

PERSONNEL

Personnel Records

The district shall organize, compile and maintain personnel records and files for each district member which shall be kept secure under the authority of the chief. The contents of the files shall be available to the chief and to those staff authorized by the chief to organize, compile and maintain the personnel files. Those who have access to the files shall be required to maintain the confidentiality of the files and their contents.

The district member shall be permitted, during normal district business hours, to review the contents of his/her personnel file in the presence of an authorized staff member.

Unauthorized district personnel who are found to have accessed personnel records without authorization will be subject to disciplinary action.

Cross Reference: Policy 2604/2604P2604F/2604E Disciplinary Action & Discharge

Legal Reference: RCW 42.17A.001 Certain personnel and other
RCW 49.12.240-260 records exempt (from public inspection)
Employee inspection of personnel file

Adoption Date: May 3, 2005

Revision Date: 04/07/2015

Chief Signature: _____

PERSONNEL**Termination of Employment**

The employment of staff members may be terminated by action of the board.

If the terminated staff member was authorized to sign checks, the chief shall immediately notify the commercial bank of the termination. If the terminated staff member was an auditing officer with the district the County Auditor shall be notified, removing said person as an auditing officer for the district.

Cross Reference:	Policy	2720 Sick Leave
	Policy	2733 Staff Vacations
	Policy 2734/2734A/2734B/2734C	Compensatory Time for Exempt, Non-Exempt and PERS employees.
	Resolution	369
	Resolution	371

Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL

Resignation

In order to permit proper staff planning and to minimize inconvenience to others who may be affected, staff who plan to resign should notify the chief of their resignation at least two weeks prior to their last day of service.

When known, the chief shall report to the board of commissioners the causes of staff turnover. Circumstance surrounding resignations should be documented. If the resigning staff member was authorized to sign checks, the chief shall immediately notify the commercial bank of the termination. If the resigning staff member was an auditing officer with the district the County Auditor shall be notified removing said person as an auditing officer for the district.

Cross Reference:	Policy	2720 Sick Leave
	Policy	2733 Staff Vacations
	Policy 2734/2734A/2734B/2734C	Compensatory Time for Exempt, Non-Exempt and PERS employees.
	Resolution	369
	Resolution	371

Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL

Retirement

A staff member may retire from employment by the district at his/her own pleasure. The board of commissioners encourages a staff member to advise of such a decision at least one month in advance so that the activities of the district are not adversely affected and the proper documentation can be supplied to the state retirement system.

If retiring staff member was authorized to sign checks, the chief shall immediately notify the commercial bank of the termination. If the retiring staff member was an auditing officer with the district the County Auditor shall be notified removing said person as an auditing officer for the district.

Cross Reference:	Policy	2720 Sick Leave
	Policy	2733 Staff Vacations
	Policy 2734/2734A/2734B2734C	Compensatory Time for Exempt, Non-Exempt and PERS employees.
	Resolution	369
	Resolution	371

Legal Reference:	RCW 41.26	Law Enforcement Officer's and Fire Fighter's Retirement System
	RCW 41.40	Washington State Public Employee Retirement System

Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL

Probation or Termination

THE POLICY STATEMENTS CONCERNING PROBATIONAL STAFF MEMBERS AND REGULAR STAFF MEMBERS, RELATIVE TO PROBATION AND/OR TERMINATION ARE INTENDED TO BE GENERAL STATEMENTS OF THE DISTRICT AND ARE NOT INTENDED TO BE A PART OF THE EMPLOYMENT RELATIONSHIP BETWEEN THE DISTRICT AND INDIVIDUAL STAFF MEMBERS.

New staff members shall serve on a "probationary" status for a one-year period following employment with the district. The new staff member's supervisor shall conduct a formal performance appraisal within the first six months of employment with the district. A probationary status staff member may be released at any time during the initial one-year period.

A regular staff member whose performance does not meet minimum requirements shall receive written notification from the chief. Such written notice shall contain the following information:

- The specific area of deficiency based upon the staff member's position description.
- A specific and reasonable plan for improvement.
- The duration of the probation period (not to exceed 30 days).

The staff member's supervisor shall meet with the staff member on an "as needed" basis to discuss the area of deficiency and the specific and reasonable plan for improvement. The staff member's supervisor shall maintain a record of each session. At the conclusion of the probationary period, the chief shall make a final determination on the employment status of the staff member based upon the recommendation of the staff member's supervisor.

A staff member who is terminated has the right to appeal his/her termination to the board of commissioners, provided that he/she writes an appeal to the board within three (3) working days after the termination. The board of commissioners will schedule a date for the meeting and notify the staff member in writing of the time and place. After the appeal hearing, the board will notify the terminated staff member in writing of its decision within ten (10) working days. The board's decision will be final.

Reference: Policy 2450/2450E
Policy 2600

Performance Evaluations of Staff
Termination of Employment

Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL**Probation or Termination**

The following steps apply to regular staff members who have completed their probationary employment period and these steps may be taken at any time the chief determines that performance is unacceptable:

1. A written evaluation report should verify that the staff member is not meeting acceptable performance standards. A copy of such evaluation report should be provided to the staff member.
2. If an acceptable performance level is not achieved, the staff member and the board of commissioners will be advised in writing.

If the board elects to terminate the regular employee, the chief shall advise the staff member in writing of the last working day.

Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL

Disciplinary Action and Discharge

District members who fail to follow the reasonable directions of their supervisor and/or chief or who conduct themselves on or off the job in ways that significantly affect their effectiveness on the job shall be subject to discipline. Behavior, conduct or action which may institute disciplinary action or termination may include, but is not limited to:

1. Immorality
2. Reporting to duty at a fire station or at scene of emergency response under the influence of alcohol and/or illegal chemical substances or opiates.
3. Possession, use, or transmission of illegal chemical substances or opiates
4. Falsifying information to obtain employment or to receive additional compensation
5. Dishonesty
6. Insubordination
7. Convictions for violation of criminal code while employed with the district
8. Discourteous treatment of public or fellow employee
9. Any act of omission or commission to injure public service
10. Incompetence
11. Inefficiency or inattention to or dereliction of duty
12. Mental or physical unfitness for the position
13. Conviction of a felony or a misdemeanor involving moral turpitude
14. Violation of the adopted policies of the district.
15. Disorderly Conduct

Cross Reference:	Policy 2101	Employment of Handicapped Persons
	Policy 2102	Sexual Harassment
	Policy 2440	Code of Conduct
	Policy 2600	Termination of Employment
	Policy 2603/2603P	Probation or Termination
	Policy 2605	Career Staff Assistance Program

Legal Reference: 45 C.F.R. 84, Section 504, Vocational Rehabilitation Act of 1973
RCW 49.60 Laws Against Discrimination

Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL

Disciplinary Action and Discharge

The efficiency and effectiveness of the district is dependent on the conduct of its members. Exemplary conduct is expected at all times. When a district member violates a code of conduct, or commits a flagrant safety violation appropriate action as per policy shall be taken.

The chief shall fix and enforce corrective disciplinary actions consistent with policies of the board of fire commissioners and procedures of the district. Disciplinary action may range from a verbal counseling to immediate discharge. Specific disciplinary actions shall be as follows (listed in order of severity):

- Verbal Counseling – A verbal counseling is usually for a minor first time offense and handled at the officers level. The verbal counseling should include an explanation of violation and a request for corrective action on the part of the staff member. A copy of the session is usually not filed in the staff member's personnel file.
- Written Reprimand – a written reprimand is for a more serious infraction. The reprimand should include a written statement of the violation and required corrective action on the part of the staff member. A copy of the report shall be filed in the staff member's personnel file and copies given to the staff member and the chief.
- Suspension – A suspension is a temporarily enforced absence from duty in a non-point status for serious or flagrant violation. A suspension for disciplinary purposes for a period not to exceed the time limits specified herein may be ordered by the chief. Further, an officer may temporarily suspend a staff member from duty when continued duty status would cause a furtherance of the alleged violation, the member is physically unfit for duty, or the member refuses to obey an order.
- Demotion and discharge – the most sever form of disciplinary action. In most cases, the staff member under consideration for demotion or discharge is unwilling or refuses to conform to recognized standards of conduct. Usually, actions of this magnitude will follow a progression of lesser disciplinary actions before determination is made to demote or dismiss him/her. Certain violations, however, may be serious enough to warrant demotion or dismissal on the first or second offense.

A record of disciplinary action taken against a district member shall be placed in the district member's personnel file. The actual record of the offense shall cease to be considered in conjunction with future offenses after the following periods:

- Any first offense not considered at the time of charges to be of a major nature shall no longer be considered after two years.
- Any second offense not considered at the time of charges to be of a major nature shall no longer be considered after four years.
- Any first offense considered at the time of charge to be of a major nature shall no longer be considered after four years.
- All third offenses and second offenses in major categories shall become a permanent part of the member's record.

Primary emphasis is placed on preventing situations requiring disciplinary actions through effective staff-management relations. Any disciplinary action taken must be for good cause, be consistent with laws and regulations governing such actions, and be fair and equitable. The objective of disciplinary action is to correct and rehabilitate. The following procedures shall be employed:

- All members of the district have an obligation to maintain a safe, positive work environment. In all cases where either unsafe or inappropriate behavior is observed by any district member, that district member will report such inappropriate behavior to their supervisor. In the event the inappropriate behavior was performed by their supervisor the reporting district member will report to the chief or the next highest ranking person as shown in the district's organizational chart. The district member shall document in writing the person involved in the inappropriate behavior, the date and time the observation was made, and a description of the behavior being observed.
- Supervisors/Officers of the district are responsible for maintaining discipline, monitoring behavior, and initiating necessary disciplinary action, when necessary. Disciplinary action shall be impartial, consistent, and handled in a timely manner. Disciplinary action shall be progressive, when appropriate.
- If a supervisor/officer becomes aware of a need for discipline, either by personal observation or as the result of notification from another member of the district, he/she shall be responsible for investigating the incident to determine the need for discipline and level of discipline appropriate in each case. Documentation of this investigation shall include the date of the incident for which disciplinary action is being considered, the time the incident occurred, the location in which the incident took place, the names of all the persons

involved and any other information the supervisor feels may be pertinent to the investigation.

- All members shall be advised in writing of the charges and the alleged violations being made against them.
- A supervisor/officer shall provide a written document of all disciplinary action to the member being disciplined, as well as a copy to the chief.
- The chief shall approve, in writing, all documentation of charges that are to be entered into a district member's personnel file prior to it being entered. District members shall be advised of documentation intended to be entered into their personnel file prior to filing of any such documentation.
- The chief may discipline or dismiss a member under his jurisdiction for committing any infraction deemed to be inappropriate to the best interests of the district. An agreement of the District chief officers should influence the decision to dismiss a member.
- A supervisor/officer shall recommend, in writing, to the chief any disciplinary actions that he/she wishes to go beyond verbal warnings.
- The chief may suspend a district member for a period not exceeding 30 calendar days.
- The chief shall submit a written statement of reasons for suspension to the board of fire commissioners and the affected district member within five (5) working days after the effective date of suspension.
- District members wishing to file an appeal of any disciplinary action with the commissioners must do so within ten (10) calendar days of the receipt of the disciplinary notice.
- In the event either the district or the district member fails to meet the time lines outlined in the disciplinary or grievance process, this failure to act shall cause discontinuance of that process.
- The chief may discharge any district member. The district member shall be advised of the appeal process. The chief shall submit a written statement of reasons for discharge to the board of fire commissioners and to the affected member within two (2) working days after the effective date of discharge. A district member who is terminated has the right to appeal his or her discharge to the board of commissioners, provided that he/she writes an appeal to the board within three (3) working days after the discharge. The board of commissioners will schedule a date to address the appeal and notify the district member

in writing of the time and place. After the appeal hearing, the board will notify the discharged district member in writing of its decision within ten (10) working days.

The board's decision will be final. If the terminated district member was a career member authorized to sign checks, the chief shall immediately notify the commercial bank of the termination. If the terminated district member was a career member who was an auditing officer with the district the County Auditor shall be notified, removing said person as an auditing officer for the district.

Adoption Date: May 3, 2005
Revision Date: March 6, 2007
Revision Date: February 3, 2009

Chief Signature: _____

GUIDELINE FOR VIOLATION OF CODE OF CONDUCT

OFFENSE	EXPLANATION	1 ST OFFENSE	<u>PENALTIES</u> 2 ND OFFENSE	3 RD OFFENSE
1. Failure to carry out assignment				
A. MINOR	Deliberate delay or failure to carry out assigned work or instruction in a reasonable period of time.	Reprimand	Reprimand to 5 days Suspension	Suspension to Discharge
B. MAJOR	Refusal to obey legitimate orders, disrespect, insolence, and like behavior.	Reprimand to 10 days Suspension	Suspension to Discharge	Discharge
2. Absent without leave				
A. MINOR	Unauthorized absence of 8 hours or less, repeated tardiness, leaving the job without permission. Consider all circumstances in determining whether an offense has occurred.	Reprimand	Reprimand to 5 days Suspension	Suspension to Discharge
B. MAJOR	Unauthorized absence of more than 8 hours. If misrepresentation is involved, see item #7	Reprimand	Reprimand to 10 days Suspension	Discharge
3. Dereliction of Duty or inappropriate activities				
A. MINOR	Unauthorized participation in activities during duty hours which are outside of regularly assigned duties. The offense is usually considered “minor” when danger to safety of persons or property is not acute or injury or loss is not involved.	Reprimand	Reprimand to 5 days Suspension	Suspension to Discharge
B. MAJOR	The offense is considered “major” when danger to safety of persons is acute or injury or where loss of productivity or materials are involved.	Reprimand	Discharge	

OFFENSE	EXPLANATION	PENALTIES		
		1 ST OFFENSE	2 ND OFFENSE	3 RD OFFENSE
4. Violation of safety practices and regulations				
A. MINOR	Failure to observe safety practices and regulations and danger to safety of persons or property is not acute. This may occur in conjunction with other offenses listed in this table.	Reprimand	Reprimand to 5 days	Suspension to Discharge
B. MAJOR	Failure to observe safety practices and regulations and danger to safety of persons or property is acute. This may occur in conjunction with other offenses listed here.	Reprimand to 10 days Suspension	Discharge	
5. Loss of damage to, unauthorized use, destruction of department property, records, or information.				
A. MINOR	When willfulness or intent Is not involved	Reprimand	Reprimand to 5 days Suspension	Suspension to Discharge
B. MAJOR	When willfulness or intent is Involved. Consider circumstances	Reprimand to Suspension	Reprimand to Discharge	
6. Theft, actual or attempted taking and carrying away district property or property of others.	Penalty will be determined primarily by value of property, mitigating circumstances, and staff member's explanation.	Reprimand to Discharge	Discharge	
7. False statements misrepresentation				
A. MINOR	When there is substantial evidence of falsification, concealment or misrepresentation is not deliberate	Reprimand to 10 days Suspension	Discharge	
B. MAJOR	Deliberate misrepresentation, falsification exaggeration, or concealment of a material fact in connection with any official document or withholding of material facts in connection with matters under official investigation.	10 days Suspension to Discharge	Discharge	

OFFENSE	EXPLANATION	1 ST OFFENSE	PENALTIES	
			2 ND OFFENSE	3 RD OFFENSE
8. Disorderly conduct.				
A. MINOR	Rude, boisterous action which adversely affects work, discipline, or morale, use of disrespectful, abusive language, quarreling, or inciting to quarrel.	Reprimand to 5 days Suspension	Suspension to Discharge	Discharge
B. MAJOR	Fighting, threatening or inflicting bodily harm to another, physical resistance to competent authority; any violent act of language which adversely affects moral, production, or maintenance of discipline; indecent or immoral conduct.	Suspension to Discharge	Discharge	
9. Gambling.				
A. MINOR	Promotion of, or assisting in operation of organized gambling	Reprimand	Reprimand to 5 days Suspension	Discharge
10. Use of intoxicants or controlled substances.				
A. MINOR	Drinking or selling intoxicants or controlled substances on duty or on district premises except where authorized. Reporting for duty under the influence of intoxicants or controlled substance(s)	Reprimand to 5 days Suspension	Suspension to Discharge	Discharge
B. MAJOR	Being on duty under the influence of intoxicants or controlled substances where the safety of self, another person, or property is acute.	Reprimand to Suspension	Discharge	
11. Misconduct off duty.				
A. MINOR	Overt action constituting breaches of legal or social codes of a community which comes to the attention of management.	Reprimand	Reprimand to 5 days Suspension	Suspension to Discharge
B. MAJOR	Misconduct which adversely affects the reputations of the staff member, or reflects unfavorably on the department	Reprimand to Suspension	Discharge	

OFFENSE	EXPLANATION	1 ST OFFENSE	PENALTIES	
			2 ND OFFENSE	3 RD OFFENSE
12. False malicious, irresponsible statements against officials, supervisors, or other staff members.	Making false, malicious, unfounded or highly irresponsible statements or unauthorized disclosures against other staff members, supervisors, or officials with the intent to destroy or damage the reputation, authority, or official standing of those concerned.	Reprimand to Suspension	Discharge	
13. Discrimination				
A. MINOR	Any action or failure to take action based on sex, race, color, religion, or national origin of a staff member, former staff member, or applicant which affects his/her rights, privileges, benefits, dignity, and equality or economic opportunity. Consider circumstances and the effect on the person discriminated against, use of abusive language, violent treatment, or insulting demeanor.	Reprimand	Reprimand to 5 days Suspension	Suspension to Discharge
B. MAJOR	If the discriminatory practice was deliberate	Reprimand to 30 days Suspension	30 days Suspension to Discharge	Discharge
14. Compromise or discredit of merit on examination materials or process.				
A. MINOR	Compromise resulting from discussion of specific question(s) or content of examination with other staff member(s) based on experience in the examination where there is no deliberate effort or intent to compromise the examination material or process.	Reprimand to 10 days Suspension	Reprimand	Discharge
B. MAJOR	Compromise of an examination through unauthorized possession, use or furnishing to others of examination information or materials.	10 days Suspension to Discharge	Discharge	

YAKIMA COUNTY FIRE PROTECTION DISTRICT NO. 5**PROGRESSIVE DISCIPLINARY ACTION FORM****VERBAL COUNSELING****Form Instructions**

This form may serve as a handy memo to record the basic substance of a verbal counseling session. The supervisor should retain a copy of the completed form for his/her own private records so as to substantiate proper application of Progressive Discipline if required at a future time.

Employee's Name: _____ Date: _____

Department/Division: _____

Is this the employee's first counseling/discipline session: Yes _____ No _____

If "no", what date(s) did other counseling/discipline sessions occur: _____

State reason for this counseling/discipline session: _____

Comments made by the subordinate: _____

Suggestions for improvement/discipline implemented: _____

Signature of District Member

Date

Signature of Supervisor

Date

Copy to: (1) Supervisor
(2) Subordinate
(3) Personnel File

YAKIMA COUNTY FIRE DISTRICT NO. 5
PROGRESSIVE DISCIPLINARY ACTION FORM
FORMAL WRITTEN REPRIMAND

Form Instructions

This form is to be used to inform an employee that formal disciplinary action is being administered in line with established District policy for the reason(s) listed below.

Employee's Name: _____ Date: _____

Department/Division: _____

Date of Incident: _____

Description of Incident: _____

Disciplinary Guideline Violated: Section _____ Minor Violation _____ Major Violation _____

Investigation of Incident:

1. Does the investigation reveal that the described incident actually occurred:

Yes _____ No _____

2. Was the District Member informed of this or similar violations in the past:

Yes _____ No _____

3. Has the District Member been formally disciplined for this or similar violations in the past:

Yes _____ No _____

4. Has the District Member been given the right to respond to the charges:

Yes _____ No _____

Action to be taken: _____

District Member comments: _____

Signature of District Member

Date

Signature of Supervisor

Date

Copy to: (1) Supervisor
(2) District Member
(3) Personnel File

PERSONNEL**Career Staff Assistance Program**

The district will maintain a staff assistance program designed to provide support to staff members who are experiencing a job performance problem.

A wide range of problems not directly associated with a job function may affect the staff member's job performance. These problems may result from alcohol abuse or alcoholism; other chemical substance abuse; physical, mental, or emotional illness; personal problems such as marital, family, financial, or legal difficulties; or any combination of these problems.

The staff assistance program will encourage professional and confidential assistance to staff members and their families.

Participation in the staff assistance program will not jeopardize employment or job promotion, nor shall such participation substitute for employer action(s) regarding evaluation, probation, and/or termination as provided for under board policies. The program will be evaluated on an annual basis.

Legal Reference: Health Insurance Portability and Accountability Act of 1996 (HIPAA)

Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL

Career Staff Assistance Program

In order to achieve the objective of enhancing the personal and on-the-job life of a staff member through the staff assistance program, the district will strive to:

- Encourage confidential, professional, and appropriate assistance to staff members and their immediate family members within the scope of the program policy.
- Promote education and awareness that alcoholism and chemical dependency are diseases for which there is effective treatment and rehabilitation.
- Promote adequate treatment coverage for chemical dependency by district-approved group insurance plans as for any other disease under these plans.
- Promote training in order to increase the supervisor's awareness in identifying changes in staff member's behavior and performance.
- Promote training regarding the supervisor's role in relation to troubled staff members and the utilization of the staff assistance program.

Procedures are as follows:

- Referrals may be made by a staff member, family member or a supervisor.
- A staff member exhibiting continuing job performance problems not readily corrected by usual administrative procedures would be appropriate for referral to the staff assistance program. After the supervisor reviews job performance deficiencies with the staff member, the supervisor will encourage the staff member to seek professional and confidential services and assist the staff member in accomplishing this assistance. Supervisors will avoid expressing opinions or judgments regarding diagnosis or causes.
- The staff member may choose to accept or reject the offer to seek the professional and confidential services. If the staff member rejects the offer and the job performance problems do not recur after the conference, the issue is resolved. If the staff member chooses to accept the offer to seek professional and confidential services, then the staff member's supervisor will assist the staff member in obtaining treatment.

- If the staff member rejects the offer, and the supervisor recognizes that the job performance problem is continuing and the staff member's performance is not satisfactory, the next step will be
- to offer the staff member a firm choice between accepting the assistance offered by the program or be confronted with whatever action is appropriate within the framework of existing district policies.
- The decision to request and/or accept assistance through the staff assistance program is the personal responsibility of the staff member.
- All records resulting from an individual's involvement in the staff assistance program will be confidential unless the staff member provides a written release of information.

Legal Reference: HIPAA Health Insurance Portability and Accountability Act of
 1996

Adoption Date: May 3, 2005

Chief Signature: _____

PERSONNEL

Reduction-in-Force

Whenever the board contemplates a reduction of staff because of shortage of funds, lack of work, or staff reorganization of the district, notice shall be given to the affected staff members. Staff members shall be terminated in inverse order to their length of service or by their essentiality to the operation of the district. Such action shall be made by the board upon the recommendation of the chief. The best interest of the district shall at all times be paramount in the decision regarding a reduction in force.

Any complaint by a regular staff member that the termination due to a reduction-in-force process was in bad faith shall be investigated by the secretary of the board, who shall submit a report and recommendation to the board of commissioners. If the board finds that the termination was irregular, it may order the reinstatement of the regular staff member(s).

Notice of termination shall be given to the staff member(s) in a reduction-of-force process at least thirty (30) calendar days before the effective date of the termination. Staff member(s) who were terminated under the reduction-in-force policy shall have their names placed on an eligibility list for a period of two years and will be considered for call-back in the event the district chooses to fill the vacated positions.

Cross Reference:	Policy 2720 Sick Leave Policy 2733 Staff Vacations Policy 2734/2734A/2734B/2734C Compensatory Time for Exempt, Non-Exempt and PERS employees.
	Resolution 369 Resolution 371

Adoption Date: May 3, 2005

Chief Signature: _____