

Disciplinary Policy

322.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures to ensure the fair and impartial treatment of all employees of this Department who are subject to the disciplinary procedure.

322.2 DISCIPLINE

1. Employees Subject to Discipline

Any employee violating his/her oath or trust by committing any offense punishable under Federal, State or Local laws, or who violates any provision of this Policy Manual, special, temporary or other verbal or written legal orders, or who is incompetent, or who is unable or who refuses to perform his/her duties is subject to disciplinary action.

Notwithstanding any procedural or substantive guarantees provided to employees herein, probationary employees may be disciplined or terminated in any manner and for any reason not prohibited by law.

2. Authority to Discipline

Final Department authority to discipline is the responsibility of the Chief of Police. The Chief of Police may also delegate disciplinary authority to Supervisors but only the Chief of Police has the authority to:

- Place someone on Unpaid Administrative Leave status
- Terminate employment within the law and contract provisions

3. Disciplinary System

Disciplinary measures include:

- Counseling/Oral Reprimand
- Written Warning
- Notice to Correct
- Letter of Reprimand
- Unpaid Administrative Leave
- Demotion
- Dismissal from employment

When circumstances allow, it is the policy of the Department to pursue a philosophy of progressive discipline. This entails an administration of gradually increasing disciplinary measures for each successive instance of misconduct. This process does not prevent the initiation of disciplinary action at any step, if a particular set of circumstances so dictates.

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322.2.1 NON PUNITIVE MEASURES

1. Non-Punitive Measures

(a) Counseling/oral reprimand

Supervisors shall counsel employees to help:

- Correct an employee's poor job performance
- When a minor infraction of Departmental rules and/or procedures occurs

b. Training

Training is a function of instilling good discipline within employees.

- Positive and constructive training techniques are used for improving morale, productivity and effectiveness of employees
- Supervisors are required to identify any shortcomings, deficiencies or lack of sufficient knowledge in their employee's job performance.

322.2.2 PUNITIVE DISCIPLINARY MEASURES

1. Punitive Disciplinary Measures

The following criteria may be used to determine the appropriate punitive disciplinary measure:

- (a) The seriousness of the incident.
- (b) The circumstances surrounding the incident.
- (c) The employee's disciplinary record.
- (d) The employee's work performance.
- (e) The overall negative impact on the Department caused by the incident.
- (f) The probability that future similar problems will occur.
- (g) The length of the employee's employment.

The following are the procedures and criteria for taking punitive actions in the interest of discipline:

- Written Warnings (Log Entries)

The issuance of a Written Warning is the first step in the process of punitive discipline. A Written Warning may be issued for minor infractions of Departmental standards.

A Written Warning may be issued by any Supervisor within the department.

Written Warnings will be forwarded to the Division Commander and kept at the Division level. The exception to this will be if subsequent discipline is issued as part of progressive discipline and the Written Warning was used as a basis (or partial basis) for the subsequent discipline. In this case the Written Warning will be forwarded with the subsequent discipline through the chain of command to the employees file in Human Resources. Written warnings will be removed / purged as directed in the applicable labor agreement(s).

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- Notices to Correct Deficiencies

A Notice to Correct Deficiencies is the next level of discipline in the punitive disciplinary process. A Notice to Correct Deficiencies is issued for repeat occurrences of minor infractions or slightly more serious violations where there has been no response to other lower forms of discipline. Depending on the seriousness of the misconduct that prompted the Notice to Correct, this may be used as a first step without the need for prior warning. A Notice to Correct may be issued by any Supervisor within the department. Notice to Correct documentation will be forwarded through the chain-of-command and will be maintained/purged in the employee's permanent personnel file following the provisions contained in the relevant labor agreement between the City of Urbana and the bargaining unit representing the employee, if any.

- Letters of Reprimand

A Letter of Reprimand will be issued for more serious infractions or repeated violations of Departmental standards. A Letter of Reprimand may be issued by a Lieutenant or above with approval of either the Chief of Police or the Assistant Chief of Police. A Letter of Reprimand will be forwarded through the chain-of-command and will be maintained/purged in the employee's permanent personnel file following the provisions contained in the relevant labor agreement between the City of Urbana and the bargaining unit representing the employee, if any.

- Unpaid Administrative Leave (Suspension)

An employee may be placed on Unpaid Administrative Leave (suspension without pay) status for serious infractions of Departmental standards or as the next step in the progressive discipline continuum for infractions previously addressed through the disciplinary process. Unpaid Administrative Leave can only be administered by the Chief of Police or as authorized by the Chief of Police. The notice of Unpaid Administrative Leave will be maintained/purged in the employee's permanent personnel file following the provisions contained in the relevant labor agreement between the City of Urbana and the bargaining unit representing the employee, if any.

Any employee who is placed on administrative leave pursuant to this Policy (except for those who were relieved from duty pursuant to the emergency provision) may be required to surrender his/her badge, identification card, keys, weapon and commission to the Department for the period of the suspension. Failure to turn in this Department equipment will result in further disciplinary action against the employee. An employee on administrative leave may not wear any Police Department uniform, and shall not be allowed access to the inner security area of the Police Department without first obtaining the permission of the Chief of Police. Any requests for official Departmental records or documents from an employee on paid administrative leave shall only be authorized by the Chief of Police. Any officer on administrative leave from the Department shall be deprived of all police powers and privileges, except as a private citizen, and shall not represent the Department for the duration of the administrative leave. A sworn member of the Department shall not carry a firearm while on administrative leave and is bound by the Rules and Regulations of the Urbana Police Department while on administrative leave, except those rules and regulations that require the exercise of direct police action by a member.

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- Demotion

Demotion is the reduction of the class or rank of employment and corresponding permanent reduction in wages. Records of all demotions will remain in the employee's permanent personnel file and are not subject to being removed.

- Dismissal from Employment

The final level of corrective disciplinary action is dismissal from employment. An employee may be dismissed from employment for repeated violations of Departmental standards or for committing a criminal act. An employee may be dismissed from employment in conjunction with standards and procedures established by the appropriate labor contract (if applicable) with the FOP and AFSCME and the Urbana Civil Service Commission Rules. A decision to dismiss an employee from duty rests with the Chief of Police in consultation with the Human Resources Manager and the City Attorney. Records of all dismissals will remain in the employee's permanent personnel file and are not subject to being removed.

322.3 SUPERVISOR RESPONSIBILITIES

Supervisors are the key to effective discipline within the Department. All Supervisors shall be aware of and enforce the policies of this Department. Whenever violations of policy are found, supervisors will investigate them in accordance with the Internal Investigations Policy. Once a Supervisor has determined that an employee has in fact committed a violation of a Departmental standard, he/she may be required to assess and recommend the appropriate disciplinary action that fits the violation. Once the decision to discipline is made, it shall be issued without unnecessary delay.

322.3.1 EMERGENCY RELIEF FROM DUTY

Any Supervisor may relieve from duty (with pay) an employee under his/her authority. These emergency suspensions shall only be ordered when it appears that such action is in the best interest of the Department and only for serious and major infractions of Departmental Standards and/or Directives. Serious and major infractions of these Departmental Directives include, but are not limited to:

- The on-duty use of, or being under the influence of, while on duty, any alcoholic beverage or any illegal drug or other drug which is seriously impairing the employee's ability to perform his or her duties
- The violation of any criminal statute or ordinance
- Conduct unbecoming an officer
- False reporting or conversion of evidence or other property
- Refusal to obey a lawful order
- Neglect of duty

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Relief from duty is mandatory for the on-duty use of drugs/alcohol, violation of statutes and refusing to obey an order.

Any employee so suspended, shall be ordered to and is expected to appear the next business day in the office of the Chief of Police at a time determined by the Supervisor suspending the employee. The employee shall, once being relieved from duty, leave the police facility immediately.

The Supervisor initiating such a suspension shall prepare written documentation outlining the relevant facts which led to the suspension and forward it through the chain-of-command to the Chief of Police. The written report shall be completed prior to the Supervisor leaving duty. The Supervisor shall also be present in the office of the Chief the next business day if required by the Chief. The Supervisor shall, as soon as practicable, make appropriate notifications per the chain-of-command when relieving an employee of duty.

322.4 DISCIPLINARY ACTION OUTSIDE THE CHAIN-OF-COMMAND

When the improper conduct of an employee is of such a nature that immediate discipline is required and that employee's Supervisor is not present, discipline may be taken by a Supervisor outside of that employee's chain-of-command. The Supervisor taking action shall report the discipline to the Direct Supervisor of the employee as soon as possible.