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| C:\Users\BNau\Google Drive\LOGOS\All Hazards Logo\LogoAH.jpg | **Medina County****All Hazards Team****Phone: (330)722-9240****www.ema.co.medina.oh.us** | **C:\Users\BNau\Google Drive\LOGOS\All Hazards Logo\LogoAH.jpg** |

**SOG Name: Discipline Approved Date:**

**SOG Number: 24-001 Approved By: Medina County**

 **All Hazards Advisory Committee (AHAC)** CC**C)**

 **Purpose:**

 To outline All-Hazards Team Member discipline.

 **Scope:**

This SOG shall apply to all personnel on the Medina County All Hazards Team

 **Enforcement:**

 All team members must comply with this SOG. Team Leads/Team Coordinator must comply with SOG and follow the guidelines as required for disciplining members. AHAC has final discipline authority.

 **Procedure:**

1. All Hazards Team Members are responsible for performing their duties in a competent, professional manner and for always conducting themselves in a way that advances the goals of the All Hazard Team and increases public confidence. This requires All-Hazards Team Members to refrain from behavior which might be harmful to the Teams interest, or which violates or conflicts with County, State, Federal policies, and Team practices/procedures and/or SOG’s.
2. Team Members are responsible for following rules, regulations, directives, and SOG’s established by the AHAC, whether written or unwritten.
3. Team Leads/Coordinator are to follow an established system of progressive discipline when correcting behavior.
4. Prior to starting progressive discipline, at the earliest stage where unsatisfactory performance or inappropriate behavior is found, Team Leads are to meet with the team member to initiate non-punitive counseling with the objective of mentoring or coaching the team member concerning the issue at hand. The elements of this meeting are to be documented in an anecdotal record and kept by the Team Coordinator for a period of one year. The anecdotal record is not to be placed in a team member’s file.
5. Where formal progressive disciplinary action is taken, it shall be issued in a timely manner, dealt with objectively, considering the nature of the violation, the team member’s record of discipline and the team member’s record of past performance and conduct.
6. All discipline is to be coordinated by the All-Hazards Team Coordinator and discipline beyond verbal warning (documented), must be approved by the EMA Director and the All-Hazards Advisory Committee (AHAC). All discipline beyond 3(A) of this section will include notification of the member’s Chief or Supervisor.
7. Although this SOG provides standard penalties for specific offenses, the examples of specific offenses given in any grouping are not all-inclusive, and merely serve as a guide. The violations provided in this policy do not prevent the application of a greater or less severe reprimand for a given infraction when circumstances warrant. In instances where a reprimand deviates from the recommended standard reprimand, the reason for deviation should be noted.

**Progressive Discipline**

1. Disciplinary action will normally begin at the lowest step in the progressive discipline process but may be advanced dependent upon the seriousness of the performance issue or offense.
2. Progressive discipline provides a fair, consistent method of addressing unsatisfactory performance or inappropriate behavior. Its use is not intended as punishment, but rather as a (performance and behavior improvement) behavior modification tool to encourage the team member to meet the standards set by the All-Hazards Advisory Committee.
3. Team members may be counseled, suspended, terminated, or otherwise disciplined for, among other reasons, incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of SOG’s, conviction of a “felony” as defined in ORC 124.34, or any other failure of good behavior or for any other act of misfeasance, malfeasance, or nonfeasance.
4. The All-Hazards Advisory Committee retains the right to treat each infraction individually without establishing any precedent for the treatment of future disciplinary actions.

**Progressive Discipline Steps**

* + - 1. **Counseling**
1. At the earliest stages of unacceptable performance or behavior the Team Lead is to initiate non-punitive counseling with the objective of mentoring or coaching the team member concerning the issue.
2. In coordination with the All-Hazards Coordinator, the Team Lead will meet with the team member and affirm their expectations regarding the unacceptable performance or behavior and discuss the performance deficit or behavioral concern.
3. The Team Lead will provide a timeline and resources for the improvement, unless the issue is misconduct, which will cease immediately.
4. In coordination with the All-Hazards Coordinator, the Team Lead shall create a written account of this meeting on the Disciplinary/Counseling Report (DCR). The original will be submitted to the All-Hazards Coordinator and a copy will be retained in the All-Hazards files for future reference. The team member will be provided with a copy of this report, and the report must state that failure to improve may lead to further discipline up to and including removal.
	* + 1. **Verbal Warning (Documented)**
5. This is the least severe step taken and serves as an “alert mechanism” to establish that improvement in performance or behavior is required. The All-Hazards Coordinator is authorized to issue a verbal warning. Before doing so, it is advisable to consult with the EMA Director who may assist in assuring fairness and consistency of discipline is being provided and in developing language, which is fair, clear, and accurate.
6. The disciplinary meeting is to be held in the privacy of an office or away from the eyes and ears of other team members and include the Team Lead to serve as a witness. A written account of this meeting shall be made on the DCR.
7. A verbal warning should be documented to include a clear description of the action(s) which lead to its issuance, the correct behavior expected, date(s) of occurrences(s), previous counseling(s) received, reference the Category and Offense of which the disciplinary action constitutes a verbal warning, and a statement that continued unsatisfactory performance or conduct will result in the progressive disciplinary steps, up to and including removal.
8. The team member will be asked to sign the disciplinary form to acknowledge presentation of the verbal warning; not for the purpose of agreeing with its content. Should the team member refuse to sign, the All-Hazards Coordinator will write “team member refused to sign” before the all-hazard coordinator signs and dates warning.
9. The original disciplinary form will be retained in the team members file, and copy will be provided to the team member.
10. There are no appeal rights to a verbal warning.

* + - 1. **Written Warning**
1. This continues the formal disciplinary process whereby the team member is again notified in writing of the continuation of unsatisfactory conduct or performance.
2. A written account shall be made on the DCR and a meeting is to be conducted as described in Section 2.
3. The All-Hazards Coordinator has the authority to issue a written warning. Before doing so, the coordinator must consult with the EMA Director and AHAC, who may assist in assuring fairness and consistency of discipline is being provided and in developing language, which is fair, clear, and accurate. The All-Hazards Coordinator shall issue the written warning under the direction and approval of the EMA Director and the AHAC.
4. There are no appeal rights to a written warning.
	* + 1. **Suspension**
5. A suspension of any duration must be reviewed and approved by the EMA Director, and the All-Hazards Advisory Committee. Suspension recommendations are to be provided jointly by the All-Hazards Coordinator and the EMA Director, although AHAC retains the right to consider a suspension without the recommendation of the Coordinator and the EMA Director. The Medina County HR Director should be notified of all suspension considerations.
6. When a situation necessitates the immediate removal of a team member from the site/scene, the team member may be immediately placed on administrative suspension by the All-Hazards Coordinator and/or the EMA Director. In such cases, the EMA Director will advise the AHAC Committee Chair and the Medina County HR Director no later than the next business day of the situation which led to the team members administrative suspension.
7. After consultation with the Medina County HR Director, the EMA Director, or his/her designee, will complete the DCR. This will assist in fully documenting the alleged reason for the proposed disciplinary action, the specific policies, SOG(s), or procedures that may have been violated, as well as preparing for the pre-disciplinary hearing.
8. A pre-disciplinary conference will be held prior to imposing a suspension of any duration.
9. In cases where, in the judgment of the All-Hazards Advisory Committee, the violation warrants a suspension but not removal, the All-Hazards Advisory Committee may issue a suspension of up to 30 days. This action should be taken after consultation with the County HR Director.
10. Suspension of any duration is appealable to the All-Hazards Advisory Committee.

* + - 1. **Separation**
1. Separation may be necessary due to unacceptable or flagrant personal conduct, unsatisfactory performance, or failure to observe County rules/policies and/or All-Hazards SOG’s.
2. A pre-disciplinary conference will be held prior to imposing a termination.
3. Separations are appealable to the Medina County EMA Executive Committee.
	* + 1. **Pre-discipline Hearing**
4. A team member shall be given a pre-disciplinary hearing prior to invoking a suspension or termination. The team members are entitled to a written notice of the charges, an explanation of the evidence and an opportunity to present their side of the story.
5. When disciplinary action is initiated where suspension or termination is recommended, a written notice of the pre-disciplinary hearing shall be given to the team member who is the subject of the pending discipline. Written notice shall include a statement of the charges, recommended disciplinary action, the opportunity to have representation at the meeting, a summary of the evidence being brought against the team member and the date, time, and place of the hearing. The written notice shall either be hand delivered to the team member, emailed with receipt, or sent by certified mail. A template of such notice can be found in the appendix.
6. This hearing shall be conducted at a time mutually agreed upon by the team member and the All-Hazards Advisory Committee. Absent any extenuating circumstances, the team member’s failure to appear at the hearing will result in the waiving of their rights to this hearing. The team member may also voluntarily waive this hearing by completing the Pre-disciplinary Form, found in the appendix.
7. An impartial representative shall be appointed by the All-Hazards Advisory Committee or their designee as the hearing officer who is neutral, detached, and has not been involved in the incident or investigation giving rise to discipline.
8. AHAC shall first present the reasons for the proposed disciplinary action. The team member may, but is not required to give testimony.
9. After having considered all evidence and testimony presented at the hearing, the hearing officer shall submit a written recommendation to the All-Hazards Advisory Committee and the team member involved. The written recommendation shall be emailed with receipt, hand delivered, or sent by certified U.S. mail.
10. The All-Hazards Advisory Committee shall accept, reject, or modify the recommendation(s) and notify the team member following receipt of the hearing officer’s recommendation for final disposition of the charges.
	* + 1. **Force and Effect of Disciplines**
11. All verbal and written reprimands shall cease to have force and effect after twenty-four (24) months from their date of issuance if there is no other discipline imposed during that period.
12. Suspensions shall cease to have force and effect from their date of issuance after thirty-six (36) months if no other discipline is imposed during that period.
13. Disciplinary actions that no longer have force and effect shall not be used to determine any subsequent disciplinary action against the team member unless they are needed to show a pattern of adverse or untruthful behavior on the team member’s part. All disciplinary actions shall be permanently retained in the team member’s file.
	* + 1. **Grounds for Disciplinary Action**
14. The examples of Category I, II, and III Offenses, set forth below, are characteristic of those offenses which have been judged to be of such a nature as to warrant the level of discipline established for each group.
15. The categories are not intended to be all inclusive. They merely serve as general guidelines for the issuance of consistent, uniform discipline. The All-Hazards Advisory Committee retains the right to treat each infraction upon its individual merits without establishing any precedent for the treatment of future disciplinary actions.
16. **Category I Offenses** may be defined as those infractions which are of a relatively minor nature, and which cause only a minimal disruption to the team in terms of a slight decrease in the ability to respond, safety, productivity, efficiency, and/or morale. Category I Offenses, if left undisciplined will usually cause only a temporary or minor impact unless such acts are compounded over time.
17. **Category II Offenses** may be defined as those infractions which are of a more serious nature than the Category I Offenses and which, in turn, cause a more serious and longer lasting disruption to the team in terms of decreased ability to respond, safety, productivity, efficiency, and/or morale. Category II Offenses, if left undisciplined, can have a serious and longer lasting impact.
18. **Category III Offenses** may be defined as those infractions which are of a very serious or possibly criminal in nature, and which cause critical distribution to the team in terms of ability to respond, safety, decreased productivity, efficiency, and/or morale. Category III Offenses, if left undisciplined, may cause long lasting and serious impact.

* + - 1. **Category I Offenses**

First Offense – Verbal Warning (documented)

 Second Offense – Written Warning

 Third Offense – Suspension (length to be determined by AHAC)

 Fourth Offense – Removal

* Refusal (without just cause) to participate in a team activation.
* Failure to follow instructions, procedures, best practices, directives, policies, and SOG’s.
* Failure to complete County mandated training within the required timeframe.
* Failure to update/maintain team member information within Aladtec.
* Failure to maintain the 50% training attendance requirement as outline in Membership SOG.
* Failure to advise/seek approval for team members Chief/Supervisor for extended operations as required in Team Member SOG.
* When attending, failure to sign up on the training schedule in Aladtec.
* Unsatisfactory/unsafe work or failure to maintain required standard of performance.
* Smoking in County owned vehicles or in non-designated areas and at non-designated times.
* Creating or contributing to unsanitary or unsafe conditions.
* Distracting others, unnecessary shouting, demonstrations, or otherwise causing a disruption.
* Malicious mischief, horseplay, wrestling, or other undesirable conduct.
* Failure to cooperate with other team members, Team Leads, Coordinator, or AHAC as required by duties.
* Failure to exercise reasonable care in the use of team property and equipment.
* Use or possession of another team members’ equipment without authorization.
* Neglect or carelessness of SOG’s, best practices, safety rules, or in disregard of safety practices.
* Failure to report an accident, injury, or equipment damage.
* Failure to adhere to SOG’s, directives, policies, rules, and instructions regarding proper use of personal protective equipment.
* Unauthorized distribution or posting of written or printed content of any description on County equipment/premises.
	+ - 1. **Category II Offenses**

 First Offense – Suspension (length to be determined by AHAC)

 Second Offense – Removal

* Personal use of County equipment or property without prior authorization.
* Use of profanity, threatening, abusive or intimidating language.
* Interfering with Team Leads, team members, or the public.
* Conduct violating morality or common decency.
* Making or publishing of false, vicious, or malicious statements.
* Sharing/publishing confidential/protected information.
* Unauthorized presence on County property.
* Obligating the Team, County, or EMA for any expense, service, or performance without authorization.
	+ - 1. **Category III Offenses**

 First Offense – Removal

* Failure to file an application for the upcoming year per Team Membership SOG 22-001 by the 3rd Friday in December. Team members will be placed in “inactive” status and removed from Active911. Should an individual choose to apply after the deadline, they must file an application as a new member. (This removal is not appealable).
* Misuse, falsification or removal of Team/County/EMA records or information without prior authorization.
* Using alcoholic beverages on County property, or while engaging in Team activities/responses.
* Deliberate destruction in any manner of County equipment, tools, gear, or property of team members.
* Hostile conduct aimed at anyone that includes offensive epithets, slurs, words or comments, cartoons, and drawings or any written or electronic media.
* Reporting to training or an incident intoxicated or under the influence of drugs.
* Giving false testimony during a complaint, investigation, or hearing.
* Soliciting or accepting a gratuity or bribe from anyone conducting business with the Team, EMA, or the County.
* Refusal to submit to a drug test as required.
* Failing an alcohol or drug test in violation of the County’s Policy.
* Manufacturing, using, selling, distributing, or transporting a controlled substance or illicit drugs while engaged in Team training or activation.
* Possession of a firearm, explosives, or other dangerous weapons on County premises or while engaged in Team activities unless authorized to do so.
* Performing an act which constitutes a felony under the laws of the United States, the State of Ohio, or the jurisdiction in which the act was committed.
* Disregarding safety or security regulations that result in serious physical harm or major property loss or damage.
* Making an unwelcome, uninvited sexual advance or request for a sexual favor, and/or touching someone else.
* Engaging in a pattern of behavior which creates a sexually hostile, intimidating, or offensive environment. Examples of prohibited behavior include displaying sexually offensive posters, photographs, signs, or objects, calling co-team members affectionate or demeaning names, commenting on their bodies, or touching them without cause, invitation, or consent.
* Committing any other act, or failing to act, which constitutes gross incompetence, inefficiency, dishonesty, neglect of duty, immoral conduct, insubordination, discourteous treatment of the public, failure of good behavior, misfeasance, malfeasance, or nonfeasance.
* Being convicted of a felony within the meaning of R.C. 124.34 even if prior discipline has been issued for the underlying conduct.
* Wanton or willful neglect in the performance of duties, or in the care, use, or custody of and Team, EMA, or County property or equipment.
* Theft or concealment of Team, EMA, or County property or of another team member.
* Fighting, striking, physically assaulting or attempting to injure someone without provocation.
* Knowingly concealing a communicable disease which may endanger other team members.
* Dishonesty or any dishonest action. Some examples of what is meant by “dishonesty or dishonest action are: theft, pilfering through boxes, tool kits, or other property of the Team, EMA, or County, or other team members without authorization, making false statements or knowingly falsifying investigations or reports.
* Insubordination by refusing to perform assigned task to comply with written or verbal instruction from Team Lead, AH Coordinator, EMA Director, AHAC, EMA Executive.