected Officers of the Lancaster Township Fire Department (LTFD) a policy and procedure for violations of the Standard Operating Guideline and departmental infractions. This policy is to be used in addition to Article 12 of the LTFD By-Laws which covers discipline for the corporation. This policy may help to cover violations which occur in an operational setting at the Lancaster Township Fire Department.

Scope: This policy shall apply to all LTFD elected and non-elected Line Officers, Firefighters, Fire Police, Drivers/Engineers, and Junior Firefighters.

Overview: Standard Operating Guidelines as well as departmental rules regarding personnel behavior and privileges have been developed to regulate most situations involving LTFD members. In accordance with Article 12 of the LTFD By-Laws, there may be specific corrective action assigned to specific policies/infractions. In these cases, those corrective actions specific to those policies/infractions supersede these corrective action steps and can be used in place of this policy.

The corrective action steps below are available for violations of general or specific departmental rules, regulations, policies, procedures, or the LTFD SOGs where the specific corrective actions are not assigned.

The following measures are listed in ascending order of severity. Each incident will be handled based on its own merit. Therefore, a situation may require a step or steps to be disregarded depending on the severity of the incident or previous history with the violating member. In addition, corrective action steps may be repeated as necessary.

1.1 Corrective Action Steps

First Occurrence – Verbal Warning

The member's immediate supervisor (first available Line Officer), provides a written statement, which states what rules and/or guidelines the member has breached and provides pertinent background information. The member is informed of further corrective action measures that may be taken if the situation is not corrected. The information is then passed to the next Officer in the Chain-Of-Command for review. It is then turned over to the Fire Chief for advisement and filing.

Second Occurrence – Written Warning

The member's immediate supervisor (first available Line Officer), provides a written statement, which states what rules and/or guidelines the member has breached and provides pertinent background information. The member is informed of further corrective action measures that may be taken if the situation is not corrected. The information is then passed to the next Officer in the Chain-Of-Command for review. It is then turned over to the Fire Chief for advisement and filing.

Third Occurrence – Administrative Leave

A member may be placed on Administrative Leave for a minimum of 24 hours (1 day) and up to one (1) week for repeated infractions occurring after a written warning has been issued, or caused by a situation severe enough to disregard other corrective action. This is for investigative purposes. In this case, the member's immediate supervisor (first available Line Officer), provides a written statement, which states the rules and/or guidelines the member has breached and provides pertinent background information. The member is informed of further corrective action measures that may be taken if the situation is not corrected. If a member is placed on administrative leave, the next Officer in the Chain-of-Command, Duty Officer, and all Chief Officers shall be notified immediately. A designee(s) will be appointed by the Fire Chief to investigate the incident. At the conclusion of the investigation, the violating member will be contacted for a meeting with the Fire Chief and his designee. At that meeting the violating member will be told if further action will occur on the operational side (suspension). The Fire Chief has the authority to issue a suspension or terminate the administrative leave as he sees fit. In all cases, if a member is given administrative leave or a suspension, the Board of Directors will be notified. When a member is placed on administrative leave, that member shall not be permitted on any LTFD property. They will also not be permitted to participate in LTFD functions, activities, calls, meetings, trainings, or details unless specifically requested by the Fire Chief. Documentation will be written describing the details of the aforementioned process and filed.

Fourth Occurrence (or Continued Action from 3rd Occurrence) – Suspension/Dismissal

The Fire Chief or Board of Directors has the authority to issue a suspension. A suspension shall be at a minimum of fifteen (15) days and up to ninety (90) days. A suspended membership means the violating member shall not be permitted on any LTFD property. They will also not be permitted to participate in any LTFD function, activity, call, meeting, training, or detail unless specifically requested by the Fire Chief. The Fire Chief or his designee will provide a written document, which states the rules and/or guideline the member has breached and provides pertinent background information. The information is then filed. At the termination of the suspension, the violating member shall have another meeting with the Fire Chief or his designee to lift the suspension. The Line Officers and Board of Directors shall be made aware the suspension has been terminated.

Dismissal is terminating the membership of the offending member with the LTFD because of continual breaching of the rules and guidelines occurring after a suspension, or caused by a situation severe enough to disregard other corrective action. The member's immediate supervisor (first available Line Officer) provides a written statement, which states the rules and/or guideline the member has breached and provides pertinent background information. The information is passed to the next Officer in the Chain-Of-Command for advisement. It is also passed to the Fire Chief to take to the Board of Directors to review and make a final decision on the membership status of the offending member.

Family Members Clause

In the event the violating member has family members whom also hold membership with the LTFD, said family members are not permitted to serve corrective action of any kind, participate in the investigation, or be a part of the decision on the status of the violating member, regardless of rank/title. If the next highest Officer in the Chain-Of-Command is a family member of the violating member, the information on the infraction can be written or reviewed by an Officer of the same rank or the next highest Officer in the Chain-Of-Command or by the President if the Fire Chief falls into this clause.

Notifications

Any time a verbal warning, written warning, administrative leave, suspension, or dismissal is issued by the Line Officers or Board of Directors of the LTFD, notification should be made to the rest of the Line Officers for advisement. This is to ensure the procedure is followed should the violating member commit another violation in the presence of an Officer that was not present for the first violation.

Notes

If possible, at least two Line Officers should be present for the issuance of any of the aforementioned corrective action steps. The violating member should be requested to sign the document. This is ***not*** an admission of guilt. The signature is simply a statement that the member has understood they are being issued documentation in the corrective action procedure. If the member is not willing to sign the document, the Line Officer shall note that on the document and have the other Line Officer sign as a witness (if present). With or without the violating member's signature, the document is valid and will count toward the progressive disciplinary plan.

1.3 Grounds for Immediate Administrative Leave and/or Dismissal

In addition to the actions listed in Article 12 of the Lancaster Township Fire Department By-Laws, a member may be immediately dismissed for any of the following.

- Theft or deliberate damage/destruction of LTFD or one of its member's properties.
- Physical assault or threat of physical assault, on ANY individual while on the premises or fire ground. This includes making intimidating body gestures to cause fear of being assaulted toward any individual.
- Possession and/or use of alcoholic beverages or illegal drugs while on the premises or fire ground.
- Reporting to a fire call in an inebriated condition or under the influence of illegal drugs, or refusing to take and/or failure to pass a mandated drug/alcohol screening.
- Falsification of records or falsification of information in the dissemination of a record.
- Violation of confidentiality at any time during employment while on or off duty.
- Criminal behavior at any time during employment, while on or off duty, when such behavior results in an arrest.
- Failure to immediately notify the LTFD Officers and Board of Directors of an arrest.
- Misconduct and/or improper behavior on or in LTFD property.
- Insubordination and/or disobedience of reasonable orders from an LTFD Line Officer.
- Failure to pay annual dues in time as indicated in the LTFD By-Laws
- Being on or in LTFD property with unauthorized persons or permitting entrance thereto.
- Abusing special light privileges.
- Complaints to the LTFD by the citizenry of Lancaster Township.
- Violation of the LTFD Sexual / Anti-Harassment Policy
- Gross negligence of LTFD SOGs, By-Laws, or protocols of certification held by the individual member set forth by the State of Pennsylvania or other governing body.

The Family Member Clause mentioned earlier in this document shall also be in effect for any incident that falls under the Grounds for Immediate Dismissal.

1.4 Grievance Policy and Procedures

First Step – Fire Chief

A member must submit a written explanation of the grievance to the Fire Chief within seven calendar days after receiving the corrective action for the incident. The Fire Chief will attempt to resolve the grievance to the mutual satisfaction of both parties within seven calendar days after receiving the written grievance. If the member does not proceed with the grievance to the second step within seven calendar days after receiving the decision of the Fire Chief, the grievance is considered satisfactorily resolved.

(Example: If a member has corrective action served against them by a Lieutenant, the grievance would be given to the Fire Chief. If the corrective action was served by the Fire Chief, the grievance would be given to the Board of Directors.)

Second Step – Board of Directors

Failing to reach a satisfactory settlement at the first step, the member may appeal the decision to the Board of Directors. The request must be submitted to the Board of Directors within seven calendar days after notification of the first step decision. The member will be notified by the Board of Directors what will take place after they receive the grievance.

While the grievance process is on-going, any suspensions that may have resulted from the incident will be sustained until the grievance process ends and a final decision is rendered.

The Board of Directors decision shall be considered final. No further steps are available to the member should the decision of the Board of Directors be considered unsatisfactory.

The Family Member Clause mentioned earlier in this document shall also be in effect for an incident where a grievance is filed.

Expiration of Occurrences

Verbal and written warnings shall expire and no longer be considered valid after one calendar year of the most recent infraction.

If a member has been placed on administrative leave or suspended, he/she may request in writing to the Board of Directors to have the documentation removed from their record after three (3) years have passed since the date the administrative leave or suspension was lifted. Otherwise, the documentation shall remain in their personal file for the duration of their membership.

Lancaster Township Fire Department

Performance Correction Notice

Member Name:

Type of Infraction:

Date:

Line Officer Issuing:

Date of Incident:

SOG/Rule Violated:

Description of incident:

Disciplinary Action:

_____ Verbal Warning

_____ Written Warning

_____ Administrative Leave ___ Days

_____ Suspension ___ Days

_____ Termination

Member Acknowledgment:

I have received a copy of this notification. It has been discussed with me and I have been advised to take time to consider it before I sign. I understand my signature is not an admission of guilt. I commit to following the LTFD standards of performance, conduct, and competency expectations. I have been advised of my rights under the appropriate grievance and appeals policy.

Member Signature

ID#

Date

Line Officer's Signature

ID#

Witness (If Member Refused to Sign)

1.2 Sexual / Anti-Harassment Policy

It is the policy of the Lancaster Township Fire Department (LTFD) to maintain a working environment free from all forms of harassment or intimidation including but not limited to sexual harassment. Harassment of members is not tolerated and those violating this policy are subject to corrective action up to and including termination.

Policy

It is illegal and against LTFD policy and by-laws for any member, male or female, to sexually harass or intimidate another member by:

Making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature, a condition of a member's status or member's services; or making submission to or rejections of such conduct the basis for member decisions affecting the member's status, advancement opportunities, or a member's services; or Creating an intimidating, hostile, or offensive working environment, retaliating against members that complain about sexual harassment and/or likewise poor behavior, disagreements, and/or infractions made by a violating member.

Reporting Procedure

Any member who believes they have been the subject of any type of harassment should report the alleged act immediately to the next highest Officer in the Chain-Of-Command. In the event that it is inappropriate to report the incident to the next highest Officer, it should be reported to the Fire Chief or President. For any report of harassment of any kind, family members of the reporting or violating member will be left out of the investigation and decision on the violating member's consequences, regardless of the rank/title of said family members.

Investigation

An investigation by the Officer the harassment is reported to, as well as the Fire Chief shall be undertaken immediately. The findings of the investigation will be reported to the Board of Directors. Appropriate corrective action, up to and including termination by the Board of Directors, may be taken to resolve all violations of this policy.

The LTFD recognizes that the question of whether a particular action or incident is a purely personal, social relationship without discriminatory membership effect requires a factual determination based on all facts in the matter. Instigating or spreading rumors of alleged sexual or other harassment is not a proper solution and only prejudices the investigation. Members must recognize the serious effects false accusation can have on innocent men and women. The LTFD trusts that all members will act responsibly to establish a working environment free from harassment and discrimination.