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*Gordon Taylor*

*Dan Jones*

*Melissa Colette*

*[Signature]*



# SOUTH BEND FIRE DEPARTMENT DISCIPLINE MATRIX

## South Bend Fire Department Discipline Matrix

### Purpose

This fire discipline matrix aims to achieve consistency in discipline and to provide predictability to firefighters. This matrix provides a range of possible sanctions for various types of violations. By state law (I.C. § 36-8-3-3, 36-8-3-4, and 36-8-3-4.1, *et seq.*), the Fire Chief has authority to reprimand or suspend without pay a firefighter for up to 5 (8-hour) days; the firefighter has an opportunity to request a review within 48-hours by the Board of Public Safety. For disciplines greater than 5 (8-hour) days unpaid suspensions, the Fire Chief has authority to recommend discipline for firefighters; however, final approval of discipline is the purview of the Board of Public Safety.

### Procedure

- The matrix provides discipline Levels I through VI, with Level I being the least severe and Level VI being the most severe. It is understood that no document can list every possible situation that could happen. For violations not specified on the matrix, the discipline will be determined using the closest comparable item from the matrix. Additional violations listed in the policy manual will be assessed based on descriptions from the matrix.
- In the case of an incident involving several violative acts, the discipline should be no less than that for the highest-Level violation.
- To achieve consistency, these presumptive penalties are presumed to be the reasonable and appropriate penalties that should be given. The Board of Public Safety may consider aggravating or mitigating factors expressed in writing and adjust discipline accordingly. Any adjustment should be no more than one level below or above.
- On limited occasions, there will be extraordinary circumstances which would justify a penalty less than or greater than that allowed under the matrix. The authority to declare extraordinary circumstances is within the discretion of the Chief and Board of Public Safety.
- Mitigating, aggravating and extraordinary circumstances relied upon to deviate from the matrix must be articulated in writing and presented to the Board of Public Safety.
- Prior work history or lack of discipline history are not eligible mitigating factors for Levels IV-VI.
- Coaching, training, counseling, Performance Improvement Plan ("PIP"), or other tools may be included with any discipline in Levels I-V. Counseling is mandatory for suspensions.
- Reduction of rank may be included with discipline in Levels III-V or under aggravating circumstances in Levels I-II.

- Any repeated violations from a less serious category will receive a presumptive discipline in that next category greater than the highest presumptive discipline in the less serious category.
- This matrix does not preclude any discipline placed by SBFD's EMS sponsoring agency.
- Levels III-VI could result in being relieved of duty without pay. Including failure to correct error for certification which could result in termination.

Levels	Description	Examples of Violations	Presumptive Discipline		
<b>I</b>	Single minor policy violation  Minimal negative impact on Department image or operations, relationships with other firefighters, or the community	<ul style="list-style-type: none"> <li>• Seatbelt violation</li> <li>• Non-criminal traffic infractions on duty</li> <li>• Backing accident policy violations</li> <li>• Rude comments, gestures, or lack of courtesy</li> <li>• Clothing or uniform violations</li> <li>• Failure to advise of address or telephone change</li> <li>• Unauthorized ride-a-long</li> </ul>	<i>Consider prior 3 years for Level I</i>		
			1st violation:  Oral Reprimand	2nd violation:  Written Reprimand	3rd violation:  3-day unpaid suspension <i>24 hours</i>
<b>II</b>	Repeated minor policy infraction  More than minimal negative impact on Department image or operations, relationships with other firefighters, or the community	<ul style="list-style-type: none"> <li>• Repeated violations from Level I</li> <li>• Preventable at-fault collision with minor injury</li> <li>• Late submission of report</li> <li>• Failure to properly maintain issued equipment or gear</li> <li>• Failure to follow chain of command</li> <li>• Failure to take appropriate action in your assigned position</li> <li>• Failure to renew EMS certifications on time</li> </ul>	<i>Consider prior 5 years for Level II</i>		
			1st violation:  Written Reprimand	2nd violation:  3-day unpaid suspension <i>24 hours</i>	3rd violation:  5-day unpaid suspension <i>40 hours</i>

<b>III</b>	<p>Major policy infraction</p> <p>Pronounced negative impact on Department operations, relationships with other firefighters, or the community</p>	<ul style="list-style-type: none"> <li>• Repeated violations from Level II</li> <li>• Failure to provide appropriate scene supervision</li> <li>• Unauthorized or improper dissemination of Department information</li> <li>• Failure to perform assigned duties as a supervisor</li> <li>• Absent without leave or permission</li> <li>• Insubordination</li> <li>• Loss of or failure to secure department issued firearm or knox box key</li> <li>• Failure to renew EMS certifications through failure to have signatures when submitted or renewing with less than 5 hours below minimum hours</li> </ul>	<i>Consider prior 10 years for Level III</i>		
			<p>1st violation:</p> <p><b>3-day unpaid suspension</b> <i>24 hours</i></p>	<p>2nd violation:</p> <p><b>6-day unpaid suspension</b> <i>48 hours</i></p>	<p>3rd violation:</p> <p><b>12-day unpaid suspension</b> <i>96 hours</i></p>
<b>IV</b>	<p>Major misconduct</p> <p>Significant negative impact on Department operations, relationships with other firefighters, or the community</p> <p>Actions contrary to core City values or involve substantial risk of public or firefighters' safety</p>	<ul style="list-style-type: none"> <li>• Repeated violations from Level III</li> <li>• Unauthorized or improper dissemination of confidential patient information (HIPAA violation)</li> <li>• Leaving assignment without permission</li> <li>• Preventable at-fault collision with significant injury</li> <li>• Failure to make necessary reports to Human Resources</li> <li>• Lapse in required and/or necessary EMS certifications (Timeline based on St. Joseph County EMS Committee Guidelines)</li> <li>• Failure to renew EMS certifications due to hours being rejected due to bad faith or unreasonable subjects or failure to meet sufficient hours</li> </ul>	<i>Consider full history for Levels IV or V</i>		
			<p>1st violation:</p> <p><b>12-day unpaid suspension</b> <i>96 hours</i></p>	<p>2nd violation:</p> <p><b>30-day unpaid suspension</b> <i>240 hours</i></p>	<p>3rd violation:</p> <p><b>Termination</b></p>

<p><b>V</b></p>	<p>Misdemeanor criminal conduct or severe misconduct</p> <p>Major negative impact on Department operations, relationships with other firefighters, or the community</p> <p>Includes conduct that could effectively disqualify a firefighter from continued employment as a firefighter</p>	<ul style="list-style-type: none"> <li>• Misdemeanor criminal act not resulting in physical injury</li> <li>• Obstructing or hindering a criminal or internal investigation</li> <li>• Carrying an unauthorized firearm or ammunition</li> <li>• Purchase or consumption of an intoxicant while on duty</li> <li>• Failure to renew FMS certification due to forged signatures, made up education, reporting inaccurate hours or other forms of fraud</li> </ul>	<p>1st violation:</p> <p><b>30-day unpaid suspension</b> <i>240 hours</i></p>	<p>2nd violation:</p> <p><b>Termination</b></p>
<p><b>VI</b></p>	<p>Felony criminal or severe misconduct</p> <p>Demonstrates serious lack of integrity, ethics, or character and includes conduct that would disqualify a firefighter from continued employment as a firefighter</p>	<ul style="list-style-type: none"> <li>• Preventable at-fault collision resulting in serious injury or death due to gross negligence.</li> <li>• Felony criminal act</li> <li>• Intentional misrepresentation in reporting</li> <li>• Cheating on tests or other assignments that are requirement for employment</li> <li>• Failure to obtain and maintain required and/or necessary FMS certifications</li> <li>• Harassment or discrimination based on race, color, national origin, ancestry, religion, sex, gender identity, marital status, sexual orientation, age, or disability</li> </ul>	<p>1<sup>st</sup> violation:</p> <p><b>Termination</b></p>	

**AT A GLANCE:**

Number of violations	Level I (Consider prior 3 years)	Level II (Consider prior 5years)	Level III (Consider prior 10 years)	Level IV (Consider full history)	Level V (Consider full history)	Level VI
1st	Oral Reprimand	Written Reprimand	3-day unpaid suspension	12-day unpaid suspension	30-day unpaid suspension and reduction in rank	Termination
2nd	Written Reprimand	3-day unpaid suspension	6-day unpaid suspension	30-day unpaid suspension and reduction in rank	Termination	
3rd	3-day unpaid suspension	5-day unpaid suspension	12-day unpaid suspension	Termination		

**DISCIPLINE FOR EACH LEVEL OF VIOLATION**

Coaching, training, counseling, Performance Improvement Plan (“PIP”), or other restorative tools may be included with any discipline in Levels I-V. Counseling is mandatory for suspensions.

<p>Mitigating</p>	<ul style="list-style-type: none"> <li>• “Substitution Test” – could this have happened to anyone else in the same circumstance (e.g., system, policy, or training issue)?</li> <li>• Receptive to correction/displayed proper attitude</li> <li>• Efforts were made to correct the problem</li> <li>• Lack of intent</li> </ul>	<ul style="list-style-type: none"> <li>• Acts would not have come to light without self-report</li> <li>• Member new to the assignment</li> <li>• Prior work history, such as positive evaluations and/or work performance, or voluntary, advanced, job-related training</li> <li>• Minimal or lack of prior disciplinary history relative to the member’s years of service</li> </ul>
<p>Aggravating</p>	<ul style="list-style-type: none"> <li>• High degree of operational impact</li> <li>• Unreceptive to correction (attitude)</li> <li>• Uncooperative with investigation</li> <li>• Dishonesty on the part of the member</li> <li>• Delayed report or attempted cover-up</li> <li>• Loss or damage to city or private property</li> <li>• Injury, harm, or endangerment of a member of the public or other public safety officer</li> <li>• Speed (in vehicular accidents)</li> <li>• Bias- or harassment-based action</li> </ul>	<ul style="list-style-type: none"> <li>• Supervisory or command rank, length of time in position</li> <li>• Intentional act or lack of due regard</li> <li>• The member’s prior disciplinary history</li> <li>• Criminal conviction of the involved member arising out of the underlying event</li> <li>• Prejudicial conduct regarding race, color, creed, national origin, ancestry, gender/sex (including pregnancy, childbirth, or caregiver status), sexual orientation, age, religion, political affiliation, physical or mental disability, military status, marital status, or other protected classifications</li> <li>• Harassment or retaliatory conduct</li> </ul>