TOLEDO FIRE & RESCUE DEPARTMENT

Article XVIII - General Guidelines for Disciplinary Procedures

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General Guidelines for Disciplinary Procedures

In accordance with all applicable sections of the Toledo Municipal Code, the Chief of TFRD has promulgated these general guidelines which will be applied in regard to violations of rules, regulations, orders, directives, policies, procedures or standards of TFRD or City, State or Federal Statutes not specifically listed.

These guidelines shall not be interpreted so as to conflict with the provisions of those sections of the Toledo Municipal Code as they relate to the responsibility and authority conferred by the Charter of the City of Toledo to the Director of Public Safety.

ITEM 1

This system classifies offenses and regulates the penalties assigned thereto according to the seriousness of the offense and the frequency of the occurrence.

ITEM 2

Chargeable violations are classified under one of three categories: **CLASS I, CLASS II**, or **CLASS III** in ascending order according to the seriousness of the particular offense. Each of the three classifications have specific penalties assigned thereto. Repeated offenses, within certain time intervals, may be penalized more severely as indicated.

Tardiness, including failure to call in sick in the prescribed manner, will be handled as indicated in Item 4. Violations of safety-related regulations and prescribed safe work habits will be handled as indicated in Item 5.

ITEM 3

The penalty guidelines to be followed are set forth below. Those penalties involving recommendation of demotion or dismissal shall be referred to the Safety Director for their actions. For clarification of suspension time, one (1) day equals eight (8) hours.

CLASS I OFFENSES

A member who is guilty of a violation that falls in the Class I type offense category shall receive a written reprimand for the first such occurrence within a consecutive twelve (12) month period.

However, if a member should be guilty of a second Class I Offense of a similar subject matter in a consecutive 12-month period, the second and each succeeding violation within this time frame may be considered as Class II type offenses and subject to the Class II penalty outline.

CLASS II OFFENSES

A member who is guilty of a violation that falls in the Class II type offense category shall be penalized as outlined below.

The severity of the penalty increases as to the number of such violations within a consecutive two (2) year period. The penalty assigned or recommended for this type offense shall be:

1ST OFFENSE	1 to 3 days Suspension
2ND OFFENSE	3 to 9 days Suspension
3RD OFFENSE	and all thereafter within a consecutive two (2) year period - 9 to 30 days Suspension, a recommendation of demotion and/or recommendation of dismissal.

The spread in the number of days of suspension etc. for a specific occurrence is designed to allow flexibility in assigning or recommending an exact penalty. In arriving at a decision, the following shall be considered:

- The degree of seriousness of the particular Class II infraction.
- The member's service record as it exists at the time of the latest infraction.

CLASS III OFFENSE

A member who is guilty of a violation that falls in the Class III type offense category shall be penalized as outlined below.

The penalty assigned or recommended for this type offense is as follows:

1ST OFFENSE	and all thereafter - 30 or more days Suspension, and/or recommendation of demotion and/or recommendation of dismissal.

When assigning or recommending the exact penalty, the Chief shall consider:

- The degree of seriousness of the particular Class III infraction.
- The member's service record as it exists at the time of the latest infraction.

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ITEM 4

TARDINESS

Tardiness will be penalized in a separate manner from other offenses. Failure to report an absence for personal or family illness or injury by the proper time and in the proper manner will also be considered tardiness. The procedure outline for repeated violations of this type is as follows:

WITHIN A 12 MONTH PERIOD	
1ST OFFENSE	Violation Notification Slip - no suspension
2ND OFFENSE	Violation Notification Slip - no suspension
3RD OFFENSE	Written Reprimand - no suspension (Firefighter: By Company Officer, Battalion Chief and/or Deputy Chief)
4TH OFFENSE	One (1) to Three (3) days suspension
5TH OFFENSE	Three (3) to Six (6) days suspension
6TH OFFENSE	Six (6) to Nine (9) days suspension
7TH OFFENSE	(and all thereafter within a continuous 12- month period,) Nine (9) to Thirty (30) days suspension and/or recommendation of demotion and/or recommendation of dismissal.

The spread in the number of days of suspension for a specific occurrence is designed to allow some flexibility in assigning or recommending an exact penalty. In arriving at a decision, the following should be considered:

- All relevant extenuating circumstances.
- Number of minutes late for the specific occurrence and all others within the 12- month period.
- The member's personal service record as it exists at the time of the latest 12-month period.

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ITEM 5

SAFETY VIOLATIONS

Insofar as possible, violations of safety-related regulations, rules and/or procedures, and prescribed safe work habits shall be handled like all other offenses. However, if the violation proves to be in conflict with any city-wide Safety Regulation in effect at the time of the occurrence, then any disciplinary measures taken shall be in conformance with the City Regulations. Examples of such violations include, but are not limited to:

Failure to use safety equipment such as helmets, face shields, googles, clothing and other equipment provided by the city for the protection of its employees.

- **XX** Failure to use vehicle safety equipment provided, such as seat belts.

- **XX** Failure to comply with all regulations concerning the driving of apparatus to and from emergencies or other routine duties.
- **XX** Failure to comply with any other safety regulation as issued by proper authority.

The Safety Director has issued Administrative Regulations that outline the following disciplinary action for negligence in the use of safety equipment and safe work habits. Four offenses within a two (2) year period will constitute evidence sufficient for the employee to be dismissed from their job.

1ST OFFENSE	Reprimand
2ND OFFENSE	Five (5) day suspension without pay
3RD OFFENSE	Ten (10) day suspension without pay
4TH OFFENSE	Subject to loss of job.

In addition to being subject to all Rules, Regulations, etc., applicable to their positions, each Officer, Acting Officer and Chief Officer shall be charged with the enforcement of this section. Any failure on their part to discharge this responsibility, when aware of a violation, shall be cause for a Neglect of Duty charge. Such charge will be classified by the Chief according to the severity of the neglect.

ITEM 6

Notification of violations of any rule, regulation, order, directive, policy, procedure, standard, or statute shall be investigated by a Deputy Chief designated by the Chief. The Deputy Chief shall investigate the matter or shall cause an investigation to be made by an Investigating Officer. The Investigating Officer shall attempt to determine the facts in the matter and whether the member is in violation. If a determination is made that charges are warranted, the Deputy Chief shall cause charges to be preferred. The charges shall be reduced to writing with two (2) copies to be served upon the member. A hearing shall be scheduled in accordance with applicable sections of the Collective Bargaining Agreement. A hearing shall be held after the charges have been served on the member, and the member shall have the right to be represented at such hearing by union representation and/or legal counsel.

The Chief shall hear the evidence in support of the charges and the evidence in defense of the charges and shall endeavor to ascertain the truth of the charges. The Chief shall take whatever disciplinary action is merited based on the evidence presented. If disciplinary action is to be taken, the Chief shall assign or recommend, to the proper authority, assignment of such penalty as indicated in these General Guidelines.

The Chief shall also have the authority to assign extra duty and/or withhold certain privileges from the offender. If the Chief has suspended a member, then they shall forthwith, in writing, certify to the Director of Public Safety, the fact of suspension.

ITEM 7

Actions or conduct which shall be cause for disciplinary action are listed in Article XIX – General Rules for

All Members. Each is classified according to the degree of seriousness attached to the particular act. Some are marked “I”, “II”, or “III”, indicative of a Class I, Class II, or Class III offense. A member found guilty of an infraction marked in this manner, will be charged with and penalized under that specific offense classification. Others are marked with more than one number classification such as “I-II”, “II-III” or “I-II- III.” This is to allow flexibility in the assignment of penalties according to the degree of importance attached to the specific act or incident. After reviewing all of the facts concerning the violation, the Chief will decide the final single classification to be assigned an offense marked in this manner.

Certain violations will occur which could be chargeable under the Class I Offense category and which might better be corrected initially at the Company or Battalion Chief Officer's level. It must be understood that this procedure is to be used only in those cases where the offense is not of a serious nature and where prompt action by the Officer or Chief Officer could reasonably be expected to bring immediate compliance by the member.

After causing a thorough investigation of a particular offense, the Fire Chief shall classify the violation of any rule, regulation, order, directive, policy, procedure or standard of TFRD or any City, State or Federal statute not specifically listed in Article XIX under one of the three offense classifications.

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