



PORTAGE DEPARTMENT OF PUBLIC SAFETY POLICY AND PROCEDURE		ORDER NO. 300-36
SUBJECT: Disciplinary Procedures		
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I. PURPOSE

This directive establishes a procedure for determination of disciplinary action and safeguarding of employee rights.

II. POLICY

It is the policy of the Portage Department of Public Safety to enforce rules of conduct, department policy and procedure, and the laws of the federal, state, and city governments regarding employee behavior and responsibilities. Alleged violations will be investigated, and, when appropriate, disciplinary action will be taken. Included are proactive actions, such as training, instruction, counseling, and close supervision will be applied to encourage appropriate behavior and adherence to policy and procedures. Positive actions such as employee recognition and awards are addressed in Policy and Procedural Order 200-35.

III. PROCEDURE

A. Notice

Upon receipt of an investigative report or other determination that disciplinary action may be taken toward an employee of the Police Division, the Public Safety Director shall cause the employee to be notified of the

allegation and the consequences if such allegations are established.

B. Pre-determination Conference/Loudermill Hearing

In cases where major disciplinary action is contemplated, i.e. suspension without pay, demotion, or termination, the employee shall be notified of the opportunity for a hearing.

1. If a hearing is requested by the employee or directed by the Public Safety Director, it shall be scheduled promptly. If the hearing is waived, the Public Safety Director, with input from the employee's immediate supervisor, will make a final decision regarding the employee's responsibility for the charges and proceed to render disciplinary action deemed appropriate.
2. The Public Safety Director will preside at the hearing and may be assisted by Human Resources, a deputy chief and the employee's immediate supervisor.
3. The employee may be assisted at the hearing by a labor union representative or, in the case of a non-union employee, another employee may be present.
4. The hearing will be closed and not open to the public or other employees except with permission of the Public Safety Director.
5. The employee will have the opportunity to present relevant evidence and to explain their side of the story.
6. After conclusion of the hearing, the Public Safety Director will make a final decision as to the allegations and whether disciplinary action is appropriate.

C. Disciplinary Action

Upon a determination of employee responsibility for violation of rules of conduct, department policy and procedure, or the laws of the federal, state or city governments, the Public Safety Director, or designee, may impose one of the following sanctions upon the employee, consistent with City Administrative Order 3.24:

1. **Coaching or Counseling:** Upon determination that the violation was minor, was not willful, and that a negative sanction is inappropriate as a method to correct behavior, the immediate supervisor will meet with the employee, verbally inform him/her of the rules violation, and discuss corrective measures to avoid future violations.
2. **Written Verbal Warning:** The immediate supervisor will meet with the

employee, verbally inform the employee of the rules violation, and reprimand him or her. The employee shall be advised that future rules violations can result in more serious disciplinary action. Although this notice is verbal, the discussion is summarized in writing to the employee and a copy filed in the personnel file.

3. **Written Warning:** A written warning is appropriate after a second incident following a verbal warning or for incidents determined to be serious in nature. The immediate supervisor will inform the employee of the rules violation and admonish the employee about the misconduct in writing, including notations of any past disciplinary actions. This document should include a description of the incident, the desired behavior, a timeframe for behavior change, e.g. immediately, and any consequences if the behavior does not change. The employee should sign receipt of the written notice and a copy filed in the employee's personnel file.
4. **Suspension Without Pay:** A written notice will inform the employee of the period of suspension without pay. Upon direction of the suspension order, the employee will promptly surrender his/her badge, department identification card and issued firearm to a designated supervisor. During the course of the suspension, the employee will not represent him/herself as a police officer. The employee may not enter the Public Safety headquarters during the course of the suspension except with the specific permission of the Public Safety Director or a supervisor designated by the Public Safety Director. Further, the employee is still bound by all department rules of conduct and policies and procedures during the suspension period. Upon completion of the suspension period, the employee is returned to full status unless other conditions must be first met, e.g. psychological testing, drug testing, etc. The employee's badge, identification and firearms will be returned upon attaining full status. The employee will receive a copy of the suspension order and copies will be filed in the employee's personnel file. As in the written warning, all pertinent facts should be summarized, including notations of any past disciplinary action, describing the desired behavior, and consequences for future misconduct. The employee should sign receipt of the notice and a copy filed in the employee's personnel file.
5. **Demotion:** As appropriate, the Public Safety Director may direct, in writing, that an employee be reduced in rank.
6. **Discharge:** In serious or repeated instances of misconduct, the Public Safety Director, upon approval of the City Manager, may direct that the employee be separated from employment with the City of Portage. The employee will promptly return all City property in

his/her possession to a designated supervisor. Criminal action may be sought against an employee who willfully refuses to return City property.

If an employee's misconduct results in dismissal, the employee will be provided the following information:

- a. A statement citing the reason for dismissal;
 - b. The effective date of the dismissal;
 - c. A statement of the status of fringe and retirement benefits after dismissal; and
 - d. A statement as to the content of the employee's employment record relating to the dismissal.
7. Other Requirements: As appropriate, the Public Safety Director may direct the employee to complete remedial training, psychological testing, medical examination, drug testing, alcohol treatment, or other conditions in addition to these sanctions. Failure to promptly and completely comply with such direction may be cause for additional disciplinary action, up to and including termination of employment.
8. Progressive Discipline: The department relies upon the principle of progressive discipline. The purpose of disciplinary action is to obtain compliance with department rules, directives and procedures. In cases of repeated misconduct or rules violations, the penalty may be enhanced in accord with the City Administrative Orders in an attempt to gain compliance.

D. Appeal Process

Any bargaining unit employee subject to disciplinary action which they believe to be without just cause has the right to seek adjustment of the penalty and/or finding through the grievance procedure outlined in the collective bargaining agreement. Non-bargaining unit employees may seek appeal to the City Manager through the grievance process defined in the City Non-union Personnel Rules.

IV. SUPERVISOR'S ROLE IN DISCIPLINE

- A. The role of the supervisors, especially the first-line supervisors, is crucial in disciplinary process. First-line supervisors have the best opportunity to observe the day-to-day conduct and appearance of the employees and detect those instances when disciplinary actions are warranted.
- B. The first-line supervisors have the opportunity to understand the personality traits of the personnel under their supervision and to determine the most effective methods of discipline.
- C. Therefore, when assigned to follow up a complaint, the first-line supervisors are to make an objective inquiry into allegations of employee misconduct consistent with Policy and Procedural Order 300-4.

V. RECORDS OF DISCIPLINE: STORING AND PURGING

All records of discipline exceeding counseling will be kept in the employee's personnel file at the Department of Human Resources. If an employee initiates a grievance on a taken disciplinary action, the content of the disciplinary action and the grievance steps will remain confidential until the grievance is resolved.