



Division 11 Personnel Management

Chapter 03– Career Disciplinary Process

January 2009

POLICY

This General Order shall establish a consistent, fair, reasonable and equitable method for resolving conduct and/or performance-related violations of established rules and regulations of the Prince George’s County Fire/EMS Department and the Prince George’s County Code.

It shall be the general policy to follow a pattern of progressive discipline that provides employees with notice of deficiencies and an opportunity to improve both performance and conduct problems. Supervisors have the authority to initiate and/or take authorized disciplinary actions against their employees whenever such disciplinary actions are warranted by virtue of violations of standards of conduct or behavior or failures to maintain satisfactory performance.

However, the final determination for taking any authorized disciplinary action against any employee shall rest exclusively with the County Fire Chief or his/her designee. The job performance and conduct of each employee impacts directly on the public’s trust in government and on the County’s ability to achieve its mission of service to the public.

All employees are, therefore, responsible for adhering to the standards of performance and conduct.

DEFINITIONS

Conduct Related Violation - defined by the Prince George’s County Code, Subtitle 16, Personnel Law, Section 16-193 as, “an act or

acts which constitute a violation(s) or failure(s) to comply with any duty, obligation or requirement imposing a standard of conduct or behavior on such employee by virtue of the provisions of any criminal or civil law or statute or any rule or regulation authorized and promulgated pursuant thereto, provided such violation(s) or acts(s) of noncompliance:”

- “Bears a demonstrable relationship to the nature of the duties and responsibilities of the employee’s position; and,”
- “Constitutes a willful, indifferent, or grossly negligent act or commission by such employee.”

Performance Related Violation - defined by the Prince George’s County Code, Subtitle 16, Personnel Law, Section 16-194 as, “employee’s performance has become less than satisfactory with respect to the execution of any or all of the duties, tasks, and/or responsibilities set forth in the employee’s position description...”

- “Where the employee’s actions, inactions and/or attitudes constitute a representative course of conduct characterized by a general inability, incapability, and/or unwillingness on the part of the employee to maintain a minimum standard of performance with respect to the quality and/or quantity of any or all of the duties, tasks, and/or responsibilities properly assigned to the employee; or,”
- “Where the employee unjustifiably fails to carry out a particular work



assignment which was within the scope of the duties, tasks, and/or responsibilities properly assigned to the employee; or,”

- “Where the employee loses or fails to maintain any of the requirements or standards set forth in the qualification requirements statement, as defined in Section 16-102 (a)(39), applicable to the employee’s position.”

Authorized Disciplinary Action - types of disciplinary actions defined by the Prince George’s County Code, Subtitle 16, Personnel Law, Section 16-193 and/or 16-194.

Step I - Verbal counseling of employee with supervisor documentation of unsatisfactory conduct or performance.

Step II - Written reprimand, “Written Notice of Unsatisfactory Conduct or Performance,” issued to employee.

Step III - Written formal “Statement of Charges” issued to employee and presented for further disciplinary action.

Department Disciplinary Coordinator - Appointed by the Fire Chief to ensure that a uniform administrative review of all Department disciplinary hearings and actions are conducted. The Coordinator serves as the Disciplinary Review Board Chairperson.

Career Disciplinary Review Board - Hearing board convened to hear and review conduct and/or performance-related disciplinary charges against any employee and render a determination to the Fire Chief whether the charges has been substantiated or not by the Fire/EMS Department.

PROCEDURES

1. Supervisors

In order to reduce the need for disciplinary actions, supervisors must make every effort to educate and train personnel thoroughly in all aspects of expected conduct and levels of performance required of them. When appropriate education and training fail, the Department will implement a timely three-step disciplinary process in an attempt to correct an employee’s unsatisfactory conduct and/or performance. The level of discipline must be commensurate with the severity of the action or inaction in question. Contact the Office of Professional Standards for guidance and direction.

Supervisors should utilize the “Supervisor Guidelines for Conduct/Performance Actions” (Attachment #1) to assist in the determination of the appropriate level or step of disciplinary action to be initiated. The guidelines are not intended to be an inclusive list, but to help serve as a general guide for supervisors to use in an effort to ensure consistent, fair, reasonable and equitable enforcement of rules, regulations, and procedures.

To use the “Supervisor Guidelines for Conduct/Performance Actions:”

- Align the employee’s conduct and/or performance violation using the list of items in the left-hand column under the heading “Supervisor Guidelines for Conduct/Performance Actions” as a reference. Categories of violations are in Bold/Underlined and specific individual violations are in Bold.
- Implement the appropriate step of disciplinary action based on the corresponding recommendation in the second column, under the heading “Disciplinary Action for 1st Offense and Greater.” Discretion means the



supervisor shall determine the level of disciplinary action depending upon the circumstances and facts involved. Cumulative means the supervisor shall take previous violations and efforts to correct employee behavior into account when determining the level of disciplinary action to take. A previous similar violation shall result in a higher disciplinary step for the current violation.

Once the level or step of disciplinary action is determined, the supervisor or their designee shall initiate the appropriate procedures as outlined below for the various steps of the disciplinary process.

Step I - Verbal Counseling with Documentation

When an employee fails to maintain the level of conduct or performance that is reasonably expected of personnel in his/her position, the first step in correcting such behavior is a verbal warning or counseling session. This step can only be taken in cases that involve minor violations, where modified behavior can be reasonably expected through counseling, and when more severe action is not warranted. (Reference - "Officer Guidelines for Conduct/Performance Actions")

A supervisor shall complete an investigation into the conduct or performance violation and shall complete a personal, confidential interview with the employee within seven days.

Supervisor shall advise the employee where the employee's action(s) or inaction(s) failed to meet prescribed standards and why.

Employee shall be given an opportunity to explain his/her action(s) or inaction(s).

Supervisor shall advise employee what corrective action(s) should be taken, and given a reasonable time frame to comply.

Supervisor shall complete and sign a Step I - "Supervisor's Record of Counseling" form (Attachment #2) outlining the violation and counseling session as a record for future use.

A copy of the record shall be filed at the station in the employee's personnel file for a maximum of one year for use with their Past Performance Appraisal.

Within fourteen days the original signed Step I counseling form will be forwarded to the Department Disciplinary Coordinator (DDC) to be maintained in accordance with the Prince George's County Code, Subtitle 16, Personnel Law, Section 16-197, and the current Labor Agreement with the International Association of Fire Fighters (IAFF) Local 1619.

Step II - "Written Notice of Unsatisfactory Conduct or Performance"

In the event verbal counseling fails to correct a previous conduct and/or performance-related violation or the violation is too severe for verbal counseling, the next step toward resolution is a written reprimand, "Written Notice of Unsatisfactory Conduct or Performance." The written reprimand is intended to document and outline specific areas that need improvement as well as what may be done to accomplish such improvement. (Reference - "Supervisor Guidelines for Conduct/Performance Actions")

A supervisor shall complete an investigation into the conduct or performance violation and shall complete a personal confidential interview with the employee.



Supervisor shall present the “Written Notice of Unsatisfactory Conduct or Performance” within seven days after the alleged violation and/or investigation is completed.

Supervisor shall offer further counseling if needed.

Supervisor shall give specific instructions and/or actions to be taken by employee to prevent a recurrence, if applicable.

Supervisor shall advise employee that any subsequent violation(s) or act(s) of noncompliance may warrant the taking of more severe disciplinary actions.

The “Written Notice of Unsatisfactory Conduct or Performance” memorandum shall: (Attachment #3)

- State the date of the violation.
- Give a brief description of what occurred.
- Quote the sections of the Personnel Law and Departmental General Orders, Directives, etc., that apply to this violation.
- List the previous efforts to counsel and afford opportunities to take remedial action only if the previous efforts to modify behavior are relevant to this specific charge.
- Give specific instructions and/or actions to be taken by employee to prevent a recurrence, if applicable.
- State any subsequent violation(s) or act(s) of noncompliance may warrant the taking of more severe disciplinary actions.
- State the reprimand has been read and understood and that any signature does not indicate admittance of guilt, only acknowledgement that the employee has received a copy of the notice.

The “Written Notice of Unsatisfactory Conduct or Performance” shall be signed and dated by both the employee and supervisor as required by the Prince George’s County Code, Subtitle 16, Personnel Law, Section 16-193 and 16-194. If the employee refuses to sign said “Written Notice of Unsatisfactory Conduct or Performance,” the supervisor shall attach a signed certification that they issued the written reprimand to the employee and that the employee did not elect to respond in writing to the reprimand or sign the reprimand.

Employee will be given a copy and advised that a copy will be filed at the station in the employee’s personnel file for a maximum of one year for use with their Past Performance Appraisal.

The original signed Step II “Written Notice of Unsatisfactory Conduct or Performance” will be forwarded to the DDC within fourteen days to be maintained in accordance with the Prince George’s County Code, Subtitle 16, Personnel Law, Section 16-197, and the current Labor Agreement with the IAFF Local 1619.

An employee may respond to any written reprimand within five (5) working days of issuance by forwarding written comments to the DDC through their supervisor. The DDC will attach a copy of the employee’s written comments to their “Written Notice of Unsatisfactory Conduct or Performance.” The DDC shall notify the employee that their written comments have been appended.

Step III - Formal “Statement of Charges”

A “Statement of Charges” shall be issued to an employee where the severity of an alleged conduct and/or performance violation is beyond acceptable levels for a first time



violation, or when an employee has repeated similar/related conduct or performance violations, or when an employee has multiple conduct and/or performance violations that generated previous discipline actions. (Reference - "Supervisor Guidelines for Performance/Conduct Actions")

The Fire/EMS Department and/or the supervisor shall complete an investigation into the conduct and/or performance violation.

The investigation may include, but not be limited to, signed confidential statements of all witnesses to the violation, original and/or copies of all relevant documents such as police reports, accident reports, etc., original and/or copies of all relevant audio and visual tapes, original and/or copies of notes/correspondence related to any interviews, etc.

The investigation shall include a personal confidential interview with the employee to determine the facts and circumstances of the violation and any extenuating circumstances concerning the employee that may mitigate against the taking of the particular disciplinary action against the employee.

Upon completion of an initial investigation, the Fire/EMS Department and/or supervisor may remove an employee from emergency operations, place restrictions on an employee's operational authority, place an employee on limited public contact or immediately suspend/place on administrative leave an employee as outlined by procedures in Section III. F. of this Directive as warranted. None of these actions shall be construed as final disciplinary action for any specific conduct and/or performance violation.

Supervisor shall prepare and present in a personal and confidential manner the "Statement of Charges" within seven days after the alleged violation occurs and/or investigation is completed but in all circumstances, within 180 days of when the act comes to the attention of a supervisor.

The Office of Professional Standards shall advise the employee that a notice will be forthcoming advising them of the time, date and location of a hearing to address the "Statement of Charges." The responsibility to contact the IAFF Local 1619 and/or legal counsel rests with the employee.

Supervisor shall offer further counseling if needed.

The "Statement of Charges" memorandum shall: (Attachment #4)

- State the date of the violation.
- Give a brief description of what occurred.
- Quote the sections of the Personnel Law, Departmental General Orders, Directives, etc., that apply to this violation.
- List the previous efforts to counsel and afford opportunities to take remedial action and/or previous disciplinary actions. Only include if previous efforts to modify behavior are relevant to this specific charge or if an employee's action, inactions, and/or attitudes constitute a representative course of conduct characterized by a general inability, incapability, and/or unwillingness on the part of the employee to conform to the applicable standards of conduct or behavior or to maintain a minimum standard of performance with respect to the quality and/or quantity of any or all of the duties, tasks, and/or



responsibilities properly assigned to the employee.

- State the “Statement of Charges” shall be forwarded through the chain-of-command for appropriate action. You could be issued a waiver of hearing or notified of the time, date, and location of the hearing, which will be conducted to address the aforementioned charges.
- State the reprimand has been read and understood and that any signature does not indicate admittance of guilt, only acknowledgement that the employee has received a copy of the charges.

The “Statement of Charges” shall be signed and dated by both the employee and supervisor. If the employee refuses to sign said “Statement of Charges,” the supervisor shall attach a signed certification stating that they issued the “Statement of Charges” to the employee and that the employee did not elect to sign the “Statement of Charges.”

Employee will be given a copy and advised that a copy will be filed at the station in the employee’s personnel file for a maximum of one year for use with their Past Performance Appraisal.

The original signed Step III “Statement of Charges” will be forwarded to the DDC within fourteen days for further action.

2. Department Disciplinary Coordinator

Upon Receipt of Step I or Step II disciplinary actions, the DDC shall ensure actions are in compliance with the Prince George’s County Code, Subtitle 16, Personnel Law, Section 16-195, and are consistent and uniform in relation to the general disciplinary practices and procedures and policies as applied to other employees under facts and

circumstances which are substantially the same. The “Supervisor Guidelines for Conduct/Performance Actions” shall be used as a guideline.

If in compliance, the Step I or Step II shall be filed and maintained in accordance with Prince George’s County Code, Subtitle 16, Personnel Law, Section 16-197, and the current Labor Agreement with the IAFF Local 1619.

If an employee responds to any Step I or Step II within five (5) working days of issuance by forwarding written comments to the DDC through their supervisor, the DDC shall attach a copy of the employee’s written comments to their Step I or Step II. The DDC shall notify the employee that the written comments have been appended.

If a Step I or Step II is not in compliance with the general disciplinary practices, procedures, and policies, the Step I or Step II shall be returned to the issuing supervisor via their chain-of-command for further action. Such actions may be warranted by, but not limited to, non-compliance with the “Supervisor Guidelines for Conduct/Performance Actions,” numerous previous similar infractions which warrant a higher degree of disciplinary actions, etc.

Upon receipt of a Step III, “Statement of Formal Charges,” the DDC shall ensure actions are in compliance with the Prince George’s County Code, Subtitle 16, Personnel Law, Section 16-195, and are consistent and uniform in relation to the general disciplinary practices, procedures, and policies as applied to other employees under facts and circumstances which are substantially the same. The “Supervisor Guidelines for Conduct/Performance Actions” shall be used as a guideline.



If the Step III is not in compliance with the general disciplinary practices, procedures, and policies, the Step III shall be returned to the issuing supervisor via their chain-of-command with directions for further action.

If the Step III is in compliance, the DDC shall proceed with a "Final Disciplinary Notice-Waiver of Hearing" or a Disciplinary Review Board Hearing as applicable and outlined below.

Upon completion of the aforementioned, the DDC shall forward a written report of findings to the appropriate Lieutenant Colonel for issuance of the Proposed and/or Final Notice as applicable and outlined below.

The DDC shall maintain a copy of all Final Notices upon completion/restitution of all Step III disciplinary actions. The copy shall be maintained in accordance with the Prince George's County Code, Subtitle 16, Personnel Law, Section 16-197, and the current Labor Agreement with the IAFF Local 1619.

3. Final Disciplinary Notice-Waiver of Hearing

When an employee commits a conduct and/or performance infraction, accepts full responsibility for their action, and does not wish to be subject to a Disciplinary Review Board process, they may accept a "Final Disciplinary Action-Waiver of Hearing" issued by the DDC.

The DDC shall determine if the nature of the employee's infraction and the employee's prior disciplinary history would warrant the issuance of a "Final Disciplinary Notice-Waiver of Hearing."

The "Supervisor's Guidelines for Conduct/Performance Actions" column three (3), "Waiver Accepted for First Step III" should be used as a guideline for determining if the nature of the infraction is eligible for a Hearing Waiver.

Prior disciplinary history on file in accordance with the Prince George's County Code, Subtitle 16, Personnel Law, Section 16-197, and the current Labor Agreement with the IAFF Local 1619, should be used for determining if prior disciplinary actions warrant a Hearing Waiver.

If warranted, the DDC shall issue a "Final Disciplinary Action-Waiver of Hearing" to the employee. The waiver if accepted by the employee, generally stipulates that the employee is not disputing the infraction occurred and is accepting the disciplinary action as outlined.

The "Final Disciplinary Action-Waiver of Hearing" memorandum shall:(Attachment #5)

- List the date of the "Statement of Charges."
- State that in accepting summary disciplinary action, the employee is not disputing that a violation occurred. The employee is waiving a formal Disciplinary Review Board Hearing and any/all rights under the Grievance and Arbitration Procedure of the current Labor Agreement made by and between Prince George's County, Maryland, and the IAFF Local 1619.
- State the summary disciplinary action is considered final discipline as defined in the Prince George's County Code, Subtitle 16, Personnel Law, Section 16-201.
- List the fine.
- List the employee's options for payment.



- State that the employee has five (5) working days to respond to the waiver memorandum, and the date it must be returned. Failure to return the document by that date or declining to accept summary disciplinary action will result in a Disciplinary Review Board hearing.
- Provide a return for the employee to decline or accept the disciplinary action as outlined, with applicable signature blocks.
- State that with acceptance, the employee grants approval for the Prince George's County Fire/EMS Department to release a copy of this Final Disciplinary Action to the President of IAFF Local 1619.
- Provide approved/not approved check offs with applicable signature block for the Fire Chief.

The "Final Disciplinary Action-Waiver of Hearing" is advisory in nature and the final determination as to the taking of any authorized disciplinary action in relation thereto rests exclusively with the Fire Chief or his/her designee.

If the "Final Disciplinary Action-Waiver of Hearing" is accepted by the respondent and Fire Chief, it shall be considered final discipline as outlined under the Proposed and Final Notices procedure outlined below.

If the "Final Disciplinary Action-Waiver of Hearing" is not approved and/or accepted by the respondent and/or Fire Chief, a Disciplinary Review Board shall be convened to hear the statement of charges as outlined below. Neither the form nor its contents may be used in the Disciplinary Review Board hearing, disciplinary appeals, arbitration hearing, or for any other purpose.

4. Disciplinary Review Board Hearing

A Disciplinary Review Board Hearing shall be convened to hear evidence and explanation for any Step III "Statement of Charges" for which a "Final Disciplinary Notice-Waiver of Hearing" is not approved and/or accepted by the respondent and/or Fire Chief, or is not warranted due to the nature of the infraction, or is not warranted due to the number of previous similar/related infractions.

The DDC will assign a Disciplinary Review Board (DRB) to conduct an administrative hearing.

The DRB will normally be composed of four members, including the DDC.

- The DDC will serve as the chairperson.
- Three (3) Battalion Chiefs not from the respondent's battalion will serve as the remaining DRB panel.

The respondent and/or IAFF Local 1619 may petition the DDC to consider changing one of the personnel assigned to the DRB panel. This request shall generally be made at least three (3) days prior to the hearing date.

The DDC may change the DRB panel prior to the hearing date/time with notification to the respondent and/or the IAFF Local 1619 as deemed necessary.

The DDC shall forward a written Hearing Notice to the respondent to notify them of the date, time, and location of the DRB hearing. The supervisor, witness(s), DRB members, the employee's supervisor(s) and the President of the IAFF Local 1619 will be notified of the hearing by means of a copy of the employee's notification. Notification to any legal counsel for representation on behalf



of any employee shall rest exclusively with the employee.

The DRB “Disciplinary Hearing” notification memorandum shall: (Attachment #6)

- State the location, day, date, and time of the DRB hearing.
- List the members assigned to the DRB panel.
- State the employee and/or supervisor may request personnel to attend the hearing and testify to the facts and issues concerning the charges.
- State the employee has the right to Union and/or legal representation at the DRB hearing.
- State the employee and/or supervisor shall notify the DDC of any representative or witness who will attend the DRB hearing at least one day prior to the hearing.

If a hearing notice cannot be delivered to the employee in a timely fashion, the supervisor shall notify the employee verbally with a memorandum to the DDC of the date and time the notification was made.

Once notified, attendance at the hearing is considered an order. Failure to attend as directed may be considered insubordination subject to additional disciplinary action up to and including dismissal. The DDC may enter a “not guilty” plea on behalf of any employee who fails or refuses to attend the DRB hearing.

Any deviation from the hearing schedule will be at the discretion of the DDC. Any person advised to attend a DRB hearing that may have an issue with the date and/or time, shall notify the DDC promptly, but generally no later than three (3) days prior to the hearing.

Prior to the hearing date, all information, i.e., signed statements, police reports, relevant documents, tapes, etc., to be used during the hearing shall be forwarded to the DDC by the supervisor, respondent and/or respondent’s counsel to be duplicated for the DRB panel and exchanged between parties.

A DRB hearing shall be conducted in accordance with the format shown in Attachment #7 - Disciplinary Review Board Hearing Procedures.

The DRB hearing format shall include:

- A release for the employee, option to sign, to have a copy of the final disciplinary action released to the President of the IAFF Local 1619. If signed, one original to be maintained by the DDC, and one original to be given to the Union Representative at the hearing (Attachment #8).
- A preliminary introduction to the hearing to include general conduct, procedures, and that the hearing will be taped. A copy of the tape will be made available to the respondent and/or legal counsel upon written request to the DDC.

A formal introduction to the hearing shall include:

- The date and time the hearing is convened.
- An introduction of all persons present and whom they are representing.
- A review of the date of the charges, notification of the hearing, and the employee’s right to legal and/or union representation.
- Questions to and responses from the employee to ensure:



- They understand the nature of the charges placed against them.
 - They are aware of their rights as a member of IAFF Local 1619.
 - A general statement to include:
 - The purpose of the hearing, the right to admit or deny the charges, the right to present any witness or explanations.
 - A mute response will be considered a denial of the charges.
 - A report of findings will be sent to the Fire Chief with a determination if the charges have been substantiated or not, the DRB findings are advisory in nature, and the final determination as to the taking of any authorized disciplinary action thereto shall rest exclusively with the Fire Chief and/or his designee.
 - A cursory review of the Department rules and regulations and the Prince George's County Code which were violated.
 - A question and response from the employee if he pleads guilty or not guilty.
 - Presentation of the infraction, evidence and explanations by the supervisor(s), the employee, the union and/or legal counsel with cross-examination as warranted.
- One summation by the employee, union, or legal counsel, and one summation by the supervisor.
 - A closing statement advising the employee they will be notified in writing by the Fire Chief or his designee of any further action to be taken regarding this matter.

The DRB will conduct a complete and thorough examination of the significant facts and circumstances presented at the hearing. By a majority vote, the DRB will make a determination if the charges have been substantiated or not. In determining whether the charges have been substantiated or not, the required degree of proof shall be the preponderance of the evidence. That is the amount and quality of evidence that tips the scales of justice toward one determination or another. It also relates to witnesses' characters, intrinsic characteristics of evidence, and its probability of truth when tested by the ordinary experience of average people.

Any hearing information, documentation or other disciplinary matters must be held in the strictest confidence by all personnel at the DRB hearing. Any breach of confidentiality will be dealt with appropriately, including, but not limited to, disciplinary action as warranted.

5. Proposed and Final Notices of Disciplinary Action

Upon receipt of the "DRB Report of Findings" the Fire Chief shall issue Proposed and Final Notices as warranted and in accordance with the following procedures. However, if a "Final Disciplinary Notice-Waiver of Hearing" has been submitted and accepted by the Fire Chief, it shall be considered Final Discipline.

Testimony from witnesses and cross-examination as warranted.

- Questions from the DRB panel of the employee, supervisor and/or any witnesses.



The Fire Chief may accept or reject the findings of the DRB in accordance with Prince George's County Code, Subtitle 16, Personnel Law, Section 16-195.

George's County Code, Subtitle 16, Personnel Law, Section 16-148 (a)(6)(A)(iv), no Proposed Notice is required prior to serving a Final Notice of adverse action.

The Fire Chief shall prepare a "Proposed Notice of Disciplinary Action" in accordance with Prince George's County Code, Subtitle 16, Personnel Law, Section 16-201. The Proposed Notice shall state:

The "Proposed Notice of Disciplinary Action" shall be hand-delivered to the employee for signature. The "Proposed Notice of Disciplinary Action" shall be signed and dated by the employee. If the employee refuses to sign said "Proposed Notice of Disciplinary Action," the supervisor shall append a signed certification that they issued the "Proposed Notice of Disciplinary Action" to the employee and that the employee did not elect to sign the "Proposed Notice of Disciplinary Action."

- The specific grounds or other reasons for taking such disciplinary action.
- The proposed adverse action authorized under the provisions of
- Prince George's County Code, Subtitle 16, Personnel Law, Section 16-193 and 16-194.
- The employee may not work any scheduled overtime until final disposition of all matters related to this disciplinary action.
- The fact the employee is entitled to appeal such action, in writing to the Fire Chief.

Upon receipt of a signed "Proposed Notice of Disciplinary Action" and any written response filed by the employee, the Fire Chief shall consider said appeal in accordance with evaluative factors under Prince George's County Code, Subtitle 16, Personnel Law, Section 16-195. The Fire Chief may either modify the disciplinary action or stand by the proposed disciplinary action.

In cases of a proposed written reprimand, suspension, or forfeiture of leave, the employee is entitled to respond in writing to the Fire Chief no later than five (5) working days after the day of receipt of the notice by the employee.

A "Final Notice of Disciplinary Action" shall be prepared in accordance with Prince George's County Code, Subtitle 16, Personnel Law, Section 16-201. The "Final Notice of Disciplinary Action" shall state:

In cases of a proposed separation, termination, dismissal, demotion or fine, the employee is entitled to respond in writing to the Fire Chief no later than ten (10) days after the date of receipt of the notice by the employee.

- The specific grounds or other reasons for taking such disciplinary action.
- The final adverse action imposed and authorized under the provisions of Prince George's County Code, Subtitle 16, Personnel Law, Section 16-193 and Section 16-194.
- The consideration of any written employee appeal received in accordance with procedures above.
- The right of the employee to file a written notice of appeal in accordance

In cases of immediate suspension in accordance with provisions of the Prince George's County Code, Subtitle 16, Personnel Law, Section 16-193 (c)(4), or demotion at the discretion of the employer pursuant to the provisions of the Prince



with Grievance and Arbitration procedures of the current Labor Agreement made by and between Prince George's County, Maryland and IAFF Local 1619.

The "Final Notice of Disciplinary Action" shall be hand-delivered to the employee for signature. The "Final Notice of Disciplinary Action" shall be signed and dated by the employee. If the employee refuses to sign said "Final Notice of Disciplinary Action," the supervisor shall attach a signed certification that they issued the "Final Notice of Disciplinary Action" to the employee and that the employee did not elect to sign the "Final Notice of Disciplinary Action."

Two (2) copies are returned to the Office of the Fire Chief, the original is kept by the employee.

Processing the employee signed "Final Notice of Disciplinary Action" or "Final Disciplinary Notice-Waiver of Hearing:"

- If the employee requests and the Fire Chief accepts payment in the form of uncompensated work at the Department's discretion, the employee's supervisor will be notified, via a copy of the "Final Notice of Disciplinary Action," to schedule the employee for work. The employee may not work any scheduled overtime until full payment of the fine has been satisfied. Upon completion, the supervisor will submit written documentation to the appropriate Lieutenant Colonel's office that the fine has been satisfied. Failure to comply with the required disciplinary action may result in the payment of the original fine.
- If the employee requests imposition of a monetary fine via the "Final

Disciplinary Notice-Waiver of Hearing" or the Department imposes a monetary fine via the "Final Notice of Disciplinary Action," the employee is given two (2) options in which to pay the fine. The employee may make payment in full or the employee may have the fine deducted from their biweekly paycheck, amount at the Department's discretion not to exceed 5% of the gross biweekly wage.

The employee may choose which option to make payment directly in the "Final Disciplinary Notice-Waiver of Hearing" form or on the "Payment Method Form" which accompanies the "Final Notice of Disciplinary Action," as applicable.

When the employee requests payment in full on the "Final Disciplinary Notice-Waiver of Hearing" form, the employee shall attach a cashier's check or money order when returning the form. The cashier's check or money order shall be made payable to "Prince George's County." There is no restriction on overtime.

When the employee requests payment in full on the "Payment Method Form" accompanying the "Final Notice of Disciplinary Action," the employee shall make full payment with a cashier's check or money order within 30 days. All documentation is held by the Office of the Fire Chief until the fine is satisfied. The restriction on working overtime is rescinded upon receipt of full payment.

When the employee requests payment to be deducted from their biweekly check, whether on the "Final Disciplinary Notice-Waiver of Hearing" form or "Payment Method Form," accompanying the "Final Notice of Disciplinary Action" the restriction on



working overtime is rescinded. All documentation is forwarded to the Office of Personnel to process the deduction. All documentation is held in the Office of the Fire Chief until the fine has been satisfied.

All other disciplinary actions are processed through the appropriate Lieutenant Colonel, Major, and/or immediate supervisor. All documentation is held in the Office of the Fire Chief until all disciplinary actions have been accomplished.

Upon completion of all disciplinary actions, documentation is forwarded to Human Resources, the Office of Personnel, Office of Law, Union, and Major/Supervisor as appropriate. A copy is filed with the DDC to be maintained in accordance with the Prince George's County Code, Subtitle 16, Personnel Law, Section 16-197 and the current Labor Agreement with IAFF Local 1619.

6. Other Authorized Actions

The Fire/EMS Department and/or a supervisor may remove an employee from emergency operations, place an employee on limited public contact, or immediately suspend/place on administrative leave an employee for an act, a series of acts, or inactions as outlined below. None of these shall be construed as adverse disciplinary action or final disciplinary action in any matter as defined by the Prince George's County Code, Subtitle 16, Personnel Law, Section 16-193 and 16-194.

A Lieutenant Colonel, career Major, and/or career Battalion Chief shall have the authority to immediately take action to temporarily limit or rescind an employee's authority to participate in an operational capacity as an employee or a supervisor of the Fire/EMS Department.

This authority is normally reserved, but not limited to, those situations where the employee:

- Places the lives of the general public and/or the emergency service personnel in danger.
- Operates in an unsafe manner, creates an unsafe work environment, and/or commits an act or series of acts which have had or may be reasonably expected to have, a harmful or injuries effect on the employee, other emergency service personnel, or the general public.
- Commits an act, a series of acts, or fails to carry out a particular work assignment(s) which has had or may be reasonably expected to have had an adverse impact or disruptive effect on emergency operations and/or the delivery of emergency services.
- Commits a breach of peace or is intoxicated.
- Commits an act or a series of acts which have had or may be reasonably demonstrated to have an appreciable effect on the general public's confidence and/or trust in the operation of the Fire/EMS Department.
- Violates the Prince George's County Code.

The Lieutenant Colonel, career Major, and/or career Battalion Chief shall:

- Immediately halt any acts which are in violation of the above.
- Immediately advise the employee that they are temporarily removed from operations and are no longer authorized to participate in an operational capacity.



- Direct the employee to immediately leave an area involving operational activity and remove the employee from the accountability check.
- Prepare a package of information which includes, but not limited to, an Incident Notification form, witness statements, etc., and forward to the County Fire Chief or his/her designee for review.

The County Fire Chief or his/her designee shall review the actions of the employee which lead to the temporary removal of operational authority. This review may include, but not be limited to, an interview with the employee, supervisor, and command officer.

The review process will determine:

- Whether the temporary removal of operational authority will be reversed, sustained, or modified based on the facts presented during the review.
- Whether the employee should be placed in a limited public contact status or have his operational authority reinstated.
- The duration of any limited public contact status and the action to be taken to complete any disciplinary process.

A written memorandum shall be sent to the employee by the Fire Chief or his/her designee, updating the employee on his operational status, outlining the actions to be taken, and outlining the process to follow in order to appeal any limited public contact status imposed.

The Fire Chief or his/her designee shall have the authority to place on an employee's operational authority or place an employee on limited public contact status.

This authority is normally reserved, but not limited to, those situations when the employee:

- Has any temporary removal from operational authority sustained by the Fire Chief or his/her designee as outline above.
- Has restrictions placed upon, loses, or fails to maintain any of the requirements or standards set forth in the qualifications requirement statement applicable to the employee position.
- Commits an act or series of acts which call into serious question the employee's trustworthiness and/or integrity in the continued performance of the employee's assigned duties and responsibilities.
- Violates the Prince George's County Code.

A written memorandum shall be sent to the employee by the Fire Chief or his/her designee, updating the employee on any restrictions and duration imposed on an employee's operational authority, the duration of any limited public contact status, outlining the actions to be taken to complete any disciplinary process, and outlining the process to follow in order to appeal any restrictions imposed on operational authority or the limited public contact status.

The Fire Chief or his/her designee shall have the authority to suspend and/or place an employee on administrative leave in accordance with procedures as outlined in Prince George's County Code, Subtitle 16, Personnel Law, Section 16-193 (c)(4).

A written memorandum shall be sent to the employee by the Fire Chief or his/her designee, updating the employee on any



imposed suspension/administrative leave and outlining the actions to be taken to complete any disciplinary process.

Any imposition of suspension/administrative leave shall not be construed as final disciplinary action. The imposition of any suspension/administrative leave shall, however, be considered in any future final disciplinary action to be taken as applicable.

REFERENCES

N/A

FORMS/ATTACHMENTS

Supervisor Guidelines for
Conduct/Performance Actions

Step I – Supervisor's Record of Counseling

Step II - Written Notice of Unsatisfactory
Conduct or Performance

Step III - Statement of Charges

Final Disciplinary Action - Waiver of Hearing

Disciplinary Hearing

Disciplinary Review Board Hearing
Procedures

Release Form

Supervisor Guidelines for Conduct/Performance Actions: <i>Guidelines are advisory in nature and the final determination as to the taking of any disciplinary action in relation thereto rests exclusively with the Fire Chief. Contact the DDC for assistance/guidance.</i>	Disciplinary Action for 1st Offense and Greater	Waiver Accepted for First Step 3
(single event or accumulation of events over 3 year period)	Step 1 or 2 or 3	Yes-No-N/A
Vehicle Collisions		
Vehicle Backing Collisions - preventable:		
No back-up person available	Discretion/Cumulative: 1, 2 or 3	Y
<i>Minor:</i>		
Back-up person not utilized	3	Y
Back-up person utilized	3 - driver and/or officer	Y
<i>Major*:</i>		
Back-up person not utilized	3	Y
Back-up person utilized	3 - driver and/or officer	Y
* major = criteria for Vehicle Accident Review Board		
Other Vehicle Collisions - preventable:		
<i>Minor:</i>		
No previous Incidents and less than \$1000 damage	3	N/A
One previous Incident and/or more than \$1000 but less than \$2000 damage	3	N/A
More than two previous Incidents and/or more than \$2000 damage	3	Y
<i>Major*:</i>		
Fatality/injury and/or damage = 1/3 value or greater than \$5000 damage	3	N
* major = criteria for Vehicle Accident Review Board		
All Vehicle Collisions - not preventable:		
<i>Minor and Major:</i>		
No Action		
N/A		
Failure to Comply with Operational Procedures/Memos/General Orders/Directives		
General Violation(s)	Discretion/Cumulative: 1, 2 or 3	Y/N
Driving Regulation and/or State Law Violator	Discretion/Cumulative: 1, 2 or 3	Y
Emergency Scene PPE/Infectious Control Violator	Discretion/Cumulative: 2 or 3	Y
Failure to Have and/or Maintain PPE/Infectious Control Devic	Discretion/Cumulative: 2 or 3	Y
Facial Hair Violation	Discretion/Cumulative: 2 or 3	Y
Work Uniform Violation	Discretion/Cumulative: 1, 2 or 3	Y
Violation of FCC regulations/Inappropriate radio messag	Discretion/Cumulative: 1, 2 or 3	Y
Controlled Substances:		
Failure to maintain custody of controlled substance(s)	3	Y/N
Failure to follow controlled substances procedures	Discretion/Cumulative: 1, 2 or 3	Y

Supervisor Guidelines for Conduct/Performance Actions: <i>Guidelines are advisory in nature and the final determination as to the taking of any disciplinary action in relation thereto rests exclusively with the Fire Chief. Contact the DDC for assistance/guidance.</i>	Disciplinary Action for 1st Offense and Greater	Waiver Accepted for First Step 3
(single event or accumulation of events over 3 year period)	Step 1 or 2 or 3	Yes-No-N/A
<u>Attendance/Leave Issues</u>		
Late for work with notification to appropriate supervisor prior to scheduled reporting time:		
Notifies prior to shift and reports promptly to work*, **	Cumulative: 1 + A/L, 2 + A/L, 3 + A/L	Y
Notifies prior to shift but fails to report promptly to work**	3 + AWOL	Y
* Cumulative total number = total # of all late/AWOL's with or without prior notification		
** A/L = Emergency Annual Leave or AWOL = Absent without Leave put on timesheet for hours missed		
Late for work with no prior notification and/or absent from work without approved leave:		
Fails to notify prior to shift but reports within 1 hour of scheduled reporting time*, **	Cumulative: 2 + A/L, 3 + A/L	Y
Fails to notify prior to shift and reports in excess of 1 hour of scheduled reporting time**	3 + AWOL (A/L for time after contact made)	
Fails to notify prior to shift and fails to report promptly for work when contacted**	3 + AWOL	N
Fails to notify and/or absent from work (unable to contact)**	3 + AWOL	N
* Cumulative total number = total # of all late/AWOL's with or without prior notification		
** A/L = Emergency Annual Leave or AWOL = Absent without Leave put on timesheet for hours missed		
Sick/IOJ Leave:		
Abuse of Sick/IOJ Leave*	3	Y
Failure to verify Sick/IOJ Leave*	Discretion/Cumulative: 1, 2 or 3	Y
*All Sick Leave to be verified by employee for one year		
Failure to request Sick Leave prior to start of shift but calls within 1 hour of scheduled reporting time*, **	Cumulative: 2 + S/L, 3 + S/L	Y
Failure to request Sick Leave prior to start of shift and calls in excess of 1 hour of scheduled reporting time**	3 + AWOL (S/L for time after contact made)	Y
* Cumulative total number = total # of all late/AWOL's with or without prior notification		
** S/L = Sick leave and AWOL = Absent without Leave put on timesheet for hours missed		
Failure to be at home/Failure to notify prior to leaving home while on Sick/IOJ Leave	Discretion/Cumulative: 1, 2 or 3	Y
Shift Exchange Violations		
Improper shift exchange with no vacancy or overtime created	Discretion/Cumulative: 1*, 2** or 3***	Y
Improper shift exchange with vacancy or overtime created	3 + AWOL***	Y
*No exchanges for 30 days; ** No exchanges for 6 months; *** No further exchanges allowed without B/C approval		
Violation of Any Type of Leave Procedures: i.e., FMLA, Military, Holiday, Annual, Sick, IOJ, et	Discretion/Cumulative: 1, 2 or 3	Y
Abandonment of Positior	3	N
<u>Performance Deficiencies</u>		
Failure to Maintain Minimum Standard of Performanc	Discretion/Cumulative:1, 2 or 3	Y/N
Failure to Carry Out a Particular Work Assignmen	Discretion/Cumulative:1, 2 or 3	Y/N
Failure/Delay/Refusal to Respond/Arrive on Emergency Incider	Discretion/Cumulative: 2 or 3	Y/N
Unauthorized Response/Violation of Dispatch Procedure:	Discretion/Cumulative: 2 or 3	Y/N
MIEMMS Protocol/Emergency Care Violation¹	Discretion/Cumulative: 1, 2 or 3	Y/N
* Employee may be removed from position of public contact pending review/resolution by MIEMMS Medical Review Committee and /or EMS Board		

Supervisor Guidelines for Conduct/Performance Actions: <i>Guidelines are advisory in nature and the final determination as to the taking of any disciplinary action in relation thereto rests exclusively with the Fire Chief. Contact the DDC for assistance/guidance.</i>	Disciplinary Action for 1st Offense and Greater	Waiver Accepted for First Step 3
(single event or accumulation of events over 3 year period)	Step 1 or 2 or 3	Yes-No-N/A
<u>Conduct Deficiencies</u>		
General Conduct Unbecoming Employee/Member	Discretion/Cumulative: 1, 2 or 3	Y/N
Abandonment of Position/Assignment	3	Y/N
Violating Standards of Ethics	Discretion/Cumulative: 1, 2 or 3	Y/N
Inappropriate Remark/Action and/or EEO Policy Violation*	Discretion/Cumulative: 1, 2 or 3	Y/N
<small>*Step III and/or zero tolerance EEO infractions require immediate contact to the EEO officer</small>		
Disregard for and/or Disruptive Effect on Efficient and/or Safe Operation:	Discretion/Cumulative: 1, 2 or 3	Y/N
Violation of Trust and/or Integrity in Continued Performance of Assigned Duties	Discretion/Cumulative: 1, 2 or 3	Y/N
Act which had or Expected to have had Harmful or Injuries Effect on Employee/Member/Public	Discretion/Cumulative: 1, 2 or 3	Y/N
Violation of Public Confidence and/or Trust in Operation of Department/Government	Discretion/Cumulative: 1, 2 or 3	Y/N
<u>Insubordination</u>		
(Deliberate action on part of employee not to follow orders/directions or challenge to a supervisor's authority or effectiveness)		
Non-Emergency	Discretion/Cumulative: 1, 2 or 3	Y
Emergency	3	Y/N
Failure to show for Department related/served court subpoena/deposition	3	Y
<u>Disrespect to Officer</u>		
<u>Violations of County Property</u>		
Theft of County Property	3	N
Malicious Destruction of County Property	3	Y/N
Misuse of County Property	Discretion/Cumulative: 1, 2 or 3	Y/N
Unauthorized Use of County Property	3	N
Failure to Report Vehicle Accident/Damage Cause	Discretion/Cumulative: 1, 2 or 3	Y/N
<u>Reports/Records/Documents</u>		
Failure to Complete and/or Maintain Reports/Records/Document:	Discretion/Cumulative: 1, 2 or 3	Y
Malicious Falsification or Misuse of Reports/Records/Document:	3	N
<u>Malicious False Statements</u>		
	3	N

Supervisor Guidelines for Conduct/Performance Actions: <i>Guidelines are advisory in nature and the final determination as to the taking of any disciplinary action in relation thereto rests exclusively with the Fire Chief. Contact the DDC for assistance/guidance.</i>		Disciplinary Action for 1st Offense and Greater	Waiver Accepted for First Step 3
(single event or accumulation of events over 3 year period)		Step 1 or 2 or 3	Yes-No-N/A
<u>False Charges/Claims/Allegations</u>		3	N
<u>Failure to Obtain/Maintain Certification or Condition of Employment</u>			
Failure of Recruit School: Exams, Obtain Certifications, etc		Discretion/Cumulative: 2, 3 or termination	N/A
Failure of Recruit Study Course/Probator		Discretion/Cumulative:1, 2 or 3	N/A
Physical Fitness Standards (initial test with 30 day follow-ups		Cumulative: 2 or 3	Y
EMT-B/EMT-P Certification:			
Suspended by MIEMMS, MRC, and/or Medical Director		Discretion/Cumulative:1, 2 or 3	Y/N
Expired		3	Y/N
Expired - failure to complete protocol update		3	Y/N
Revoked		3	N
Failure to enroll/obtain certification as required by Condition of Employment		Cumulative:1, 2 or 3	N
Driving License:			
Improper class of license		3	Y/N
Loss of Department driving privileges (points, restrictions, etc.)		3	Y/N
Suspended		3	Y/N
Expired		3	Y/N
Revoked		3	N
Fit Test		Discretion/Cumulative: 2 or 3	Y
Other Mandatory Training Initiatives: i.e., CPR, Infectious Control, EVOC, etc		Discretion/Cumulative: 2 or 3	Y
Stress Test (initial test with 30 day follow-ups for non-medical failures)*, *		Cumulative: 1, 2 or 3	N
* failure to show for stress test as directed is considered a failed stress test- see insubordination also			
** employee placed on sick leave			
Loses or Fails to Maintain Other Requirements or Standards set forth in Qualification Statement		Discretion/Cumulative:1, 2 or 3	Y/N
<u>Violence in the Workplace</u>			
Verbal*		Discretion/Cumulative: 1, 2 or 3†	Y
Physical*, **		3	N
* Employee may be removed from position of public contact until review/resolution			
**Breach of Peace = 3 days immediate suspension the day of the infraction when facts are not in dispute			

Supervisor Guidelines for Conduct/Performance Actions: <i>Guidelines are advisory in nature and the final determination as to the taking of any disciplinary action in relation thereto rests exclusively with the Fire Chief. Contact the DDC for assistance/guidance.</i>	Disciplinary Action for 1st Offense and Greater	Waiver Accepted for First Step 3
(single event or accumulation of events over 3 year period)	Step 1 or 2 or 3	Yes-No-N/A
<u>Arrests</u>		
Failure to Report Arrest*	3	N
Arrest/Conviction - Minor Offense(s)	3	N
* Employee may be removed from position of public contact until review/resolution		
Arrest/Conviction - Commission of a Serious Crime*	3	N
* Employee may be removed from position of public contact or placed on suspension/administrative leave pending review/resolution		
<u>Substance Abuse Infractions</u>		
Failure to Notify of Prescription or Over the Counter Drug Use with Possible Impairer	Discretion/Cumulative: 2 or 3	N
Refuse to Consent to a Fitness for Duty Examination	3	N
*Employee suspended from work immediately		
<u>Substance Abuse/Impaired on Duty/Consumption While on Duty</u>		
Alcohol or Cannabinoids	3	N
All Other Substances	3	N
* Employee suspended from work after testing & information may be forwarded to MIEMMS EMS Board		
Possession or Distribution of Controlled Dangerous Substance	3	N
* Employee suspended from work immediately & information may be forwarded to MIEMMS EMS Board		
Tampering with Drug/Alcohol Testing	3	N
<u>Continued Inability/Unwillingness to Perform/Conform to Rules/Regulations and/or Conduct or Behavior</u>		
(Two or more related acts and/or three or more Step III's over a 3 year period)	3	N



INTER-OFFICE MEMORANDUM

PRINCE GEORGE'S COUNTY, MARYLAND

(Date)

TO: (Name), Major, Department Disciplinary Coordinator

FROM: (Supervisor Name, Rank, Position) *(Supervisor's Signature Required)*

RE: Supervisor's Record of Counseling

Date/Time of Counseling: (Date/Time)

Employee: (Employee Name, Rank, Position)

Action(s) or inaction(s) of employee, making counseling necessary:

(List action(s) or inaction(s) that failed to meet prescribed standards of conduct or performance - Include time, date and place where applicable)

Supervisor's recommendation(s) made to employee to prevent reoccurrence:

(List recommendations made during counseling and time frame to comply if applicable)

Comments:

Initial counseling, first occurrence.

(List any additional supervisor comments and/or employee explanation/comments)



INTER-OFFICE MEMORANDUM

PRINCE GEORGE'S COUNTY, MARYLAND

(Date)

TO: (Employee Name, Rank, Position)

FROM: (Supervisor Name, Rank, Position) *(Supervisor's Signature Required)*

RE: Written Notice of Unsatisfactory Performance or Conduct

Your actions on (date of violation) when you (give brief description of what occurred), is unacceptable.

Your actions place you in violation of and/or noncompliance with, but not limited to, the following Departmental rules and regulations, and the Prince George's County Code:

(Quote the sections of the Personnel Law and Departmental General Orders, Directives, etc. that apply to the infraction.)

Previous efforts to counsel and afford opportunities to take remedial actions include: (Include only if there are previous efforts to modify the employee's behavior relevant to this specific statement of charges.)

(List the previous efforts to counsel as applicable to this statement of charges: Date(s) - List violation(s), action(s) taken, step(s) of disciplinary imposed)

(Give specific instructions and or actions to be taken by employee to prevent reoccurrence as applicable.)

This "Written Notice of Unsatisfactory Performance or Conduct" will be placed in your station and/or supervisor's file, as well as a copy forwarded within the command at the appropriate level to the Department Disciplinary Coordinator.

Any subsequent violation(s) or act(s) of noncompliance may warrant the taking of more severe disciplinary actions(s).

RECEIPT: I have read and understand this "Written Notice of Unsatisfactory Performance or Conduct." My signature does not indicate admittance of guilt, only acknowledgement that I have received a copy of the written notice.

Signature and Rank

Date



INTER-OFFICE MEMORANDUM

PRINCE GEORGE'S COUNTY, MARYLAND

(Date)

TO: (Employee Name, Rank, Position)

FROM: (Supervisor Name, Rank, Position) (Supervisor's Signature Required)

RE: Statement of Charges

On (date of violation) (give brief description of what occurred).

As a result of your actions, you have been charged with failure to comply with, but not limited to, the following Departmental rules and regulations, and the Prince George's County Code:

(Quote the sections of the Personnel Law and Departmental General Orders, Directives, etc. that apply to the infraction.)

Previous efforts to counsel and afford opportunities to take remedial actions include:

(Include only if there are previous efforts to modify the employee's behavior relevant to this specific statement of charges.)

(List the previous efforts to counsel as applicable to this statement of charges:

Date(s) - List violation(s), action(s) taken, step(s) of disciplinary imposed.)

This Statement of Charges shall be forwarded through the chain-of-command for appropriate action. You will be notified of the time, date, and location of the hearing, which will be conducted to address the aforementioned charges. The responsibility to contact the IAFF Local 1619 and/or legal counsel rests with you the employee.

Within five (5) working days of receipt you may forward written comments to the Departmental Disciplinary Coordinator (DDC) through their supervisor in the Office of Professional Standards. The DDC shall attach a copy of the employee's written comments to this document. The DDC shall notify you that the written comments have been appended.

RECEIPT: I have read and understand this Statement of Charges. My signature does not indicate admittance of guilt, only acknowledgement that I have received a copy of the charges.

Signature and Rank

Date

Copy to: **(List of supervisor's in the employee's chain-of-command)**
Major, Department Disciplinary Coordinator



INTER-OFFICE MEMORANDUM

PRINCE GEORGE'S COUNTY, MARYLAND

(Date)

TO: (Employee, Name, Rank, Position)

FROM: _____, Quality Assurance

RE: Final Disciplinary Action - Waiver of Hearing

Summary of disciplinary action

On (Date) you received a statement of charges, copy attached, for failure to comply with, but not limited to, Department rules and regulations, and the Prince George’s County Code. You may accept summary disciplinary action instead of a formal Disciplinary Review Board Hearing.

If you accept summary disciplinary action, you are not disputing that the violation occurred. Further, you waive a formal Disciplinary Review Board Hearing and your rights under the Grievance and Arbitration Procedure of the current Labor Agreement made by and between Prince George’s County, Maryland, and Local 1619, International Association of Fire Fighters, AFL-CIO, CLC.

If you accept this **summary disciplinary action, it is considered final discipline.** In accordance with Prince George’s County Code, Subtitle 16, Personnel Law Section 16-193 and/or Section 16-194, it shall be a **(LIST) fine** of **\$(_____)**. You request to make restitution by: (check one)

Options for payment

- Payment in full to be returned with this signed and dated Final Disciplinary Action. Payment must be made by cashier’s check or money order only. Make check payable to “Prince George’s County.”
- Payment to be deducted at the rate of **\$(_____)** per pay period.
- Payment of **(_____)** hours of uncompensated work at the Department’s discretion. Your supervisor will be notified, via a copy of this Final Disciplinary Action, to schedule you for work. You may not work any scheduled overtime until full payment of the fine has been satisfied. Upon completion, your supervisor will submit written documentation to the Lieutenant Colonel’s office that the fine has been satisfied. Failure to comply with the required disciplinary action may result in the payment of the original fine.

You have five (5) working days to decide whether to accept the disposition in this document. It is your responsibility to consult with a representative of Local 1619, International Association of Fire Fighters, AFL-CIO, CLC. You must return this document to me by **(Date)**. If you do not return this document by that date or you decline to accept summary disciplinary action, a formal Disciplinary Review Board Hearing will be conducted.

RETURN

Dispute

I do not waive my right to a formal Disciplinary Review Board Hearing nor my rights under the Grievance and Arbitration Procedure of the current Labor Agreement made by and between Prince George's County, Maryland, and Local 1619, International Association of Fire Fighters, AFL-CIO, CLC. I do not accept the summary disciplinary action reflected above that is being assigned by the Department Disciplinary Coordinator, as a representative of the Fire Chief.

Respondent's Signature

Date

Witness's Signature

Date

Print Name

Print Name

Accept

I concur with the statement of charges and accept full responsibility for my actions. I have been counseled and understand my failure to comply with the aforementioned Department rules and regulations, and the Prince George's County Code. I agree to take the necessary actions to prevent future similar occurrences. I understand the nature of the charges and I am aware of my rights as a member of Local 1619, International Association of Fire Fighters, AFL-CIO, CLC.

I waive my right to a formal Disciplinary Review Board Hearing and my rights under the Grievance and Arbitration Procedure of the current Labor Agreement made by and between Prince George's County, Maryland, and Local 1619, International Association of Fire Fighters, AFL-CIO, CLC. I accept the summary disciplinary action reflected above that is being imposed by the Department Disciplinary Coordinator, as a representative of the Fire Chief. **I have marked the appropriate box for restitution of the disciplinary action.** In addition, I grant my approval for the Prince George's County Fire/EMS Department to release a copy of this Final Disciplinary Action to the President of Local 1619, International Association of Fire Fighters, AFL-CIO, CLC.

Respondent's Signature

Date

Charging Officer's Signature

Date

Print Name

Print Name

*Obtaining all required signatures is the responsibility of the Respondent. This form may only be issued by the DDC for minor, first time infractions that generally result in cash fine. However, the DDC's recommendation rendered by the issuance/acceptance of this form is advisory in nature and the final determination as to the taking of any authorized disciplinary action in relation thereto rests exclusively with the Fire Chief. If this form is not approved and/or accepted by the Respondent and/or the Fire Chief, neither the form or its contents may be used in the Disciplinary Review Board hearing, disciplinary appeals, arbitration hearing, or for any other purpose.

Approved

Not Approved

Lawrence H. Sedgwick, Jr.

Date



INTER-OFFICE MEMORANDUM

PRINCE GEORGE'S COUNTY, MARYLAND

(Date)

TO: (Employee Name, Rank, Position)

FROM: (DDC Name), Major, Quality Assurance

RE: Disciplinary Hearing

You are hereby directed to appear at a Disciplinary Review Board hearing at the (Location), on (Day, Date), at (Time). The hearing, which will be convened by (Rank, DDC Name), will address your "failure to comply with Departmental rules and regulations and the Prince George's County Code."

The Disciplinary Review Board panel will consist of:

(Name, Rank)
(Name, Rank)
(Name, Rank)
(Name, Rank), Alternate

You have the right to Union and/or legal representation at this hearing. Please notify this office of the names of representatives who will accompany you, at least one weekday (excluding holidays) prior to the hearing.

Copy to: (List of Supervisor's in the employee's chain-of-command - Name, Rank, Position)
(Charging Officer - Name, Rank, Position)
(Name), President, IAFF Local 1619
(Witness(s) - Name, Rank, Position)
(DRB - Name, Rank, Position)



INTER-OFFICE MEMORANDUM

PRINCE GEORGE'S COUNTY, MARYLAND

(Date)

(Employee Name, Rank)

- Department Release of Final Disciplinary Action to Local 1619, IAFF, AFL-CIO, CLC:
 - Accepted/Signed by Employee - Copy given to Union representative
 - Declined

- Preliminary hearing introduction read by the DDC:

- Formal hearing introduction read by the DDC:

Hearing taped:

- Yes - Start tape
- No

This Disciplinary Review Board Hearing is hereby convened on the (##) day of (Month, Year) and called to order at (Time) hours.

Let the record show the following persons are present. (Have each person introduce themselves by name and whom they are presenting).

On (Date) you received a Statement of Charges for alleged failure to comply with Departmental rules and regulations and the Prince George's County Code.

You also received notification that a Disciplinary Review Board Hearing, which is authorized by the Fire Chief, the County Personnel Law, and Local 1619, International Association of Fire Fighters, would be convened to consider the charges placed against you, and that you had the right to legal and/or Union representation.

(Employee Rank, Name) do you understand the nature of the charges, which have been placed against you? Response:

- Yes
- No
- Other: _____

Are you aware of your rights as a member of Local 1619, International Association of Fire Fighters? Response:

- Yes
- No

Other: _____

Disciplinary Review Board Hearing

Page 2

The purpose of this Disciplinary Review Board hearing is to hear evidence and explanations concerning the charges that have been placed against you. This hearing will not introduce a platform to argue or debate the merits of this hearing or the disciplinary process in general. This Board will make a determination of facts through submission of a written report of findings to the Fire Chief. The findings are advisory in nature and the final determination as to the taking of any authorized disciplinary action in relation thereto rests exclusively with the Fire Chief.

You will be asked to either admit or deny the charges placed against you. If you admit to being guilty of those charges, you have the right to present any evidence or explanation during this hearing. Any information presented will be considered prior to submitting the Disciplinary Review Board Report of Findings.

If you deny the charges against you, this Board will hear evidence and explanations, and determine whether the Fire/EMS Department has proven the allegations against you. The Fire Chief will be advised whether the charges have been substantiated or not. If you choose to stand mute, your silence will be considered a denial of charges.

Under the authority granted to the Fire Chief by the Prince George's County Code, and in accordance with the provisions of the current Agreement made by and between Prince George's County, Maryland, and the International Association of Fire Fighters, Local 1619, you have been charged with "failure to comply with, but not limited to, the following Departmental rules and regulations, and the Prince George's County Code:"

(List Departmental rules and regulations, and the Prince George's County Code violated)

Do you plead guilty or not guilty to these charges? Response:

- Guilty
- Not Guilty
- Not Guilty Plea entered by the DDC on behalf of the employee: _____
- Other: _____

- Hearing Procedure: (Based on employee plea)
 - Not Guilty Plea
 - Supervisor(s) testimony
 - Cross examination
 - Employee, Union, and/or legal counsel testimony
 - Cross examination
 - Witness testimony
 - Cross examination
 - DRB questions/cross examination
 - DRB questions/cross examination
 - Employee, Union, and/or legal counsel summation
 - Supervisor(s) summation
 - Guilty Plea
 - Employee, Union, and/or legal counsel explanation
 - Supervisor(s) comments
 - DRB questions/cross examination
- Closing statement read by the DDC:

This concludes the Disciplinary Review Board hearing. You will be notified in writing by the Fire Chief as to the taking of any further disciplinary action in this matter.

- DRB panel worksheets completed and forwarded to the DDC:



INTER-OFFICE MEMORANDUM

PRINCE GEORGE'S COUNTY, MARYLAND

I, _____, do hereby grant my approval
(Print Name)
for the Prince George's County Fire/EMS Department to release a copy of any
Proposed Notice of Disciplinary Action and Final Notice of Disciplinary Action resulting
from the disciplinary hearing conducted on _____, to the
(Date)
President of Local 1619, International Association of Fire Fighters.

Signature