

DISCIPLINARY SYSTEM

Purpose:

To establish the disciplinary process and procedures in order to ensure the integrity of the department.

Policy:

It is the policy of the Maplewood Police Department to establish fair standards of discipline and deportment, consistent with the rules and regulations of the department, the City of Maplewood Municipal Code and Personnel Code.

Definitions:

City: Means the municipal City of Maplewood, Missouri.

Classified Service: Pursuant to chapter 38 of the City of Maplewood Personnel Code, "classified service" shall include all positions in the classified service of the city.

Exempt Employee: An "exempt employee" means a person whose position is excluded from specific provisions of federal and state wage and hour laws (e.g., department heads).

Exempt Service: Exempt service shall include the chief of police and lieutenants/bureau commanders.

Management: The term "management" means the city manager, chief of police and lieutenants/ bureau commanders.

Non-Exempt Employee: A "non-exempt employee" means a person who, by reason of their position, is entitled to overtime pay under the specific provisions of federal and state wage and hour laws.

Public Safety Employee Personnel: The term "public safety employee personnel" means commissioned police officers.

Role of the Supervisor in the Disciplinary System:

1. The primary responsibility for maintaining and reinforcing employee conformance with all applicable standards of conduct of this department shall be with the employee, the employee's supervisor(s) and the commanding officers.
2. Commanders and supervisors shall familiarize themselves with the employees under their command and shall closely observe their general conduct and appearance on a daily basis.
3. Commanders and supervisors should remain alert for indications of behavioral problems or changes that may affect an employee's normal job performance. The supervisor shall document such information.
4. Where a commander or supervisor perceives that an employee may be having or causing problems, the commander or supervisor should assess the situation and determine the most appropriate action.
5. A commander or supervisor may recommend additional training for an employee as may be deemed appropriate.
6. Counseling may be used by a commander or supervisor to:

- a. Determine the extent of any personal or job problem(s) that may be adversely affecting performance and/or to offer assistance and guidance.
 - b. Discuss minor and/or infrequent rule violations and to discuss the substance and importance of the rules with the employee.
7. The commander or supervisor shall document all instances of counseling or additional training used to modify an employee's behavior.

General Procedures:

- A. The primary purpose of the disciplinary system is to reverse inappropriate conduct by the employee. In those instances when an employee is to be disciplined for misconduct, the chief of police, in determining the appropriate action to take, will be mindful that the proper action is that which is the most beneficial to the city, department and the employee.
- B. Each member of the department shall obey all laws of the United States of America, the State of Missouri, the ordinances of the City of Maplewood and the laws of any other jurisdiction. Each member of the department is also expected to obey all rules and regulations of the department and shall strictly and promptly execute all lawful orders from superior officers. Furthermore, each member of the department is expected to obey and comply with all work rules and regulations established by the City of Maplewood. A member of the department shall not commit or omit any acts that violate any rule, regulation, order or directive, nor shall an employee aid or abet another to do so. Any violations will subject the employee to disciplinary action as outlined in this directive or any other rule or regulation of the department or the City of Maplewood Municipal Code and Personnel Code.
- C. Consistent with the rules and regulations of the department, the City of Maplewood Municipal Code and Personnel Code, the chief of police has the to power to discipline any employee for failure to observe and obey any work rules and/or regulations of the department and/or city. Additionally, the chief of police shall have the authority to order counseling and/or training as a function of discipline in whole, or in part, when combined with disciplinary action.
- D. To assure that all employees are treated fairly in matters of discipline, a progressive disciplinary system has been established. The intent of this system is to use the minimum amount of discipline necessary to correct unacceptable behavior. The progressive discipline system is published as a guideline. Management has the authority to determine the appropriate disciplinary actions for any employee misconduct. In recognition of the fact that each instance differs in many respects from other instances, the department and the city retains the right to treat any occurrence on its individual merits and without creating precedents for the treatment of any other case which may arise in the future. Factors such as the severity of the offense, the time interval between offenses, the length and quality of service records, the ability of the employee concerned and other factors directly associated with the offense may be considered.
- E. Role of the Supervisor in the Disciplinary System:
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 2. Commanders and supervisors shall familiarize themselves with the employees under their command and shall closely observe their general conduct and appearance on a daily basis.

3. Commanders and supervisors should remain alert for indications of behavioral problems or changes that may affect an employee's normal job performance. The supervisor shall document such information.
 4. Where a commander or supervisor perceives that an employee may be having or causing problems, the commander or supervisor should assess the situation and determine the most appropriate action.
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 6. Counseling may be used by a commander or supervisor to:
 - a. Determine the extent of any personal or job problem(s) that may be adversely affecting performance and/or offer assistance and guidance.
 - b. Discuss minor and/or frequent rule violations and to discuss the substance and importance of the rules with the employee.
 7. The commander or supervisor shall document all instances of counseling or additional training used to modify an employee's behavior.
- F. Whenever possible and appropriate, discipline shall be of an increasing progressive nature in order that the employee is given an opportunity to improve. In general, the progressive steps are as follows:
1. **Non-disciplinary Action:**
 - a. **Employee Counseling:** An interview intended to make the employee aware of a situation or trend in performance or conduct which is unacceptable or inappropriate and which could result in disciplinary action if continued or repeated.
 - 1) Counseling is an important aspect of the department's disciplinary process.
 - 2) The authority and responsibility rests with the chief of police to determine when counseling would be appropriate in lieu of discipline.
 - a) When a determination is made by the chief of police to utilize counseling and/or training in lieu of formal discipline, the chief shall provide written notification to the employee and the employee's supervisor and commanding officer. Said written notification will be made via written memorandum.
 - 3) Supervisors shall use counseling sessions to help correct an employee's job performance or when minor infractions of department rules and procedures occur. All such counseling shall be documented in the form of a written memorandum or other department authorized form and forwarded to the chief of police via the chain of command for placement in the employee's personnel file.
 - 4) When appropriate, the counseling services of Schlitt Psychological Services or other counseling service provider as may be authorized by the chief of police, may be utilized to assist in the counseling process. All appropriate documentation will be forwarded to the chief of police for placement in the employee's file.

2. Remedial Training:

- a. An alternative to disciplinary action when it is clear that the unacceptable performance or conduct is a result of a lack of training.
 - 1) Department members are required to diligently maintain an acceptable level of competence in the performance of their duties.
 - 2) The authority and responsibility rests with the chief of police to determine when remedial training would be appropriate in lieu of discipline.
 - a) When a determination is made by the chief of police to utilize counseling and/or training in lieu of formal discipline, the chief shall provide written notification to the employee and the employee's supervisor and commander. Said written notification will be made via written memorandum.
 - 3) All such training shall be documented in the form of a written memorandum or other department authorized form or document and forwarded to the chief of police via the chain of command for placement in the employee's personnel file and the department training file.
 - 4) In addition, supervisors are required to identify shortcomings, deficiencies or lack of sufficient knowledge in the employees' job performance.
 - a) When appropriate, training recommendations will be made based on those areas identified.
 - b) Such recommendations shall be forwarded by written memorandum to the chief of police, via the chain of command, for consideration.
 - c) All remedial training provided shall be documented and placed in the employee's training file, which is maintained by the department training coordinator.
 - d) The timeframe for scheduling and conducting remedial training will be as soon as practical and should not exceed 45 days; unless there is a need for further delay awaiting a scheduled class for instruction for the officer/employee to attend.

3. Disciplinary Action:

- a. **Oral Reprimand:** An oral warning that some action, lack of action or performance is unacceptable and will result in further disciplinary and/or other action if repeated or continued. If no further action is taken on the matter that resulted in the oral reprimand, then all such records of reprimand may be destroyed after twelve (12) months have elapsed. An employee may be reprimanded by any supervisor in the chain-of-command.
 1. An employee has no appeal process for any oral reprimand issued by a supervisor, commander or the chief of police.

- b. **Written Reprimand:** A written warning that some action, lack of action or performance is unacceptable and will result in further disciplinary and/or other action if repeated or continued. Written reprimands may only be authorized by a supervisor, bureau commander or the chief of police and shall become part of the employee's permanent personnel file.
 - 1. Written reprimands may not be appealed. However, the employee may file a letter of response to the reprimand which shall be attached to the reprimand in his or her personnel file. Reprimands shall be deemed inactive twelve (12) months after issuance.
- c. **Emergency Suspension or Relief from Duty:** If determined to be in the best interests of the department or city, a supervisor may relieve an employee from duty, with pay. Such action shall promptly be reported by the supervisor to a commander and the chief of police. The chief of police will review the matter and take that action deemed most appropriate.
- d. **Employees Charged With a Criminal Offense:**
 - 1. Any employee who is charged with the commission of any act or acts which are in violation of the laws of the United States, this or any other state or county, or any municipal ordinance shall be suspended without pay if formally charged with the commission of a felony or any misdemeanor involving moral turpitude; and
 - a. If convicted thereof, shall be deemed guilty of an offense.
 - b. If such employee is tried and acquitted of such criminal charge, or if the criminal charge is otherwise disposed of in favor of the employee, such employee may be disciplined for the act or acts forming the basis of such criminal charge, only if such act or acts independently constitute a violation of any article contained herein; or department General Order, regulation or the Personnel Code.
 - 2. If such employee is charged with any crime other than a felony or misdemeanor involving moral turpitude, and
 - a. If convicted thereof, shall be deemed guilty of an offense.
 - b. If such employee is tried and acquitted of such criminal charge, or if the criminal charge is otherwise disposed of in favor of the employee, such employee may be disciplined for the act or acts forming the basis of such criminal charge, only if such act or acts independently constitute a violation of any article contained herein, department General Order, regulation or the Personnel Code.
- e. **The Chief of Police May Recommend an Employee be Suspended With Pay When:**
 - 1. The employee is under investigation for a felony or a misdemeanor involving moral turpitude but not formally charged.
 - 2. The employee is charged with a crime other than a felony or a misdemeanor involving moral turpitude.
 - 3. When the chief of police determines a suspension with pay is warranted pending the completion of an administrative investigation for violation of any article contained herein.

4. Suspension Without Pay:

- a. Suspensions are temporary separations from city service for disciplinary purposes. The chief of police may for cause, recommend suspension of an employee to the city manager with or without pay.
- b. The chief of police may, for cause, recommend to the city manager the suspension of an employee without pay for a period or periods of time not exceeding thirty (30) calendar days in any twelve (12) months; however, no single suspension shall be for more than fifteen (15) calendar days. The suspension shall be effective immediately upon notification by the city manager. Within five (5) calendar days of notice of suspension, any permanent employee who is suspended may appeal in writing to the civil service commission for a hearing, in accordance with section 38-10 of the Personnel Code.
- c. The chief of police shall notify the city manager of any permanent employee who is arrested for a felony charge or a serious violation of the law and is either imprisoned pending a trial or released on bail or bond pending trial. The employee's case shall be reviewed by the city manager. The city manager, taking into consideration the duties and services of the employee, shall have the authority to reassign an employee to a less sensitive position or to suspend the employee until such time as a judgment is rendered by the court. If the employee is subsequently convicted, he or she may be removed from municipal service. If the suspended employee is found not guilty and is released by the court, he or she shall be reinstated in his or her position.

5. Demotion in Rank or Pay Grade:

- a. Pursuant to and in accordance with the rules and regulations of the department, the city and the Personnel Code, the chief of police may reduce an employee in rank and/or pay with the city manager's approval.
- b. The chief of police can recommend to the city manager the demotion of an employee for cause. A written statement for the reason for any such action shall be furnished to the employee and sent to the city manager. Upon his approval, the city manager shall notify the employee at least fifteen (15) calendar days prior to the effective date of the action. No employee shall be demoted to a lower class unless that employee is qualified for the position at the lower class. Within five (5) calendar days after receiving written notice of demotion, any permanent employee may appeal, in writing, to the civil service commission for a hearing, in accordance with section 38-10 of the Personnel Code.

6. Dismissal (non-probationary employees):

- a. The chief of police may recommend to the city manager the dismissal for cause of any permanent employee under his jurisdiction by delivering a written statement of the reason (s) to the employee concerned and the city manager. The dismissal shall become effective upon approval and notification of the employee by the city manager. Within five (5) calendar days of the receipt of notification of dismissal, any permanent employee so dismissed shall have the right to appeal in writing to the civil service commission, and shall be granted a hearing as provided in section 38-10 of the Personnel

Code. The employee shall also be provided with written documentation relating to the status of fringe and retirement benefits.

F. Unless otherwise authorized by the chief of police, an employee on administrative or disciplinary suspension shall not:

1. wear the department uniform, insignia, badge, etc.;
2. be armed with a department issued weapon; or
3. be permitted to work secondary employment that requires police powers.
4. Additionally, the employee shall return all department owned property, including badge(s) and identification card, as may be required by the chief of police.

G. An employee on administrative or disciplinary suspension shall obey all reasonable rules, regulations and orders that do not conflict with their rights as an accused.

H. Appeals, Grievances and Investigations:

1. Employees may appeal, file grievances and investigations for disciplinary action as may be afforded by the rules and regulations of the Personnel Code pursuant to sections 38-1, 38-2, 38-3, 38-4, 38-5, 38-6, 38-7, 38-8, 38-9, 38-10, 38-11, 38-12-38-38 Reserved and all applicable laws.

a. Pursuant to section 38-3 of the Personnel Code: Any permanent employee who is suspended, removed, or reduced in pay shall have the right to appeal this action to the civil service commission. An appeal must be filed with the civil service commission within five (5) calendar days after the effective date of such disciplinary action. The appeal must be in writing and set forth the reasons why the disciplinary action is believed to be improper. The civil service commission will begin an investigation within five (5) calendar days from receipt of the written request from an employee. If, based on its investigation, the civil service commission determines that a hearing is appropriate, it will conduct such hearing within ten (10) days of the completion of its investigation. In any case, an advisory opinion will be rendered within thirty (30) days of receipt of the request by the civil service commission to the city manager with a copy to the city council. The city manager shall give full consideration to such opinion before making his final and binding decision on the appeal.

2. Classification Appeals:

a. Sworn Personnel

1) All appeals pertaining to the classification of an employee will be made in writing to the city manager. The decision of the city manager shall be final in all matters of classification, and the employee shall have no further right of administrative appeal.

b. Civilian Personnel

- 1) Civilian police personnel are entitled to the appeal, grievance and investigations process set forth in section 38 of the Personnel Code for disciplinary actions against civilian employees resulting in demotion, suspension, or dismissal.

3. Retroactive Adjustment:

- a. All adjustments of grievances and appeals processed under the procedures provided in these rules shall be retroactive to the time the grievance or appeal is first submitted in writing by the aggrieved employee to his or her immediate supervisor.

4. Grievance Policy:

- a. It shall be the policy of the City of Maplewood to give individual employees an opportunity to discuss their grievances with their supervisors in order to find mutually satisfactory solutions as rapidly as possible. In the presentation of grievances at any supervisory level, discrimination or reprisal against the employee shall not be made because of his or her use of the policy.

5. Grievance Procedure:

- a. An employee who has a grievance shall first orally present his or her grievance to his or her immediate supervisor.
- b. If the oral grievance presentation fails to resolve the grievance, the employee may within three (3) days submit a written grievance report to his or her immediate supervisor. Within three (3) days of receiving such grievance, the immediate supervisor shall furnish the employee with a written reply to the grievance.
- c. If the written reply to the grievance is not satisfactory to the employee, he or she may within ten (10) days after receiving a reply, submit the grievance in writing to the chief of police. The chief of police shall confer with the aggrieved employee and/or his or her authorized representative before rendering a decision. Such decision shall be reduced to writing and shall be delivered to the aggrieved employee within ten (10) days of the date on which the grievance was received by the chief of police.
- d. If the chief of police's response fails to resolve the grievance, the employee may within five (5) days of receipt of the police chief's decision submit the grievance in writing to the city manager. Within ten (10) days of the receipt of such a grievance, the city manager shall hear matters pertaining to the grievance. The city manager shall forward a copy of his decision to the employee concerned and the chief of police.
- e. If the decision of the city manager, in the opinion of the employee, is not satisfactory, he or she may within five (5) days of the receipt of such decision appeal same in writing to the civil service commission. Within ten (10) days of receipt of such appeal, the civil service commission shall hear matters pertinent to the appeal/grievance. In any case, an advisory opinion will be rendered within thirty (30) days of the receipt of the request by the civil service commission to the city manager with a copy sent to the city council. The city manager will give full consideration to

such opinion before making a final and binding decision on appeal.

6. Conduct of Investigations:

- a. In connection with the review of a grievance, appeal, or for any other purpose necessary to determine the adherence to any provisions of these rules, the civil service commission may conduct such investigation involving the production of records or reports by a municipal department which shall be conducted in such a manner as to cause the least possible disruption or inconvenience to such department in the conduct of its regular work.

I. Records Maintenance:

1. A written record is required on all disciplinary actions.
2. A copy of all written documentation, including records of appeal, will be maintained in the office of the chief of police.
3. All disciplinary records involving loss of time, pay or demotion will be maintained in the employee's permanent personnel file maintained by the city.
4. Department disciplinary records will be maintained in the office of the chief of police for a period of five (5) years following the termination or retirement of the employee.
5. All records of discipline are confidential and shall not be disclosed to anyone without the authorization of the chief of police or upon judicial order.

This General Order supersedes all prior directives and orders inconsistent therewith.

By Order of:

Stephen M. Kruse
Chief of Police

Distribution: All Police Personnel

Reference: Personnel Ordinance and Rule and Regulations for Maplewood, Missouri