

Management of Fire Department Discipline

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Certification Statement

I hereby certify that this paper constitutes my own product, that where the language of others is set forth, quotation marks so indicate, and that appropriate credit is given where I have used the language, ideas, expressions or writings of another.

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Abstract

The problem was the Rockland Fire Department did not have a standard guideline to consistently manage the disciplinary process. The purpose of this research project was to develop a standard guideline that could be utilized to assist members in managing the disciplinary process. This research was performed using the action research method to develop a guideline and to answer the following research questions:

1. What are the main topics that need to be included in a discipline policy for the Rockland Fire Department?
2. What forms of discipline will be utilized in the Rockland Fire Department's discipline policy?
3. What investigation methods are to be used in the Rockland Fire Department's discipline policy?
4. Who in the Rockland Fire Department will be responsible for conducting investigations using the Rockland Fire Department Discipline Policy?
5. What methods of discipline are appropriate for each level of management in the Rockland Fire Department?
6. How will discipline be tracked and recorded in the Rockland Fire Department?

The answers to the research questions and the development of the proposed guideline were gained by using a questionnaire sent to fire service members nationwide and a questionnaire sent to members of the Rockland Fire Department. Information highlighted in the Literature Review was also used to answer the research questions and assist in the development of the policy. The result of the research was a discipline policy that covered complaints, investigations, counseling, progressive discipline, documenting discipline, and who within the department has the authority

to perform the functions related to discipline. It was recommended that a discipline policy be accepted or developed with department personnel assisting. It was also recommended that before implementation, a policy is approved by legal counsel and negotiated as required by bargaining laws.

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Management of Fire Department Discipline

Author Alfred A. Montapert is credited with the quote “Nobody ever did, or ever will, escape the consequences of his choices.” (Alfred A. Montapert Quotes, 2001-2017).

Consequences of choices is the area on which this research will focus. In line, people must understand what consequences, or disciplinary actions, they will face for breaking the rules of the fire department and what processes will be used to determine if rules were broken.

Unfortunately, we do not live in a utopian society where everyone is honest, hardworking, and rule-abiding. We also do not live in a utopian society where limits are clear; all procedures are exact and precise; or one’s perception of right and wrong is equal to everyone else’s. We live and work guided by rules, laws, codes, and procedures. For our society to function, we must understand these rules, laws, codes, and procedures and understand what processes will be used to enforce them.

With a work place culture of its own, the fire service has its own rules, laws, codes, and procedures that are expected to be followed for employees to perform their duties safely and efficiently. What happens when these laws, codes, and procedures are broken? What are the consequences? Not understanding these seemingly simple questions can lead to complex problems. For the Rockland Fire Department, the problem is that the department does not have a standard guideline to consistently manage the disciplinary process.

The purpose of this research project is to develop a standard guideline that will be utilized to assist members in managing the disciplinary process. The guideline will also provide a format for what an employee can expect to occur should they be accused of breaking departmental rules, regulations, or procedures. The action research method was utilized to

develop the draft policy attached in Appendix A. The research to develop the draft policy focused on the following research questions:

7. What are the main topics that need to be included in a discipline policy for the Rockland Fire Department?
8. What forms of discipline will be utilized in the Rockland Fire Department's discipline policy?
9. What investigation methods are to be used in the Rockland Fire Department's discipline policy?
10. Who in the Rockland Fire Department will be responsible for conducting investigations using the Rockland Fire Department Discipline Policy?
11. What methods of discipline are appropriate for each level of management in the Rockland Fire Department?
12. How will discipline be tracked and recorded in the Rockland Fire Department?

Background and Significance

The Rockland Fire Department (RFD) is the primary provider of fire prevention, fire suppression, hazardous materials and technical rescue incident response, and emergency medical services for the Town of Rockland, Massachusetts. Located 20 miles south of Boston, Massachusetts, Rockland is home to approximately 17,489 residents (About Rockland, n.d.). The Town is predominantly a residential community with some light to moderate industrial facilities located on the Northeast end of town.

The Rockland Fire Department is a combination department consisting of 27 paid full-time firefighters and one paid-per-call firefighter. The rank structure of the department is 1 Fire Chief, 1 Deputy Fire Chief, 2 Captains (shift officers), 2 Lieutenants (shift officers), 1 Lieutenant

(fire prevention officer), 20 full-time firefighters, one paid-per-call firefighter, and 1 Executive Assistant (civilian). Twenty-four of the full-time personnel are divided into four working shifts of an officer and five firefighters each. The administrative staff is comprised of the fire chief, deputy fire chief, fire prevention lieutenant, and the executive assistant.

At the time of this author's promotion to the rank of fire chief in 2010, the rules and regulations of the Rockland Fire Department had not been updated since the mid-1970s. It was this author's goal to develop an updated set of rules and regulations. Included in the updated rules and regulations was an outline of expected consequences based upon a progressive discipline model. This updated set of rules and regulations went into service in January of 2011. Even though the rules and regulations were updated, the department still lacked a formal policy or guideline on how discipline was to be handled.

With no formal policy or guideline in place to manage discipline, there had developed a lax atmosphere and culture within the Rockland Fire Department. Infractions of department rules were often handled by shift officers with informal counseling sessions that resulted in no consequences to the guilty members. Often more serious infractions were ignored or swept under the rug. Department members would argue that they were not guilty of infractions since they were unaware of any rules. While there were no injuries to department members or civilians, there were times that the safety of each had been threatened.

Leadership practices were also undermined by the lax atmosphere of the department. Younger officers were faced with wanting to do the right thing, but were faced with non-commitment from department members who knew they would not face any penalties more severe than a "talking to." Again, this created a working environment that had the potential for serious safety ramifications.

Upon the adoption of new rules and regulations in January 2011, it became the administration's plan to bring discipline and consistency to the department. While the intentions were good, the execution of the plan was less than successful. If infractions of the rules did occur, the administration attempted to apply the appropriate disciplinary actions as outlined in the new rules and regulations. The administration also attempted to investigate the wrong doings that were brought to its attention. The investigations were handled on a case by case basis, and many forms of investigation were used. Each investigation seemed appropriate at the time for each infraction reported, but there was no consistency for department members. A more formal disciplinary policy or guideline would have provided for a more consistent practice to the discipline process.

Upon the completion of investigations, if punishment were to be issued to a member of the department, the progressive discipline model listed in the rules and regulations was followed. Due to the nature of different infractions to different department rules, punishment for one infraction may have been more severe than the punishment of another. This led to accusations of "different rules for different people." A more decisive policy would have allowed for a better understanding of the discipline process for department members.

Questionnaires developed as research for this project were sent to fire service personnel across the county, as well as, to members of the Rockland Fire Department. The results of these surveys can be found in Appendix B and Appendix C. Of the Rockland Fire Department members who responded to the survey, 85.7% of them felt it would be beneficial to have a policy to manage the disciplinary process.

The topic of developing a policy for managing discipline can be related to the Nation Fire Academy's Executive Leadership Course in the course topic of Thinking Systemically.

Organizations are comprised of systems and sub-systems that all interact with each other to define the organization. These systems define an organization through its culture and default responses. What has worked in the past? What has not worked? What is familiar and comfortable? What are the default behaviors the organization will fall back on when things get tough? These questions are part of the systematic thinking that occurs when an organization is going through transitional change. For the Rockland Fire Department, the transitional change is going from a culture and organization with little discipline to one in which members will be held accountable for their actions. As part of the transitional process, the Executive Leadership course has taught students to examine policies and procedures. This process of thinking systematically needs to be used for the organization to transition and become a safer working environment (United States Department of Homeland Security United States Fire Administration National Fire Academy, 2015, pp. 3-1 - 3-13).

The United States Fire Administration set 5 strategic goals for the years 2014 – 2018. Goal 3 of this strategic plan is to “Enhance the Fire and Emergency Services’ Capability for Response to and Recovery From All Hazards” (United States Fire Administration, 2014, p. 12). Of the five key initiatives for Goal 3, Initiative 3 is to “Promote a culture of health, wellness, and behavior that enhances emergency responder safety and survival” (United States Fire Administration, 2014, p. 12). To meet this key initiative and goal, a fire department must encourage a culture of education, discipline, and willingness to adapt to change. The development of a policy to manage department discipline, especially where one does not exist, for the Rockland Fire Department will help establish a disciplined culture that will be ready for the challenge of meeting USFA’s third strategic goal for 2014 -2018.

Literature Review

"Discipline, which is but mutual trust and confidence, is the key to all success in peace or war.", is a quote attributed to United States Army General George S. Patton (General George S. Patton Thoughts On Discipline, 2010-2018). But what is discipline? Merriam-Webster's online dictionary (2018) defines discipline as

- 1 a: control gained by enforcing obedience or order
b: orderly or prescribed conduct or pattern of behavior
c: SELF-CONTROL
- 2 : PUNISHMENT
- 3 : training that corrects, molds, or perfects the mental faculties or moral character
- 4 : a field of study
- 5 : a rule or system of rules governing conduct or activity

For this research project definitions 2, 3, and 5, as quoted, are the most appropriate definitions for discipline.

The fire service is always being described as a para-military organization. Members of departments must follow rules, regulations, procedures, and guidelines to keep the public and the department safe from harm. Dr. Harry Carter, in a Firehouse Magazine article states:

Control is an important function within every organization. But this is especially true in fire departments. Given the critical nature of our work, we need to all be on the same operational page. Some form of similarity must exist between our personal goals and the goals of our organization. Let me suggest that in most cases reasonable people can be found operating within the constraints of reasonably constituted organizations. (Carter, 2013, para. 1)

But what happens when a person, reasonable or unreasonable, operates outside the constraints of the organization? Here is where discipline and the disciplinary process comes into play. Dr. Carter (2013, para 3) defines discipline as “According to Webster, there are three basic ways in which we can examine discipline. Discipline is something which is; 1.Subject to authority 2.A form of instruction 3.A form of self-control”. Dr. Carter (2013, para. 4) further states that “the goal should be the creation of a fire department environment wherein discipline is an accepted tool of organizational demarcation and delineation.” This article focuses on self-discipline, coaching and nurturing department members, but the definitions and ideas such as “ We must first spell out reasonable guidelines for our people. We must then create in them an understanding of the organizational boundaries within which they are to function.” (Carter, 2013, para. 17) that is most connected to this research project.

The development of a disciplinary guideline will help in creating an understanding of organizational boundaries for employees, and it will also ensure that an employee’s legal rights are not intruded upon. An employee accused of wrongdoing and who may receive punishment for the wrong doing is entitled to due process. The 14th Amendment to the United States Constitution protects a citizens right to life, liberty, and property; all of which cannot be taken away without due process. For this research project, procedural due process will be focused on.

Procedural due process refers to fact that the procedure followed must meet the requirements of due process. Stripped down to its essential element, procedural due process requires that a person being deprived of ‘life, liberty, or property’ be treated fairly, in accordance with our concept of ‘fundamental fairness.’ (Varone, 2017, p. 2-1) Varone (2017) explains that due process can be broken down into three considerations: Whether, How much, and When. Whether a person is afforded due process is determined by what will be

lost to them. Certainly, suspension or termination of employment can be viewed as a loss of one's liberty. How much due process is due to a person is:

At a minimum, due process requires that the person be afforded adequate notice of charges against him/her, and the opportunity the circumstances. At the other extreme, the person has not only the right to adequate notice, but also a right to a full-blown evidentiary proceeding analogous to a trial where testimony is taken under oath, the right to confront and cross examine witnesses, the right to be represented by counsel, and the right to an impartial decision maker. (Varone, 2017, p. 2-3)

With an employee's due process rights in mind, a disciplinary policy must take into account collection of evidence, investigations, notification to an employee of charges, scheduling and holding hearings, hearing officers, and discipline to be imposed. Upon receipt of a complaint regarding an employee or a breach of department rules, an investigation must be initiated. In an article titled *How to Conduct a Workplace Investigation*, Dori Meinert stated the most important step in the investigation process is to plan the investigation properly. One must determine who will investigate, what will be investigated, what evidence needs to be collected, and who will need to be interviewed (Meinert, n.d.). Ms. Meinert states that investigators must be objective, impartial, and thorough. Similarly, Philip Turner (2010) counsels that a company should be prepared to conduct a comprehensive, objective, and professional investigation. He states that the investigator must collect all policies, regulations, and evidence at the start of the investigation. Turner also states that all employees involved in an incident need to be investigated, including the accused and the complainant.

“Conducting good interviews in any situation, is an art” (Landegger & Lavenant, 2011, p. 3). Landegger and Lavenant discuss the importance of choosing the proper investigator. They

state that while many investigations can be handled by an in-house investigator, there are advantages to hiring outside specialists to conduct investigations into more serious matters. They counsel on choosing an experienced investigator, potentially one with law enforcement background.

Once an investigation is completed, a report needs to be generated that concludes the investigation. Meinert states the report must conclude, based on the evidence, if company policies were violated or misconduct occurred. In most cases, the conclusion will be based upon the preponderance of the evidence. (Meinert, n.d.)

Many states, counties, and cities have laws that have been put in place to ensure employees are afforded the due process due to them. These laws are often referred to as civil service laws. Since the Town of Rockland, Massachusetts Fire Department is covered by Massachusetts Civil Service Law; we will focus on these for this research project.

Massachusetts General Law, Part 1, Title IV, Chapter 31 covers Civil Service for the Commonwealth of Massachusetts. This chapter of the General Laws covers hiring processes, pre-employment examinations, employee evaluations, probationary periods, promotional processes, and discipline processes and procedures for employees of towns and districts which have voted to follow the Civil Service process. The specific sections of Chapter 31 that deal directly with due process and employee discipline are Sections 41 through 44. A copy of these sections of the laws has been included in this report in Appendix D.

Massachusetts General Law (MGL) Chapter 31 Section 41 states:

Except for just cause and except in accordance with the provisions of this paragraph, a tenured employee shall not be discharged, removed, suspended for a period of more than five days, laid off, transferred from his position without his written consent if he has

served as a tenured employee since prior to October fourteen, nineteen hundred and sixty-eight, lowered in rank or compensation without his written consent, nor his position be abolished. Before such action is taken, such employee shall be given a written notice by the appointing authority, which shall include the action contemplated, the specific reason or reasons for such action and a copy of sections forty-one through forty-five, and shall be given a full hearing concerning such reason or reasons before the appointing authority or a hearing officer designated by the appointing authority. (Mass. Gen. Laws ch. 31, § 41)

These few sentences of law cover much of the due process requirements described by Varone (2017). An employee will be notified in writing of the charges against him/her, what disciplinary action is to be faced, and will they be given a full hearing. An important distinction that is made in this section of the law is the length of suspension that is defined. An employee, by this law, shall be notified of and given a full hearing for any suspensions that is greater than five days or 1 week. Massachusetts Civil Service employees are not guaranteed a pre-disciplinary hearing for suspensions for five days or less. They do, however, have appeal rights which will be discussed later in this literature review. MGL Chapter 31 section 41 also sets the timelines for notification to an employee and timelines for formal decisions and reports. Another important distinction that is made in section 41 is the disciplinary hearing may be heard by the appointing authority or a hearing officer designated by the appointing authority.

Massachusetts General Law Chapter 31 Section 41A states that an employee and appointing authority may request an initial disciplinary hearing be presided over by a disinterested hearing officer. The caveat with this request is that the hearing officer's decisions are final and cannot be appealed as outlined in MGL Chapter 31 Section 43. It is important to

note here that appeals regarding Massachusetts Civil Service Law and rules are governed by the Massachusetts Civil Service Commission. (Mass. Gen. Laws ch. 31, § 41A)

Section 42 of MGL chapter 31 outlines the process that an aggrieved employee may take if they feel their procedural due rights have been violated. This section also states that,

In the event the commission determines that the subject matter of such complaint has been previously resolved or litigated with respect to such employee, in accordance with the provisions of section eight of chapter one hundred and fifty E, or is presently being resolved in accordance with said section eight, the commission shall forthwith dismiss such complaint. (Mass. Gen. Laws ch. 31, § 42)

MGL Chapter 150E states an employee has a right to grieve and appeal a disciplinary action through a request for binding arbitration. Essentially this section states that an employee only has “one bite at the apple.” Disciplinary action cannot be appealed to more than one venue.

Section 42 further defines who has jurisdiction over a disciplinary appeal under this section. The state’s supreme judicial court or the superior court will have the jurisdiction to reinstate an employee who had been wrongfully disciplined. (Mass. Gen. Laws ch. 31, ss 42)

Massachusetts General Law Chapter 31 Section 43 defines the appeals process for an employee who disagrees with the disciplinary action of an appointing authority. It is important to note that an aggrieved employee can appeal any disciplinary action, not just those listed in Section 41, through this section of the Civil Service law. This section lays out the timelines that are required to be followed by the employee, the appointing authority, and the state’s Civil Service Commission. An employee who appeals a disciplinary action will be granted a hearing in front of a disinterested hearing officer who will make a final decision on the outcome of the discipline. By this section of the law, based upon the hearing officer’s report, the Civil Service

Commission can uphold, reverse, or modify the disciplinary action previously issued by an appointing authority. Decisions made under this section are judicially reviewed under MGL Chapter 31 Section 44. (Mass. Gen. Laws ch. 31, ss 43)

As noted above, the Civil Service Commission's decisions are judicially reviewed. Massachusetts General Law Chapter 31 Section 44 states how this process is handled. Also covered by this section of the law is the appeal process for judicial review by an employee or appointing authority who disagrees with the Civil Service Commission's Section 43 decision. This is the final appeal of the disciplinary process.

After investigating a complaint, collecting evidence, and determining that action must be taken; what will that action look like? Does an employee need to be educated, coached, counseled, suspended, or terminated? Having a disciplinary policy in place will help guide an organization through the process. However, what forms of discipline or punishment should be included in the policy?

There are numerous ways to impose discipline, and they fall into one of two categories; positive reinforcement and negative discipline. In an online article, Stan Mack (n.d.) defines each model. Positive discipline or positive reinforcement "fosters appropriate behavior by encouraging employee participation." (para. 1) and are steps "which motivate employees to comply with organizational protocols and standards (para. 2). He also states that "...rewards, bonuses, promotions and other types of positive reinforcement align employee interests with the company's, inspiring employees to work harder." (Mack, n.d., para. 2). Mack (n.d.) defines negative discipline as consisting "... of some form of punishment, such as negative criticism, demotion, wage loss, suspension or termination."(para. 3)

The positive discipline process, after thorough investigation of a problem, involves discussing the problem with the employee, documentation, follow-up, and setting achievable goals for employees. Continual support and guidance should be given to the employees through the positive discipline process. (Mack, n.d.). Sue Bingham (2014) shares a similar view on discipline as Mack. In her online blog article, she discusses positive and respectful disciplinary methods “that creates a positive employee response and prompts a commitment to changed behavior.” (Bingham, 2017, para. 7)

Bingham (2014) describes traditional discipline as a negative discipline model that employs threatening language and punishment that is not instructive. Bingham further describes negative discipline as traditional discipline, and she uses the example of the progressive discipline model.

The most common disciplinary model is the progressive discipline model which is defined by Dr. Stephen Bruce (2014, para. 2) as a policy “that has clear progression of disciplinary actions that will be taken when an employee violates the work rules.” He gives examples of progressive steps that a policy may contain such as verbal warning, written warning, suspension, and termination. Bruce explains the pros and cons of this model of discipline. The pros of a progressive discipline model are:

- it provides a clear explanation of the consequences,
- provides for consistency,
- gives an opportunity for behavioral change,
- provides for coaching and mentoring,
- provides for alternatives to termination,
- enhance employee morale, and

- provides evidence that an employer gave an employee opportunities to improve.
(Bruce, 2014)

The cons of a progressive discipline model are:

- the policy may seem inflexible,
- when not followed consistently, it may appear discriminatory,
- it could be interpreted that steps must be followed in order,
- can be a time-consuming process, and
- for some organizations, it is just not a practical policy. (Bruce, 2014)

The current Rules and Regulations of the Rockland Fire Department provide a guideline for disciplinary action. Included in this guideline is a progressive discipline model of punishments that includes:

- verbal reprimand,
- letter of reprimand,
- reduction in rank (permanent and temporary)
- suspension without pay, and
- discharge from service. (Duffey, 2011)

As the creator of these rules and regulations, this author is familiar with the processes taken to develop them. While legal counsel with the Town of Rockland's attorney was sought, there was not a full understanding by the author of any discipline process at the time the rules were written and adopted. These rules and regulations were, however, embraced by department members and have been used on a few occasions. As discussed in the Background and Significance section of this report, there remains a lack of defined procedures on how the discipline process is to work.

Varone (2017) does not define a preferred disciplinary model in his text but defines disciplinary actions into two groups. The two groups are Corrective Remedial Actions and Corrective Discipline Actions. A comprehensive list of actions for each group is listed by Varone (2017). These lists, if followed in order would reflect a progressive discipline model.

Once counseling or discipline has taken place, it is important for a supervisor to document the steps taken in the disciplinary process. Karen Sutherland (n.d.) outlines why documentation is necessary. She states:

- “Documentation of discipline will help establish that future, progressive discipline is not retaliatory.” (Sutherland, n.d.)
- “Documentation makes it easier for multiple supervisors or successive supervisors to track behavior and performance” (Sutherland, n.d.)
- “Consistent documentation can be used to counter a discrimination charge” (Sutherland, n.d.)
- “Disciplinary records can help the employer prove its position in arbitration or in court, if necessary.” (Sutherland, n.d.)
- “Documentation of discipline helps employees know where they stand, and may improve their performance.” (Sutherland, n.d.)
- “If there is an Agreement or a binding Manual, then there must be documentation before termination for unsatisfactory work performance.” (Sutherland, n.d.)
- “Progressive discipline is very difficult to impose without written documentation of past disciplinary actions.” (Sutherland, n.d.)

Sunderland also states that documentation must be maintained as stated in the company's policy.

Thadford Felton holds similar views of maintaining discipline records as Ms. Sunderland. Mr.

Felton expresses

Documentation of employee misconduct must be handled as a business issue. While supervisors or managers may feel that their time would be better spent doing anything other than documenting such problems, the process is essential. It helps the employee change his behavior. And it protects the business. (Felton, 2009, para.16)

In his online article, Felton also recommends that an employer have an employee discipline form. The form will make documenting discipline easier and ensures a uniform process.

After proper documentation has been completed, a copy of the document must be placed in the employee's file. "If the documentation is lost, it may as well never have occurred."

(Fordyce, 2013)

An important factor to consider while discussing and developing disciplinary policies is that of unionized labor. Massachusetts General Law Chapter 150E is the statute which covers labor relations for public employees. Section 6 of Chapter 150E stipulates that

The employer and the exclusive representative shall meet at reasonable times, including meetings in advance of the employer's budget-making process and shall negotiate in good faith with respect to wages, hours, standards or productivity and performance, and any other terms and conditions of employment, including without limitation, in the case of teaching personnel employed by a school committee, class size and workload, but such obligation shall not compel either party to agree to a proposal or make a concession; provided, however, that in no event shall the right of any employee to run as a candidate

for or to hold elective office be deemed to be within the scope of negotiation. (Mass. Gen. Laws ch. 150E, ss 6)

Disciplinary Policies are considered a subject of mandatory bargaining and must be negotiated before implementation under Section 6.

The Discipline process is more than issuing punishment. Procedures must be developed to protect the employer and the employee. This literature review has defined different types of discipline, what investigation methods should be considered in a policy, what must be done to protect the due process an employee is due, how Massachusetts Civil Service law affects the disciplinary process, numerous forms of correction and punishment, and different disciplinary models. This information was utilized to compile two electronic questionnaires that were used to gather information on current and expected disciplinary models in today's fire service.

Procedures

The procedures used to answer the research questions and develop a draft discipline policy for the Rockland Fire Department for this action research project were a thorough literature review and the development of two questionnaires. Before the development of the questionnaires, a literature review was performed to determine what topics needed to be included in a discipline policy. Online computer searches of the internet were performed using the Google and Bing search engines. Searches were conducted using the phrases "discipline policies," "discipline in the fire service," "discipline investigation," "Massachusetts General Law Chapter 31," "Massachusetts General Law Chapter 150E," "positive discipline," "progressive discipline," "progressive discipline in the fire service," and "documenting discipline. The National Emergency Training Center Library Catalog online search tool was also utilized using similar search criteria. Previous EFO research papers, white papers, articles, and scholarly

research was found using the above methods. A review of the National Fire Academy's Executive Leadership Student Manual was also consulted for information.

Two questionnaires were designed using the online SurveyMonkey website to gather information on discipline policies. The first questionnaire titled Discipline Policies consisted of 22 questions. The purpose of this questionnaire was to survey fire service leaders and professionals regarding what information should be contained in a discipline policy. Questions were related to types of discipline, investigations, hearings, department personnel involved in discipline, and how discipline is recorded. A copy of the questions can be found in Appendix B. A second questionnaire was developed to survey the current members of the Rockland Fire Department. Similar to the other questionnaire, questions were asked relating to types of discipline, investigations, hearings, department personnel involved in discipline, and how discipline is recorded. Titled RFD Discipline Policy – Executive Fire Officer Program Research, consisted of 20 questions. Refer to Appendix C to view these 20 questions. The purpose of the Rockland Fire Department questionnaire was to gather information from department members on their thoughts of what a discipline policy should cover. Both surveys were proofread and reviewed by two fire chiefs and a school teacher before being released to the survey populations. The first survey was sent out to multiple locations. A web link was created for the survey to be shared by posting on multiple social media locations, emailed, and posted on fire service blogs. The questionnaire titled Discipline Policies was sent to Fire Chiefs and fire service professionals. The web link was posted to the Corkboard Section of the website for the Fire Chiefs Association of Massachusetts. In addition to posting the survey on the corkboard, it was also emailed to approximately 760 members of the Fire Chief's Association of Massachusetts. A link was also emailed to all 28 Fire Chiefs located in Plymouth County, Massachusetts. The link was also

posted to the NFA EFO 2014 to Present Facebook Group. The potential number of respondents belonging to this Facebook group is 237.

The second SurveyMonkey questionnaire weblink was emailed to 24 current members of the Rockland Fire Department. As part of the survey and email, personnel were notified that the survey was anonymous and it would not be known who responded. Also, department personnel were also notified that the questionnaire was for research purposes only for an Executive Fire Officer Applied Research Project. These distinctions were made as an attempt to gather as many responses as possible.

Results

The ultimate result of this action research is the development of a discipline policy for the Rockland Fire Department. This proposed discipline policy can be found in Appendix A. Each section of the policy and how it was developed will be discussed in the Discussion Section of this report.

The literature reviewed for this project led to an understanding of what needs to be included in a discipline policy, not just for the fire service, but for any industry. The literature reviewed was used to answer Research Question 1: What are the main topics that need to be included in a discipline policy for the Rockland Fire Department? The results were as follows:

- investigations into complaints,
- pre/post hearings for the accused,
- methods and forms of discipline,
- appeals processes, and
- recording of discipline.

The remaining research questions were answered utilizing the results of the questionnaires. Full results of the questionnaires can be found in the Appendix of this paper. The results for the questionnaires titled *Discipline Policies* which was designed to receive input from Fire Service personnel can be found in Appendix B. This questionnaire had 84 respondents, 75 of which were complete, and 9 having partial responses. The complete results of the survey titled *RFD Discipline Policy – Executive Fire Officer Program Research* can be found in Appendix C. This questionnaire was responded to by 8 of the 24 Rockland Fire Department personnel it was sent to. Only one respondent failed to answer all questions.

The results for research questions two through six will be reviewed a question at a time. Pertinent results of questionnaire answers will be highlighted for each research question.

Research Question 2: What forms of discipline will be utilized in the Rockland Fire Department’s discipline policy?

Based on the responses to Question 8 of the questionnaire sent out to fire service personnel, the most common types of discipline throughout the fire service can be seen in Table 1. The Rockland Firefighters were questioned as to what discipline methods they expected to be in a discipline policy. Those results from Questionnaire 2 can be viewed in Table 2. Based upon the responses received in both questionnaires, the Rockland Fire Department policy should include the following methods of discipline:

- Verbal reprimand,
- Written reprimand,
- Suspension without pay,
- Permanent demotion, and
- Termination.

Note that counseling and coaching are included in the questionnaire responses. These forms of discipline will be included in the policy, but will not be considered discipline or punishment.

This will be discussed further in the Discussion Section of this report.

Table 1.

Discipline Policies

What forms of discipline are covered under your organization's discipline policy? Please check all that apply.

Answer Choices	Responses	
Informal coaching/counseling session (no written record maintained)	70.49%	43
Formal coaching/counseling session (written record maintained)	78.69%	48
Verbal reprimand	86.89%	53
Written reprimand	93.44%	57
Demotion – temporary	45.90%	28
Demotion – permanent	70.49%	43
Suspension	98.36%	60
Dismissal/Termination from service	96.72%	59
Other (please specify)	9.84%	6
	Answered	61
	Skipped	23

Table 2.

RFD Discipline Policy - Executive Fire Officer Program Research

If a discipline policy or SOG were to be developed, what forms of discipline should be included in the policy? Please check all that apply.

Answer Choices	Responses	
Informal coaching/counseling session (no written record maintained)	28.57%	2
Formal coaching/counseling session (written record maintained)	57.14%	4
Verbal reprimand	71.43%	5
Written reprimand	71.43%	5
Demotion - temporary	42.86%	3
Demotion - permanent	42.86%	3
Suspension	57.14%	4
Dismissal/Termination from service	28.57%	2
Other (please specify)	42.86%	3
	Answered	7
	Skipped	0

Research Question 3: What investigation methods are to be used in the Rockland Fire Department’s discipline policy?

The investigation methods that will be used in the proposed discipline policy for the Rockland Fire Department are written statements from witnesses and those individuals involved, and private interviews of witnesses and those individuals involved. These were chosen based on the responses collected in the two surveys. Results of these questionnaire questions can be viewed in Table 3 and Table 4.

Table 3.

Discipline Policies

How are investigations performed within your organization to collect pertinent information from department members? Please check all that apply.

Answer Choices	Responses	
Written statements are collected.	97.78%	44
Written Survey/Questionnaires are required to be filled out.	13.33%	6
Private interviews are conducted.	93.33%	42
Not Applicable	0.00%	0
Other (please specify)	6.67%	3
	Answered	45
	Skipped	39

Table 4.

RFD Discipline Policy - Executive Fire Officer Program Research

If a policy or SOG were to be developed, which methods of investigation should be included? Please check all that apply.

Answer Choices	Responses	
Written statements that are collected.	85.71%	6
Written Survey/Questionnaires that are required to be filled out.	14.29%	1
Private interviews	85.71%	6
Other (please specify)	28.57%	2
	Answered	7
	Skipped	0

Research Question 4: Who in the Rockland Fire Department will be responsible for conduction investigations using the Rockland Fire Department Discipline Policy?

Based upon the responses collected in the questionnaires, as well as the literature review, investigations relating to the disciplinary process will be conducted by the following personnel:

- department lieutenants,
- department captains
- department deputy chief,
- department fire chief, and
- independent investigators.

Question 4 of each survey was related to personnel who conduct investigations or whom the Rockland Fire Department expects to be conducting investigations. Table 5 and Table 6 below list the results of these survey questions.

Table 5.

Discipline Policies

Which ranks within your organization are allowed to handle/conduct disciplinary investigations? Please check all that apply.

Answer Choices	Responses	
Firefighter	0.00%	0
Senior Firefighter of shift/company	0.00%	0
Engineer	0.00%	0
Lieutenant	17.78%	8
Captain	55.56%	25
Shift Officer (Battalion Chief, District Chief, Commander, Etc.)	44.44%	20
Deputy/Assistant Chief	75.56%	34
Chief of Department	86.67%	39
Supervisory Board, Commissioners, Board of Engineers	11.11%	5
Other (please specify)	15.56%	7
	Answered	45
	Skipped	39

Table 6.

RFD Discipline Policy - Executive Fire Officer Program Research

Which ranks within the department should have the authority to handle/conduct disciplinary investigations? Please check all that apply.

Answer Choices	Responses	
Firefighter	0.00%	0
Senior Firefighter of shift	0.00%	0
Lieutenant	42.86%	3
Captain	42.86%	3
Deputy Chief	71.43%	5
Chief of Department	100.00%	7
Other (please specify)	14.29%	1
	Answered	7
	Skipped	0

Research Question 5: What methods of discipline are appropriate for each level of management in the Rockland Fire Department?

The backup data for the following results can be found in Appendix B survey questions 9 through 16, and Appendix C survey questions 7 through 14. Similar results from each questionnaire led to the following ranks being empowered to deliver counseling or discipline.

Refer to Table 7 for a matrix ranks and the discipline levels empowered to them.

Table 7.

Discipline Level Empowerment by Rank

	Informal counseling	Formal counseling	Verbal reprimands	Written reprimands	Suspension without pay	Permanent demotion	Termination
Lieutenant	✓	✓	✓				
Captain	✓	✓	✓				
Deputy Chief	✓	✓	✓	✓			
Fire Chief	✓	✓	✓	✓	✓	✓	✓

Research Question 6: How will discipline be tracked and recorded in the Rockland Fire Department?

The proposed discipline policy will detail how discipline is to be recorded and the length of time the records will be maintained. Based on the data collected from the two surveys and knowledge gained through the literature review, discipline will be recorded and maintained as determined by the level of discipline.

Informal counseling sessions will not be required to be recorded. If the officer who is performing the informal counseling chooses to maintain a record, they may. The records of informal counseling will be kept by the officer performing the counseling and will not become a permanent record of an employee, so long as further discipline is not required.

A record of a formal counseling session will be required to be maintained. The documentation of the formal counseling will be kept by the officer performing counseling. This documentation will be maintained for a minimum of one year and will not be placed in a member's personnel folder. This record of counseling will not become a permanent record of an employee, so long as further discipline is not required.

To maintain consistency, a counseling form will be developed for the policy. This document will guide officers on proper documentation of the counseling issued.

More severe discipline will require a permanent record of the punishment issued. This record of discipline will become a permanent record in an employee's personnel file. Permanent records will be maintained for verbal reprimands, written reprimands, suspension without pay, permanent demotions, and terminations. The preferred method of documentation will be a letter to the employee describing the offenses, rules and regulations that have been violated, discipline type, and any supporting documentation such as evidence and reports of hearings.

Discussion

The proposed discipline policy in Appendix A was developed using the results of the research questions along with information gathered in the literature review. Much of the information gathered for this research was done using data from online questionnaires. It was important to gain information from the membership of the Rockland Fire Department. Unfortunately, only seven out of the active 24 members participated in the survey. It is interesting to compare the results from these seven firefighters with the data collected from the 82 respondents of the questionnaire sent out to the wider fire service personnel throughout the country. The results for similar questions used in each questionnaire were extremely close. While there was a lower percentage of respondents to the RFD questionnaire, this author does not feel the lack of information gathered is irrelevant. It is this author's opinion that more RFD respondents would have resulted in data which would have supported the current data collection and the conclusions reached in this research project.

When questioned about the current discipline practices at RFD, approximately 85% of respondents felt that the process was fair. However, only 71% felt that discipline was consistent. Also, eighty-five percent RFD members felt that it would be beneficial to have a discipline policy. By developing a policy, the Rockland Fire Department would fall in line with what appears to be the majority of the fire service. Based on the Fire Service questionnaire, 82% of the respondents stated their departments have a discipline policy; 97% of those policies following the progressive discipline model. Carter (2013) stated that organizations need guidelines that create boundaries for employees work and be able to stretch their wings. Bruce (2014) states that a progressive discipline policy is a consistent measure that can be implemented to be used if an employee violates a policy. A theme from Bruce's article is a discipline policy that is fair and

consistent. Varone (2017) also states discipline, when properly applied, will change behavior and a policy will maintain consistency and fairness. Areas that the members of RFD were looking to for in a policy.

Bruce (2014) states that progressive discipline will give an employee an opportunity to change their behavior, but the punishment is viewed as a negative discipline model. Bingham (2017) feels that punishment like that prescribed in progressive discipline models is not instructive. She agrees with Bruce that the goal of discipline is to change behavior, but she feels there is a more respectful way of solving discipline issues. Bingham's desired method of discipline is a counseling approach where the cause of a problem can be identified through adult conversation. (Bingham, 2017) Stan Mack (n.d.) states that a policy developed around positive discipline will foster "...positive reinforcement, which motivates your employees to comply with organizational protocols and standards." (para. 2)

Based on the need, the attached policy was designed utilizing both discipline concepts laid out by Bruce and Bingham; counseling and progressive discipline. Stated in the policy's purpose section, the policy has been designed to correct behavior with a progressive process that is positive in nature. The policy was designed for consistency, fairness, and to be unbiased.

The complaints section of the policy was developed around Varone's writings. He states that "...all complaints must be investigated and the information gathered must be used as a strategic tool to improve the organization." (Varone, 2017, p. 1-3) He states that the complaint process should be convenient, courteous, and prompt. Complaints should be passed to a ranking officer as soon as possible. Documenting a complaint is the first step in collecting evidence such as specific times, dates, locations, persons involved, and the actual complaint needs to be carefully recorded.

According to Landegger and Lavenant (2011) in today's workplace, there is an infinite number of issues that may arise needing to be investigated. They state that investigations need to be performed promptly. Dori Meinert (n.d.) also states that investigations need to be quick yet thorough.

Stretching an investigation out over a lengthy period tells employees the alleged misconduct isn't important. As time goes by, it will become more difficult to collect evidence and get witnesses to talk. Details are forgotten. Documents disappear. Bad behavior continues." (Meinert, n.d.)

Landegger and Lavenant (2011) counsel that having trained investigators such as law enforcement personnel or lawyers is becoming the preferred method. While budget constraints are always a concern, the proposed policy does take this advice into account.

The investigation section of the RFD discipline policy states that investigation must be performed promptly. To keep the underlying theme of a positive discipline model, investigations are first used to find a cause of a violation and then to determine if punishment is warranted.

Based on the responses of both questionnaires, it was determined for the Rockland Fire Department that the ranks of lieutenant and above will have the ability to have an investigation assigned to them. Taking into account the advice of Landegger and Lavenant (2011), investigators will need to complete training in workplace investigations before performing any investigations. Also, on advice from Landegger and Lavenant (2011), the policy allows for an outside investigation agency to be used. This is advisable when there are criminal charges associated with an employee's wrongdoing.

As stated by Bruce (2104), Bingham (2017), and Mack (n.d.), discipline should focus on finding the cause that led to an employee's violation and should not focus on the punishment.

This policy was developed to empower fire officers of all ranks with the ability to provide counseling and coaching to an employee before issuing punishment. The counseling section of the attached policy provides a guide for an officer to follow when counseling is to be performed. Minor infractions of department rules will not require severe discipline to be issued, while at the same time, the violations cannot be ignored. Bingham states that "...95 percent of employees are responsible adults. If a problem develops and is brought to their attention, they will want to solve it." and "By using adult communication, showing confidence and trust, and involving the employee in finding a solution, you will get the desired results." (Bingham, 2017, para. 9) Employees described by Bingham are whom the counseling section was designed for. Based on Questions 7 and 8 of the RFD Discipline questionnaire, RFD members felt that fire officers of the ranks lieutenant and above should have the authority to perform counseling and coaching sessions. Similar results were found in the questionnaire, Appendix B, that was sent to out to the members of the fire service. Refer to Questions 9 and 10 of that survey.

For more serious offenses or for employees who are continually violating department, rules, regulations, or policies a progressive discipline section was designed into the policy. This policy was designed similar to those described by Bruce (2014). Bruce defines progressive discipline as having "...a clear progression of disciplinary actions that will be taken when an employee violates the work rules." (Bruce, 2014, para. 2) He lists disciplinary actions such as verbal warnings, written warnings, suspension, and termination.

The progressive discipline punishment that has been included in the discipline policy for this report was derived from data taken from the questionnaires designed for this research project. The questionnaire that was sent to fire service members throughout the country was relied upon more than that of the results from the questionnaire sent to the members of RFD.

While the results were not drastically different, the RFD results showed that department members were unwilling to commit to more serious forms of punishment. Based upon the results from the fire service questionnaire, the following punishments were included in the designed policy:

- Verbal reprimands,
- Written reprimands,
- Suspensions,
- Permanent demotions, and
- Terminations.

An important notice was included in the progressive discipline section that steps of progressive discipline may be skipped depending upon the seriousness of an infraction. The advice to add this notice came from Bruce (2014). He states:

Bear in mind that some infractions may warrant skipping the early steps altogether.

Having a progressive disciplinary system in place does not mean that an employer cannot move immediately to termination for serious violations such as violence, harassment, theft, or major safety violations. This should be explained in the policy itself. (para. 4)

The final section of the draft policy for managing discipline at the Rockland Fire Department deals with documenting discipline that has been issued and maintaining records. Too often you hear that if something is not written down, then it did not happen. Tiffany Fordyce states “If you don’t have evidence to back up your decision, you could face penalties and even lawsuits charging discrimination.” (Fordyce, 2013, para. 1). She provides a list of do’s and don’ts for recording employee discipline. She states to be specific, but not too specific; indicate the violations and consequences; and ensure to document follow up. These same views

are shared by Felton (2009). Felton advises the use of a disciplinary recording form for consistency and ensuring all required information is collected. These ideas were incorporated into the discipline policy.

Results from the questionnaires were also incorporated in the recordkeeping section of the proposed policy. Similar to the results from the progressive discipline section, the Rockland firefighters were less eager to commit to maintaining records of discipline than their counterparts nationwide. The ideas of RFD members were taken into consideration, and that is reflected more in the documentation of counseling.

Depending upon the seriousness of violations, documentation of a counseling session may or may not be recorded. If recorded, the use of a form, as suggested by Felton (2009) is necessary. The authority to perform counseling has been given to all fire officers, lieutenant and above, and it will be their determination if counseling will be recorded. Not all discipline needs to be sent to the top. Fire officers performing counseling will maintain the counseling forms, and they will not become a permanent record in an employee's file.

Progressive discipline will always be recorded and maintained as a permanent record in an employee's file. Based on the fire service questionnaire questions 17 and 18, this is the trend throughout the fire service. When more serious violations are handled, the stiffer the penalties. This may lead to legal battles. Felton (2009) states:

Documentation also acts as an insurance policy for the company. If the employee later challenges an action that had been taken against him as a result of poor performance or a behavior issue, or files a grievance or lawsuit, thorough documentation can prevent such actions from continuing beyond the preliminary stages. (para. 4)

Progressive discipline will not be recorded using a basic form. It will be much more involved and better served to be recorded in letter or report form with all pertinent information included.

The development of a discipline policy utilizing the results attained will bring consistency, fairness, and an unbiased approach to managing discipline for the Rockland Fire Department. The proposed policy empowers lower ranks within the department to participate in the process. It is hoped that this will lead to buy-in, as well as, strengthen the leadership characteristics of those within leadership roles.

Recommendations

Discipline may be the least desirable task for any manager or leader. Having to perform the required steps that may lead up to issuing discipline and then having to issue the discipline with no guidance is a human resources disaster waiting to happen. As a result of this research, the following recommendations are made:

1. The Town of Rockland Fire Department should adopt either a town-wide disciplinary policy or develop their own policy.
2. Utilize the policy attached to this research project or develop one similar.
3. Any policy developed must have sections for guiding employees on receiving complaints, performing investigations, protecting employees' rights to due process, determining what levels of discipline are available to them, and recording discipline.
4. Any policy that is developed must be reviewed by the town's legal department or town attorney.
5. For the Rockland Fire Department, before implementation, any disciplinary policy will need to be negotiated with the union. Discipline policies are a mandatory subject of bargaining which falls under Massachusetts General Law Chapter 150E.

6. Work with members of the department on the development and editing of the policy.

This will provide input from all levels and will allow for a greater buy-in when implemented.

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Appendix A

Draft discipline policy for the Rockland Fire Department

	<p>ROCKLAND FIRE DEPARTMENT STANDARD OPERATING GUIDELINE</p>		<p>Policy #: 18-XX Date: XX/XX/2018 Page: 1 of 6 Revision:</p>
<p>Title: Discipline Policy</p>		<p>Section: Administration</p>	
<p>Prepared by: Scott F. Duffey</p>	<p>Chief of Department</p>	<p>Date: XX/XX/2018</p>	
<p>Approved by: Scott F. Duffey</p>	<p>Chief of Department</p>	<p>Date: XX/XX/2018</p>	

PURPOSE:

The principal purpose of discipline to change behavior. This will occur through a progressive process which will include a positive discipline model as the underlying theme. This policy has been developed to guide the members of the Rockland Fire Department through the disciplinary process in a consistent, fair, and unbiased manner.

This policy applies to all uniformed and civilian members of the Rockland Fire Department.

1. DEFINITIONS:

- 1.1. **Administrative Leave:** Is an ordered absence from duty without the loss of pay or benefits. This may be necessary for the safety of department personnel and the performance of an investigation. The Fire Chief or Deputy Fire Chief shall have the authority to place an employee on administrative leave. If the Fire Chief or Deputy are unable to be reached, any officer with the rank of Lieutenant or above can place an employee on administrative leave.
- 1.2. **Civil Service:** The members of the Rockland Fire Department are protected by the Massachusetts Civil Service Laws as defined in Massachusetts General Law (MGL)

chapter 31. This policy has been developed to ensure an employee's due process, as outlined in MGL ch.31, is maintained.

- 1.3. **Complaint:** A complaint for the purposes of this policy will be the reporting of a violation of the Department Rule, Regulation, Policy, or Guideline; reporting of a violation of a Town Rule, Regulation, Policy, or Guideline; or violation of the law. A complaint may be reported verbally or documented in writing. The complainant shall be answerable to all accusations they have made.
- 1.4. **Counseling/Coaching:** This will be a positive tool to be used by Fire Department Officers to correct behaviors. Minor breaches of department policies or rules will be corrected utilizing this method. An officer will educate an employee in a respectful and positive manner of a minor wrongdoing. The employee will be instructed on the proper rule, policy, regulation, etc. A follow-up counseling session may be necessary to ensure proper training/education has taken place. There will be two forms of Counseling/Coaching: Informal, in which a counseling form is not required to be filled out; and formal, in which a counseling form is required to be filled out. Counseling/coaching shall not be considered where a violation has occurred that has threatened the safety of department personnel or the public.
- 1.5. **Investigation:** An investigation will be conducted on all complaints received. An investigation may consist of employee interviews, collection of written statements, collection of evidence, and interviews of witnesses. Investigations will be assigned by the Chief of Department, and only to personnel who have completed an approved course on investigation methods for disciplinary purposes.
- 1.6. **Progressive Discipline:** This is a stepped model of punishment with each level of punishment more severe than the previous. This tool is designed for the more serious breaches of rules, regulations, policies, and laws which have placed the safety of department personnel or the public in danger; or has placed the department or town in a liable situation; or has caused the department's image to be lessened. There shall be five steps to progressive discipline. Dependent upon the nature of the violation, steps may be bypassed.
 - 1.6.1.1. **Step 1: Verbal Warning:** Similar to counseling/coaching, an employee will receive an oral reprimand for their violation. This reprimand will include

the actions the employee performed which caused the violation, which department rules, regulations, policies, laws, etc. that were violated, and follow-up actions that will be required to be performed.

1.6.1.2. **Step 2: Written Warning:** At this level of discipline, an employee will receive a written reprimand which will include the actions the employee performed which caused the violation, which department rules, regulations, policies, laws, etc. that were violated, and follow-up actions that will be required to be performed.

1.6.1.3. **Step 3: Suspension:** Is an ordered absence from duty without pay.

1.6.1.4. **Step 4: Permanent Demotion:** Is a lowering of rank to the next lowest level. All salaries and benefits enjoyed with a rank will be affected by this demotion.

1.6.1.5. **Step 5: Termination:** Is a permanent loss of employment with the department. This includes the loss of salary and benefits.

1.7. **Rules and Regulations:** Defined rules, regulations, policies, and guidelines that govern behavior and work performance. These may be developed within the department or the town.

2. Complaints

2.1. All complaints received by an officer of the department shall be investigated. This includes complaints from within the department and from outside sources.

2.2. It is preferred that complaints be submitted in writing, but it will not be mandatory.

2.3. When placing a complaint or receiving a complaint, please list all parties involved, specific dates, times, locations, and actions that led to the complaint. Make every effort possible to collect contact information from the complainant.

2.4. Complaints shall be handled at the lowest level possible with reporting to senior personnel as required by this policy. Citizen complaints shall be handled by an officer with a rank of lieutenant or above, if available.

3. Investigations

3.1. All complaints will be investigated promptly. Witnessed violations shall also be investigated. The main purpose of investigations will be to determine what actions led

to a complaint or violation. The secondary purpose of the investigation will be to determine if discipline needs to be issued and at what level.

3.2. Investigation methods will be the following:

3.2.1. Written Statements: Collect a written statement of all individuals involved in an issue. Statement should be collected from the accused, the complainant, and all witnesses. Encourage respondents to be as detailed and thorough as possible.

3.2.2. Interviews: Interviews will also be used as an investigation tool. Interviews shall be private interviews with all witnesses, complainants, and those accused. UNION REPRESENTATION SHALL NOT BE DENIED TO ANY MEMBER REQUESTING SUCH.

3.2.3. Investigations shall be handled at the lowest level as possible. The Chief of Department will issue to whom an investigation will be assigned. The rank of Lieutenant and above will be able to perform investigations, so long as the personnel in those ranks have completed the proper training.

3.2.4. The Chief of Department may assign investigations to an outside agency or private contractor. Consideration in this will be given to the seriousness of the violation and when criminal charges are related. Investigators with law enforcement background should be considered.

4. Counseling and Coaching

4.1. The main purpose of discipline is to change behavior. Most violations that will be encountered will be minor infractions of policies and department rules. These infractions will mostly be made by honest and hardworking members of the department who have not purposely intended to do wrong.

4.2. Upon receiving a complaint and having an investigation performed, if the violation is considered minor, the accused will be educated on the proper behavior. This will be done in positive and respectful manner. The accused will be told what they did wrong, what rule, regulation, policy, etc. was violated, and what needs to be done in the future as an improvement. There will two types of counseling and coaching sessions.

4.2.1. Informal counseling – To be used to correct minor violations at the time they have occurred. A written record may be retained by the counseling officer.

4.2.2. Formal Counseling – To be used when more serious violations or repeated violations occur. A written record of the counseling will be maintained by the counseling officer as outlined in this policy.

4.2.3. All officers Lieutenant and above have the authority to perform informal and formal counseling.

4.2.4. Counseling shall be performed at lowest level as possible.

5. Progressive Discipline

5.1. Progressive discipline shall be utilized as a last resort. Punishment is not the best motivator or education tool to change behavior. This method of discipline shall be utilized when formal counseling has failed, or a violation is severe enough to have endangered department personnel or the department's reputation.

5.2. Progressive discipline should start at the lowest level as outlined in Section 1.6 of this guideline. Depending on the seriousness or severity of the violation, lower forms of progressive discipline may be skipped and more severe punishment issued.

5.3. Suspensions, demotions, and terminations will be issued following the due process as outlined by Massachusetts Civil Service Law – MGL Chapter 31.

5.4. Records of progressive discipline shall be maintained as outline in this guideline.

5.5. The following is a list of ranks that are empowered to issue the steps of progressive discipline;

5.5.1. Verbal Reprimands – Lieutenants and above.

5.5.2. Written Reprimands – Deputy Fire Chief and above.

5.5.3. Suspensions without pay – Fire Chief only.

5.5.4. Permanent Demotions – Fire Chief only.

5.5.5. Terminations – Fire Chief only.


5.6. Discipline shall be performed at the lowest level possible.

6. Recordkeeping

6.1. Records of counseling and progressive discipline shall be followed per this section of policy with no exceptions.

6.2. Counseling Records

- 6.2.1. Informal counseling may be documented by the counseling officer or at the request of the accused employee. A counseling form identical to the one attached to this policy may be used. Counseling records will not become a permanent record of an employee, so long as further discipline is not required. A copy of the document shall be given to the employee.
- 6.2.2. Formal counseling shall be documented by the counseling officer utilizing the counseling form attached to this policy. Counseling records will not become a permanent record of an employee, so long as further discipline is not required. A copy of the document shall be given to the employee.
- 6.2.3. The counseling officer will keep any counseling forms they have filled out.
- 6.2.4. Counseling Forms shall be maintained for not more one year after an issue has been resolved. The counseling officer will keep any counseling forms they have filled out.
- 6.2.5. Any discipline issued under Section 5 of this policy shall be recorded. This record of discipline will become a permanent record in an employee's personnel file. The preferred method of documentation will be a letter to the employee describing the offenses, rules and regulations that have been violated, discipline issued, and any supporting documentation such as evidence and reports of hearings.
7. Investigations and Discipline will be handled as quickly and thoroughly as possible. If at any time a question arises, legal advice shall be sought through the Town's Attorney.
8. The Chief of Department has the sole authority to modify or deviate from this policy

	<h1 style="margin: 0;">ROCKLAND FIRE DEPARTMENT COUNSELING FORM</h1>		
Member Counseled:		Date:	Time:
Counselling Officer:			
Purpose of the Counseling Session. Include dates, times, incident number, incident locations, and violation:			
Information discussed with the employee:			
Steps to be taken for improvement:			
Follow up Meeting:	Date:	Time:	
Officer's Signature	Employee's Signature		
Be sure to provide employee with a copy of this form			

Appendix B

Results for the questionnaire titled Discipline Policies.

Question 1. Does your organization have a policy or standard operating guideline that covers the management of the discipline process? If not, can you describe how the discipline process is managed?

Answer Choices	Responses	
Yes	82.14%	69
No (please specify)	17.86%	15
Answered		84
Skipped		0

Respondents	No (please specify)
1	We have a generic discipline policy that covers all city employees. We also have a more department specific discipline policy that is in the collective bargaining agreement.
2	Case by case. No standard.
3	Nothing written, the only considerations are how long as per to the CBA. Usually follow the industry standard of Verbal, written, suspension termination.
4	Neither the department nor the town has a written policy, although we informally follow a four step process normally. Putting it in writing should probably be at the top of my list of things to do.
5	It is defined in the collective bargaining contract.
6	Chiefs discretion
7	The department is in the process of updating it's policies and procedures to include discipline. At the present time previous experience is dictating the discipline process. Depending on the severity of the charge dictates the level of discipline.
8	Specified in union contract, and Civil Service
9	verbal, written, suspension then termination. Unless its the first year and I just give them the option to resign.
10	We have a number of Standard Operating Guidelines that coupled with town and department policies make up the disciplinary process we follow.
11	Currently in negotiations with Local to update department rule book, (last issued in 1954). Discipline currently follows probable cause and Civil Service guidelines.
12	We have policies in place. We have suggested disciplines based on the severity of the violation. The company officer makes a recommendation on the type of discipline based on the violation. Battalion chiefs and administration can increase or decrease the company officers recommendation based on situation.

- 13 Covered by the CBA.
 - 14 The Chief of the Department and Human Resources Manager usually handle any major discipline issues
 - 15 Union contract
-

Question 2. Does your organization follow a progressive discipline model? If not, what type of discipline model is followed?

Answer Choices		Responses	
Yes		97.01%	65
No (please specify)		2.99%	2
		Answered	67
		Skipped	17
Respondents	No (please specify)		
1	Rules and regulations		
2	Follows adopted department rules and regulations or contractual grievance procedure.		

Question 3. Does your organization's discipline policy cover investigations into wrongdoing or complaints that are received?

Answer Choices		Responses	
Yes		71.64%	48
No		28.36%	19
		Answered	67
		Skipped	17

Question 4. Which ranks within your organization are allowed to handle/conduct disciplinary investigations? Please check all that apply.

Answer Choices	Responses
Firefighter	0.00% 0
Senior Firefighter of shift/compnay	0.00% 0
Engineer	0.00% 0
Lieutenant	17.78% 8
Captain	55.56% 25
Shift Officer (Battalion Chief, District Chief, Commander, Etc.)	44.44% 20
Deputy/Assistant Chief	75.56% 34
Chief of Department	86.67% 39
Supervisory Board, Commissioners, Board of Engineers	11.11% 5
Other (please specify)	15.56% 7
	Answered 45
	Skipped 39

Respondents	Other (please specify)
1	Independent investigators
2	Admin Chief
3	The initial investigation process is handled by one of my two administrative Captains.
4	HR and Fire Marshall investigators
5	HR
6	Arson investigator
7	Investigators

Question 5. How are investigations performed within your organization to collect pertinent information from department members? Please check all that apply.

Answer Choices	Responses
Written statements are collected.	97.78% 44
Written Survey/Questionnaires are required to be filled out.	13.33% 6
Private interviews are conducted.	93.33% 42
Not Applicable	0.00% 0
Other (please specify)	6.67% 3
	Answered 45
	Skipped 39

Respondents	Other (please specify)
1	We hold an admin hearing to gather information
2	2
3	Photographs, scene evaluation, review of tangible evidence (damages, written communications, social media posts, etc)

Question 6. Does your organization hold hearings/quasi-judicial trials for the accused employee?

Answer Choices	Responses	
Yes	59.38%	38
No	37.50%	24
I am not sure	3.13%	2
Answered		64
Skipped		20

Question 7. Who presides over discipline hearings within your organization?

Answered	36
Skipped	48

Respondents	Responses
1	Deputy Chief and Chief
2	Merit Board
3	Admin chief
4	2 Deputy Chiefs & 2 District Chiefs & Union President
5	Appointing Authority
6	Town Manager or Town Counsel
7	appointed by Civil service i beleive
8	Town Administrator is our hearing officer
9	Chief
10	Chief or designee
11	Fire Chief
12	Chief of Department and Chief of Operations
13	Depends of the Charge
14	The Fire Chief
15	Board of Selectmen, Town Counsel, Town Administrator
16	Fire Chief
17	Chief Town Manager Assistant Town Manager/HR
18	Chief and HR
19	Chief and Town Administrator
20	Fire Chief
21	Chief, Town Attorney and Human Resources Manager
22	Assistant Chief
23	Town Administrator, or designee
24	Deputy Fire Chief
25	HR and Deputity Chief
26	Chief
27	Fire Chief

- 28 Police-Fire Trial Board
- 29 Fire Chief
- 30 Deputy Fire Chief
- 31 HR
- 32 Initially with Chief and Asst. Chief with personnel involved and representative of their choosing before moving onto the Board of Fire Commissioners
- 33 Deputy chief
- 34 Chief, Merit Commission, HR Director
- 35 Assistant chief
- 36 Senior staff

Question 8. What forms of discipline are covered under your organization's discipline policy? Please check all that apply.

Answer Choices	Responses	
Informal coaching/counseling session (no written record maintained)	70.49%	43
Formal coaching/counseling session (written record maintained)	78.69%	48
Verbal reprimand	86.89%	53
Written reprimand	93.44%	57
Demotion - temporary	45.90%	28
Demotion - permanent	70.49%	43
Suspension	98.36%	60
Dismissal/Termination from service	96.72%	59
Other (please specify)	9.84%	6

Answered 61
Skipped 23

Respondents	Other (please specify)
1	Denial of special privileges- trade time, overtime
2	EAP
3	Potential to be turned over to law enforcement for investigation depending on the incident
4	2
5	Days off with out pay
6	Classes

Question 9. According to your organization's policy or rules, which of the following ranks are allowed to issue discipline in the form of an informal coaching/counseling session? Please check all that apply.

Answer Choices	Responses	
Firefighter	3.28%	2
Senior Firefighter of shift/company	4.92%	3
Engineer	9.84%	6
Lieutenant	44.26%	27
Captain	78.69%	48
Shift Officer (Battalion Chief, District Chief, Commander, Etc.)	55.74%	34
Deputy/Assistant Chief	70.49%	43
Chief of Department	85.25%	52
Supervisory Board, Commissioners, Board of Engineers	4.92%	3
Not Applicable	1.64%	1
Other (please specify)	9.84%	6
	Answered	61
	Skipped	23
Respondents	Other (please specify)	
1	Acting Lieutenant	
2	FTO	
3	City Manager	
4	did not write that in it.	
5	HR	
6	Engineers when they are acting Company officer	

Question 10. According to your organization's policy or rules, which of the following ranks are allowed to issue discipline in the form of a formal coaching/counseling session? Please check all that apply.

Answer Choices		Responses	
Firefighter		0.00%	0
Senior Firefighter of shift/compnay		1.64%	1
Engineer		3.28%	2
Lieutenant		39.34%	24
Captain		65.57%	40
Shift Officer (Battalion Chief, District Chief, Commander, Etc.)		50.82%	31
Deputy/Assistant Chief		70.49%	43
Chief of Department		85.25%	52
Supervisory Board, Commissioners, Board of Engineers		8.20%	5
Not Applicable		6.56%	4
Other (please specify)		8.20%	5
		Answered	61
		Skipped	23
Respondents	Other (please specify)		
1	Acting Lieutenant		
2	FTO		
3	same as above		
4	Others as designated by COD		
5	HR		

Question 11. According to your organization's policy or rules, which of the following ranks are allowed to issue discipline in the form of a verbal reprimand? Please check all that apply.

Answer Choices		Responses	
Firefighter		1.64%	1
Senior Firefighter of shift/company		1.64%	1
Engineer		4.92%	3
Lieutenant		29.51%	18
Captain		63.93%	39
Shift Officer (Battalion Chief, District Chief, Commander, Etc.)		47.54%	29
Deputy/Assistant Chief		72.13%	44
Chief of Department		91.80%	56
Supervisory Board, Commissioners, Board of Engineers		6.56%	4
Not Applicable		3.28%	2
Other (please specify)		6.56%	4
		Answered	61
		Skipped	23
Respondents	Other (please specify)		
1	Acting Lieutenant		
2	mostly just chief does formal discipline		
3	Others as designated by COD		
4	HR		

Question 12. According to your organization's policy or rules, which of the following ranks are allowed to issue discipline in the form of a written reprimand? Please check all that apply.

Answer Choices	Responses	
Firefighter	0.00%	0
Senior Firefighter of shift/company	0.00%	0
Engineer	1.64%	1
Lieutenant	27.87%	17
Captain	47.54%	29
Shift Officer (Battalion Chief, District Chief, Commander, Etc.)	39.34%	24
Deputy/Assistant Chief	68.85%	42
Chief of Department	96.72%	59
Supervisory Board, Commissioners, Board of Engineers	8.20%	5
Not Applicable	0.00%	0
Other (please specify)	3.28%	2
	Answered	61
	Skipped	23
Respondents	Other (please specify)	
1	Acting Lieutenant	
2	HR	

Question 13. According to your organization's policy or rules, which of the following ranks are allowed to issue discipline in the form of a temporary demotion? Please check all that apply.

Answer Choices	Responses	
Firefighter	0.00%	0
Senior Firefighter of shift/company	0.00%	0
Engineer	0.00%	0
Lieutenant	1.64%	1
Captain	3.28%	2
Shift Officer (Battalion Chief, District Chief, Commander, Etc.)	4.92%	3
Deputy/Assistant Chief	18.03%	11
Chief of Department	68.85%	42
Supervisory Board, Commissioners, Board of Engineers	8.20%	5
Not Applicable	26.23%	16
Other (please specify)	9.84%	6
	Answered	61
	Skipped	23
Respondents	Other (please specify)	
1	HR, City Manager	
2	Town Manager	
3	Town Administrator	
4	HR	
5	We do not demote	
6	HR AND MAYOR	

Question 14. According to your organization's policy or rules, which of the following ranks are allowed to issue discipline in the form of a permanent demotion? Please check all that apply.

Answer Choices		Responses	
Firefighter		0.00%	0
Senior Firefighter of shift/company		0.00%	0
Engineer		0.00%	0
Lieutenant		0.00%	0
Captain		0.00%	0
Shift Officer (Battalion Chief, District Chief, Commander, Etc.)		3.28%	2
Deputy/Assistant Chief		14.75%	9
Chief of Department		78.69%	48
Supervisory Board, Commissioners, Board of Engineers		13.11%	8
Not Applicable		11.48%	7
Other (please specify)		11.48%	7
		Answered	61
		Skipped	23
Respondents	Other (please specify)		
1	Human Resources		
2	Merit Board		
3	Town Manager (weak chief)		
4	Town Administrator		
5	with approval of the county administrator		
6	HR		
7	HR amd		

Question 15. According to your organization's policy or rules, which of the following ranks are allowed to issue discipline in the form of a suspension? Please check all that apply.

Answer Choices	Responses	
Firefighter	0.00%	0
Senior Firefighter of shift/company	0.00%	0
Engineer	0.00%	0
Lieutenant	0.00%	0
Captain	3.28%	2
Shift Officer (Battalion Chief, District Chief, Commander, Etc.)	4.92%	3
Deputy/Assistant Chief	27.87%	17
Chief of Department	95.08%	58
Supervisory Board, Commissioners, Board of Engineers	16.39%	10
Not Applicable	0.00%	0
Other (please specify)	13.11%	8
	Answered	61
	Skipped	23

Respondents	Other (please specify)
1	Human Resources
2	Merit Board
3	Town Manager
4	Town Manager (Appointing Authority)
5	Town Administrator
6	Up to 5days or shifts Fire Chief, above that requires county administrator approval
7	HR
8	A

Question 16. According to your organization's policy or rules, which of the following ranks are allowed to issue discipline in the form of a dismissal/termination from service? Please check all that apply.

Answer Choices	Responses	
Firefighter	1.64%	1
Senior Firefighter of shift/company	0.00%	0
Engineer	0.00%	0
Lieutenant	0.00%	0
Captain	0.00%	0
Shift Officer (Battalion Chief, District Chief, Commander, Etc.)	1.64%	1
Deputy/Assistant Chief	6.56%	4
Chief of Department	77.05%	47
Supervisory Board, Commissioners, Board of Engineers	24.59%	15
Not Applicable	0.00%	0
Other (please specify)	18.03%	11
	Answered	61
	Skipped	23

Respondents	Other (please specify)
1	Human Resources
2	Merit Board
3	City manager
4	Town Manager
5	Mayor
6	Town Manager (Appointing Authority)
7	Town Manager
8	Town Administrator
9	With approval of the county administrator
10	HR
11	MAYOR

Question 17. Does your organization's discipline policy dictate a time frame of how long a record of the discipline issued will stay in an employee's personnel file?

Answer Choices	Responses	
No, There are no written records of discipline kept in personnel files.	3.28%	2
No, written records of discipline become a permanent record in the personnel file	52.46%	32
Yes, there are time frames.	44.26%	27
	Answered	61
	Skipped	23

Question 18. What is the time frame that a written record is maintained for each of the following types of discipline?

	Less than 6 months	6 months to 1 year	1 year to 5 years	Greater than 5 years	Permanently	Not Applicable	Total
Informal Coaching/Counseling Session	19.23%	34.62%	15.38%	3.85%	7.69%	19.23%	26
Formal Coaching	7.69%	42.31%	23.08%	3.85%	11.54%	11.54%	26
Informal coaching/counseling session (no written record maintained)	26.92%	15.38%	15.38%	0.00%	7.69%	34.62%	26
Formal coaching/counseling session (written record maintained)	11.54%	42.31%	19.23%	0.00%	15.38%	11.54%	26
Verbal reprimand	7.69%	34.62%	30.77%	0.00%	11.54%	15.38%	26
Written reprimand	0.00%	38.46%	34.62%	3.85%	23.08%	0.00%	26
Demotion - temporary	0.00%	11.54%	11.54%	0.00%	50.00%	26.92%	26
Demotion - permanent	0.00%	7.69%	11.54%	3.85%	73.08%	3.85%	26
Suspension	0.00%	19.23%	15.38%	3.85%	61.54%	0.00%	26
Dismissal/Termination from service	0.00%	3.85%	7.69%	0.00%	88.46%	0.00%	26
						Answered	26
						Skipped	58

Question 19. Does your organization's discipline policy cover an appeals process an employee may use to dispute discipline received?

Answer Choices		Responses	
Yes, the policy sets guidelines.		45.00%	27
Yes, the policy refers to another process		23.33%	14
Yes, the policy references a law or by-lay		5.00%	3
No, There is no appeals process		10.00%	6
No, appeals are covered elsewhere but not referenced in the discipline policy		10.00%	6
Other (please specify)		6.67%	4
		Answered	60
		Skipped	24

Respondents	Other (please specify)
1	Civil Service
2	If the disciplined member wishes to file a grievance they may or may take the issue to the town manager.
3	They can call for meeting with city manger
4	Per the union contract they are entitled to file a grievance and follow the grievance procedures for appeal.

Question 20. Does your organization's discipline policy cover when an employee will be placed on administrative leave (paid or unpaid) during the discipline process?

Answer Choices	Responses	
Yes	48.33%	29
No	48.33%	29
I am not sure	3.33%	2
	Answered	60
	Skipped	24

Question 21. Who in your organization has the power to place an employee on administrative leave?

		Answered	29
		Skipped	55
Respondents	Responses		
1	Chief		
2	Deputy, Assistant or Fire Chief		
3	Battalion Chiefs and the Fire Chief		
4	Fire Chief and / or City Manager		
5	Shift commander or chief or department		
6	Chief		
7	Fire Chief		
8	Chief, Asst. Chief, Shift Commander (captain)		
9	Fire Chief		
10	Fire Chief		
11	Chief of Department		
12	Fire Chief, Asst, Chief, Captain		
13	Chief		
14	Fire Chief		
15	Chief		
16	Chief of district		
17	Fire chief		
18	Deputy Chief and Fire Chief		
19	HR		
20	Deputy and above		
21	Fire Chief		
22	FC		
23	Chief Officers		
24	Chief of Dept according to policy		
25	Chief of Department		
26	Board of trustees		
27	Fire Chief		
28	Chief		
29	Assistant chief and fire chief		

Question 22. Have there been any occasions where the discipline process was held up or not followed through because a union member did not want to investigate/discipline another union member? If yes, please explain the circumstances.

Answer Choices		Responses	
No		85.00%	51
Yes (please specify)		15.00%	9
Answered			60
Skipped			24
Respondents	Yes (please specify)		
1	Yes they have used medical reasons, scheduling conflicts and not agreeing with the process to delay the investigation.		
2	I know it happens as I have heard many times how they don't want to go against a union member. When explaining why a person is a lousy employee they just say no one ever wanted to do any thing about him.		
3	Held up because the union and the unions lawyer were involved.		
4	Union members generally do not discipline above informal coaching but have written up behavior and managed it up. Some have been reluctant to document issues for small infractions but large events with multiple witnesses are generally reported. The Union is brought in early and have assisted with bad apples.		
5	We are trying to involve the company officers in the discipline process but many are reluctant because of their union involvement.		
6	Supervisory issues with a Company Officer by their crew. When investigated the crew would not back up what they said that caused the investigation. As a result the Company Officer was moved but not punished with demotion or termination.		
7	Do not remember specifics.		
8	Informally. Nothing concrete		
9	Most officers (Captain and lieutenants) do not typically discipline firefighters because they are in the same union. Chief Officers can demand it from the line Officers if they are aware of it.		

Appendix C

Results for the questionnaire titled RFD Discipline Policy - Executive Fire Officer Program

Research.

Question 1. Do you feel the current methods of managing discipline at the Rockland Fire Department are fair?

Answer Choices		Responses	
Yes		85.71%	6
No (please specify)		14.29%	1
		Answered	7
		Skipped	0
Respondents	No (please specify)		
1	No at times I believe there has been a double standard. Some members have been treated different depending on the circumstances.		

Question 2. Do you feel the current methods of managing discipline at the Rockland Fire Department are consistent?

Answer Choices		Responses	
Yes		71.43%	5
No (please specify)		28.57%	2
		Answered	7
		Skipped	0
Respondents	No (please specify)		
1	I believe there are a few exceptions with individuals who are allowed to push the envelope in certain situations without repercussions.		
2	I believe it is still a work in progress.		

Question 3. Do you feel it would be beneficial to have a policy or standard operating guideline developed to manage the discipline process?

Answer Choices		Responses	
Yes		85.71%	6
No		14.29%	1
		Answered	7
		Skipped	0

Question 4. Which ranks within the department should have the authority to handle/conduct disciplinary investigations? Please check all that apply.

Answer Choices		Responses	
Firefighter		0.00%	0
Senior Firefighter of shift		0.00%	0
Lieutenant		42.86%	3
Captain		42.86%	3
Deputy Chief		71.43%	5
Chief of Department		100.00%	7
Other (please specify)		14.29%	1
		Answered	7
		Skipped	0
Respondents	Other (please specify)		
1	outside agency w/o affiliation with the town		

Question 5. If a policy or SOG were to be developed, which methods of investigation should be included? Please check all that apply.

Answer Choices		Responses	
Written statements that are collected.		85.71%	6
Written Survey/Questionnaires that are required to be filled out.		14.29%	1
Private interviews		85.71%	6
Other (please specify)		28.57%	2
		Answered	7
		Skipped	0
Respondents	Other (please specify)		
1	I think each infraction needs to be handled with the appropriate response. In certain instances a written statement would be more than enough, in others I think it would require a more thorough process.		
2	That is something that would have to be mutually agreed upon through labor and management.		

Question 6. If a discipline policy or SOG were to be developed, what forms of discipline should be included in the policy? Please check all that apply.

Answer Choices		Responses	
Informal coaching/counseling session (no written record maintained)		28.57%	2
Formal coaching/counseling session (written record maintained)		57.14%	4
Verbal reprimand		71.43%	5
Written reprimand		71.43%	5
Demotion - temporary		42.86%	3
Demotion - permanent		42.86%	3
Suspension		57.14%	4
Dismissal/Termination from service		28.57%	2
Other (please specify)		42.86%	3
		Answered	7
		Skipped	0
Respondents	Other (please specify)		
1	Any SOG should include progressive discipline starting with a verbal warning and running up to and including termination as the last step after a full and comprehensive investigation.		
2	Again this is something that would need to be agreed upon between labor and management. There are several factors that need to be looked at. For example, nature of infraction, context of said infraction, validity of infraction etc.		
3	progressive discipline		

Question 7. Which of the following ranks should be allowed to issue discipline in the form of an informal coaching/counseling session (no record maintained)? Please check all that apply.

Answer Choices		Responses	
Senior Firefighter of shift		14.29%	1
Lieutenant		85.71%	6
Captain		100.00%	7
Deputy Chief		57.14%	4
Chief of Department		71.43%	5
Other (please specify)		0.00%	0
		Answered	7
		Skipped	0

Question 8. Which of the following ranks should be allowed to issue discipline in the form of a formal coaching/counseling session (written record maintained)? Please check all that apply.

Answer Choices	Responses	
Senior Firefighter of shift	0.00%	0
Lieutenant	28.57%	2
Captain	42.86%	3
Deputy Chief	85.71%	6
Chief of Department	85.71%	6
Other (please specify)	0.00%	0
	Answered	7
	Skipped	0

Question 9. Which of the following ranks should be allowed to issue discipline in the form of a verbal reprimand? Please check all that apply.

Answer Choices	Responses	
Senior Firefighter of shift	28.57%	2
Lieutenant	57.14%	4
Captain	71.43%	5
Deputy Chief	85.71%	6
Chief of Department	85.71%	6
Other (please specify)	0.00%	0
	Answered	7
	Skipped	0

Question 10. Which of the following ranks should be allowed to issue discipline in the form of a written reprimand? Please check all that apply.

Answer Choices	Responses	
Senior Firefighter of shift	0.00%	0
Lieutenant	14.29%	1
Captain	28.57%	2
Deputy Chief	71.43%	5
Chief of Department	100.00%	7
Other (please specify)	0.00%	0
	Answered	7
	Skipped	0

Question 11. Which of the following ranks should be allowed to issue discipline in the form of a temporary demotion? Please check all that apply.

Answer Choices	Responses	
Senior Firefighter of shift	0.00%	0
Lieutenant	0.00%	0
Captain	0.00%	0
Deputy Chief	14.29%	1
Chief of Department	100.00%	7
Other (please specify)	14.29%	1
	Answered	7
	Skipped	0

Question 12. Which of the following ranks should be allowed to issue discipline in the form of a permanent demotion? Please check all that apply.

Answer Choices	Responses	
Senior Firefighter of shift	0.00%	0
Lieutenant	0.00%	0
Captain	0.00%	0
Deputy Chief	0.00%	0
Chief of Department	100.00%	7
Other (please specify)	14.29%	1
	Answered	7
	Skipped	0

Question 13. Which of the following ranks should be allowed to issue discipline in the form of a suspension? Please check all that apply.

Answer Choices	Responses	
Senior Firefighter of shift	0.00%	0
Lieutenant	0.00%	0
Captain	0.00%	0
Deputy Chief	14.29%	1
Chief of Department	100.00%	7
Other (please specify)	0.00%	0
	Answered	7
	Skipped	0

Question 14. Which of the following ranks should be allowed to issue discipline in the form of a dismissal/termination from service? Please check all that apply.

Answer Choices	Responses	
Senior Firefighter of shift	0.00%	0
Lieutenant	0.00%	0
Captain	0.00%	0
Deputy Chief	0.00%	0
Chief of Department	100.00%	7
Other (please specify)	14.29%	1
	Answered	7
	Skipped	0
Respondents	Other (please specify)	
1	arbitrator	

Question 15. What time frame should a written record be maintained for each of the following types of discipline?

	Never	Less than 6 months	6 months to 1 year	1 year to 5 years	Greater than 5 years	Permanently	Not Applicable	Total
Informal Coaching/Counseling Session	71.43%	28.57%	0.00%	0.00%	0.00%	0.00%	0.00%	7
Formal Coaching	14.29%	42.86%	42.86%	0.00%	0.00%	0.00%	0.00%	7
Informal coaching/counseling session (no written record maintained)	71.43%	0.00%	0.00%	0.00%	0.00%	0.00%	28.57%	7
Formal coaching/counseling session (written record maintained)	0.00%	42.86%	42.86%	14.29%	0.00%	0.00%	0.00%	7
Verbal reprimand	14.29%	0.00%	71.43%	14.29%	0.00%	0.00%	0.00%	7
Written reprimand	0.00%	0.00%	57.14%	28.57%	0.00%	14.29%	0.00%	7
Demotion - temporary	0.00%	0.00%	14.29%	14.29%	28.57%	42.86%	0.00%	7
Demotion - permanent	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	0.00%	7
Suspension	0.00%	0.00%	0.00%	14.29%	0.00%	85.71%	0.00%	7
Dismissal/Termination from service	0.00%	0.00%	0.00%	0.00%	0.00%	85.71%	14.29%	7
							Answered	7
							Skipped	0

Question 16. For the following types of discipline, where should a written record be kept?

	No written record should be kept	With the Shift Officer	In the Employee's Personnel File	In a separate file maintained by the Fire Chief	Total
Informal Coaching/Counseling Session	85.71%	14.29%	0.00%	0.00%	7
Formal Coaching	14.29%	14.29%	57.14%	14.29%	7
Informal coaching/counseling session (no written record maintained)	85.71%	14.29%	0.00%	0.00%	7
Formal coaching/counseling session (written record maintained)	14.29%	14.29%	57.14%	14.29%	7
Verbal reprimand	14.29%	28.57%	57.14%	0.00%	7
Written reprimand	0.00%	0.00%	85.71%	14.29%	7
Demotion - temporary	0.00%	0.00%	85.71%	14.29%	7
Demotion - permanent	0.00%	0.00%	100.00%	0.00%	7
Suspension	0.00%	0.00%	85.71%	14.29%	7
Dismissal/Termination from service	0.00%	0.00%	100.00%	0.00%	7
Other (please specify)					0
				Answered	7
				Skipped	0

Question 17. If a discipline policy or SOG were to be developed, should it define when an employee should be placed on administrative leave (paid or unpaid) during the discipline process?

Answer Choices	Responses	
Yes	71.43%	5
No	28.57%	2
Answered		7
Skipped		0

Question 18. Who in the department should have the power to place an employee on administrative leave? Please check all that apply.

Answer Choices	Responses	
Senior Firefighter of shift	0.00%	0
Lieutenant	0.00%	0
Captain	0.00%	0
Deputy Chief	14.29%	1
Chief of Department	100.00%	7
Other (please specify)	0.00%	0
Answered		7
Skipped		0

Question 19. Do you feel there is a conflict with having a union member investigate or discipline another union member? If yes please explain.

Answer Choices	Responses	
No	28.57%	2
Yes (please specify)	71.43%	5
Answered		7
Skipped		0

Respondents	Yes (please specify)
1	Discipline is not a conflict if stated in employees job description, but only by a senior officer. Investigations are where conflicts could arise.
2	The long standing tradition and use of a union was to protect there employees, having other union members investigating would allow favouritism along with vendettas into the process and create hostility and call into question the validity of the process.
3	Depends on severity of offense
4	Union members should not be investigating or disciplining other union members. Union members may be involved in investigations due holding other positions in the department but that is were that should stop.
5	-

Question 20. Please add any additional comments, thoughts, or ideas you have regarding a discipline policy in the fire service.

		Answered	1
		Skipped	6

Respondents	Responses
1	Fair and equitable treatment for all involved, in a mutually agreed upon setting.

Appendix D**Massachusetts General Law Chapter 31 Sections 41 through 44**

Part I	ADMINISTRATION OF THE GOVERNMENT
Title IV	CIVIL SERVICE, RETIREMENTS AND PENSIONS
Chapter 31	CIVIL SERVICE
Section 41	DISCHARGE; REMOVAL; SUSPENSION; TRANSFER; ABOLITION OF OFFICE; REDUCTION OF RANK OR PAY; HEARINGS; REVIEW

Section 41. Except for just cause and except in accordance with the provisions of this paragraph, a tenured employee shall not be discharged, removed, suspended for a period of more than five days, laid off, transferred from his position without his written consent if he has served as a tenured employee since prior to October fourteen, nineteen hundred and sixty-eight, lowered in rank or compensation without his written consent, nor his position be abolished. Before such action is taken, such employee shall be given a written notice by the appointing authority, which shall include the action contemplated, the specific reason or reasons for such action and a copy of sections forty-one through forty-five, and shall be given a full hearing concerning such reason or reasons before the appointing authority or a hearing officer designated by the appointing authority. The appointing authority shall provide such employee a written notice of the time and place of such hearing at least three days prior to the holding thereof, except that if the action contemplated is the separation of such employee from employment because of lack of work, lack of money, or abolition of position the appointing authority shall provide such employee with such notice at least seven days prior to the holding of the hearing and shall also include with such notice a copy of sections thirty-nine and forty. If such hearing is conducted by a hearing officer, his findings shall be reported forthwith to the appointing authority for action. Within seven days after the filing of the report of the hearing officer, or within two days after the completion of the hearing if the appointing authority presided, the appointing authority shall give to such employee a written notice of his decision, which shall state fully and specifically the reasons therefor. Any employee suspended pursuant to this paragraph shall automatically be reinstated at the end of the first period for which he was suspended. In the case of a second or subsequent suspension of such

employee for a period of more than five days, reinstatement shall be subject to the approval of the administrator, and the notice of contemplated action given to such employee shall so state. If such approval is withheld or denied, such employee may appeal to the commission as provided in paragraph (b) of section two.

A civil service employee may be suspended for just cause for a period of five days or less without a hearing prior to such suspension. Such suspension may be imposed only by the appointing authority or by a subordinate to whom the appointing authority has delegated authority to impose such suspensions, or by a chief of police or officer performing similar duties regardless of title, or by a subordinate to whom such chief or officer has delegated such authority. Within twenty-four hours after imposing a suspension under this paragraph, the person authorized to impose the suspension shall provide the person suspended with a copy of sections forty-one through forty-five and with a written notice stating the specific reason or reasons for the suspension and informing him that he may, within forty-eight hours after the receipt of such notice, file a written request for a hearing before the appointing authority on the question of whether there was just cause for the suspension. If such request is filed, he shall be given a hearing before the appointing authority or a hearing officer designated by the appointing authority within five days after receipt by the appointing authority of such request. Whenever such hearing is given, the appointing authority shall give the person suspended a written notice of his decision within seven days after the hearing. A person whose suspension under this paragraph is decided, after hearing, to have been without just cause shall be deemed not to have been suspended, and he shall be entitled to compensation for the period for which he was suspended. A person suspended under this paragraph shall automatically be reinstated at the end of such suspension. An appointing authority shall not be barred from taking action pursuant to the first paragraph of this section for the same specific reason or reasons for which a suspension was made under this paragraph. If a person employed under a provisional appointment for not less than nine months is discharged as a result of allegations relative to his personal character or work performance and if the reason for such discharge is to become part of his employment record, he shall be entitled, upon his request in writing, to an informal hearing before his appointing authority or a designee thereof within ten days of such request. If the appointing authority, after hearing, finds that

the discharge was justified, the discharge shall be affirmed, and the appointing authority may direct that the reasons for such discharge become part of such person's employment record. Otherwise, the appointing authority shall reverse such discharge, and the allegations against such person shall be stricken from such record. The decision of the appointing authority shall be final, and notification thereof shall be made in writing to such person and other parties concerned within ten days following such hearing.

Any hearing pursuant to this section shall be public if either party to the hearing files a written request that it be public. The person who requested the hearing shall be allowed to answer, personally or by counsel, any of the charges which have been made against him.

If it is the decision of the appointing authority, after hearing, that there was just cause for an action taken against a person pursuant to the first or second paragraphs of this section, such person may appeal to the commission as provided in section forty-three.

Saturdays, Sundays and legal holidays shall not be counted in the computation of any period of time specified in this section.

Notice of any action taken under this section shall be forwarded forthwith by the appointing authority to the personnel administrator.

Part I	ADMINISTRATION OF THE GOVERNMENT
Title IV	CIVIL SERVICE, RETIREMENTS AND PENSIONS
Chapter 31	CIVIL SERVICE
Section 41A	DISCHARGE, REMOVAL OR SUSPENSION; HEARING BEFORE DISINTERESTED HEARING OFFICER; REVIEW

Section 41A. Upon the request of the appointing authority and a tenured employee, who is entitled to a hearing pursuant to the first paragraph of section forty-one, a hearing before a disinterested hearing officer, designated by the chairman of the commission, may be held in lieu of a hearing before the appointing authority. Such hearing officer shall make findings of facts and may make recommendations

for decision to the commission. Following the decision of the commission, there shall be no appeal pursuant to the provisions of section forty-three; provided, however, that a petition to review may be filed pursuant to the provisions of section forty-four. All requirements relative to written notice and the holding of hearings pursuant to this section shall be governed by those set forth in section forty-one.

Part I	ADMINISTRATION OF THE GOVERNMENT
Title IV	CIVIL SERVICE, RETIREMENTS AND PENSIONS
Chapter 31	CIVIL SERVICE
Section 42	COMPLAINTS; HEARINGS; JURISDICTION; FILING OF CIVIL ACTION

Section 42. Any person who alleges that an appointing authority has failed to follow the requirements of section forty-one in taking action which has affected his employment or compensation may file a complaint with the commission. Such complaint must be filed within ten days, exclusive of Saturdays, Sundays, and legal holidays, after said action has been taken, or after such person first knew or had reason to know of said action, and shall set forth specifically in what manner the appointing authority has failed to follow such requirements. If the commission finds that the appointing authority has failed to follow said requirements and that the rights of said person have been prejudiced thereby, the commission shall order the appointing authority to restore said person to his employment immediately without loss of compensation or other rights.

A person who files a complaint under this section may at the same time request a hearing as to whether there was just cause for the action of the appointing authority in the same manner as if he were a person aggrieved by a decision of an appointing authority made pursuant to all the requirements of section forty-one. In the event the commission determines that the subject matter of such complaint has been previously resolved or litigated with respect to such employee, in accordance with the provisions of section eight of chapter one hundred and fifty E, or is presently being resolved in accordance with said section eight, the commission shall forthwith dismiss such complaint. If said complaint is denied, such hearing shall be conducted and a decision rendered as provided by section forty-three.

The supreme judicial court or the superior court shall have jurisdiction over any civil action for the reinstatement of any person alleged to have been illegally discharged, removed, suspended, laid off, transferred, lowered in rank or compensation, or whose civil service position is alleged to have been illegally abolished. Such civil action shall be filed within six months next following such alleged illegal act, unless the court upon a showing of cause extends such filing time.

Part I	ADMINISTRATION OF THE GOVERNMENT
Title IV	CIVIL SERVICE, RETIREMENTS AND PENSIONS
Chapter 31	CIVIL SERVICE
Section 43	HEARINGS BEFORE COMMISSION

Section 43. If a person aggrieved by a decision of an appointing authority made pursuant to section forty-one shall, within ten days after receiving written notice of such decision, appeal in writing to the commission, he shall be given a hearing before a member of the commission or some disinterested person designated by the chairman of the commission. Said hearing shall be commenced in not less than three nor more than ten days after filing of such appeal and shall be completed within thirty days after such filing unless, in either case, both parties shall otherwise agree in a writing filed with the commission, or unless the member or hearing officer determines, in his discretion, that a continuance is necessary or advisable. If the commission determines that such appeal has been previously resolved or litigated with respect to such person, in accordance with the provisions of section eight of chapter one hundred and fifty E, or is presently being resolved in accordance with such section, the commission shall forthwith dismiss such appeal. If the decision of the appointing authority is based on a performance evaluation conducted in accordance with the provisions of section six A and all rights to appeal such evaluation pursuant to section six C have been exhausted or have expired, the substantive matter involved in the evaluation shall not be open to redetermination by the commission. Upon completion of the hearing, the member or hearing officer shall file forthwith a report of his findings with the commission. Within thirty days after the filing of such report, the commission shall render a written decision and send notice thereof to all parties concerned.

If the commission by a preponderance of the evidence determines that there was just cause for an action taken against such person it shall affirm the action of the appointing authority, otherwise it shall reverse such action and the person concerned shall be returned to his position without loss of compensation or other rights; provided, however, if the employee, by a preponderance of evidence, establishes that said action was based upon harmful error in the application of the appointing authority's procedure, an error of law, or upon any factor or conduct on the part of the employee not reasonably related to the fitness of the employee to perform in his position, said action shall not be sustained and the person shall be returned to his position without loss of compensation or other rights. The commission may also modify any penalty imposed by the appointing authority. Any hearing pursuant to this section shall be public if either party so requests in writing. The person who requested the hearing shall be allowed to answer, personally or by counsel, any of the charges which have been made against him.

The decision of the commission made pursuant to this section shall be subject to judicial review as provided in section forty- four.

Saturdays, Sundays and legal holidays shall not be counted in the computation of any period of time specified in this section.

Part I	ADMINISTRATION OF THE GOVERNMENT
Title IV	CIVIL SERVICE, RETIREMENTS AND PENSIONS
Chapter 31	CIVIL SERVICE
Section 44	JUDICIAL REVIEW

Section 44. The commission may institute appropriate proceedings in the superior court for enforcement of its final orders or decisions. Any party aggrieved by a final order or decision of the commission following a hearing pursuant to any section of this chapter or chapter thirty-one A may institute proceedings for judicial review in the superior court within thirty days after receipt of such order or decision. Any proceedings in the superior court shall, insofar as applicable, be governed by the provisions of section fourteen of chapter thirty A, and may be instituted in the

superior court for the county (a) where the parties or any of them reside or have their principal place of business within the commonwealth, or (b) where the commission has its principal place of business, or (c) of Suffolk. The commencement of such proceedings shall not, unless specifically ordered by the court, operate as a stay of the commission's order or decision.