



**Division 11 Personnel Management**

**Chapter 24 – Volunteer Disciplinary Process**

January 2009

**POLICY**

This General Order shall ensure a fair, reasonable and equitable method for resolving conduct and performance related infractions of established rules and regulations of the Prince George's County Fire/Emergency Medical Services (EMS) Department which may have a detrimental impact on the emergency service provided to the citizens of Prince George's County. In that regard, it shall be the general policy of the Prince George's County Fire/EMS Department to follow a pattern of progressive discipline that provides volunteer members with notice of deficiencies and an opportunity to improve conduct and performance problems.

The performance and conduct of each volunteer member impacts directly on the public's trust in government and on the County's ability to achieve its mission of service to the public. All volunteer members are, therefore, responsible for adhering to the standards of performance and conduct.

**DEFINITIONS**

**County Fire Chief** - head of the Prince George's County Fire/EMS Department or any person so designated by the County Fire Chief to carry out responsibilities on behalf of the County Fire Chief.

**Days** - calendar days.

**Departmental Disciplinary Coordinator** - the person appointed by the County Fire Chief who ensures that a uniform administrative review of all Department

disciplinary actions and hearings are conducted.

**Disciplinary Review Board** - a departmental hearing board convened, as necessary, to hear alleged charges placed against a volunteer member. This board shall be comprised of at least three (3) departmental chief officers, one of which shall be a volunteer division chief.

**Discrimination** - an action, practice, or policy, however neutral in intent and impartial in administration, which has a disparate impact or results in disparate treatment because of race, sex, sexual orientation, color, religion, creed, country of national origin, age, disability, retaliation, marital status, physical appearance, or political opinion.

**Dismissal as an operational member of the Department** - means that a volunteer member is prohibited from engaging in any emergency and non emergency fire and rescue operations, including training activities, and from driving, operating and/or being a passenger in or on any vehicle owned, maintained, fueled or insured by any Prince George's County funds.

**Sexual Harassment** – an unwelcome or unsolicited sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or (3) such conduct has the



purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment also violates Prince George's County Government's policy and will not be tolerated. Sexual harassment can arise when unwelcome and offensive comments or conduct are directed at an individual, as well as when such comments or conduct are made in the workplace generally such that they create a hostile or offensive working environment for an individual.

**Supervisor** - any person in the volunteer member's chain of command as authorized by the County Fire Chief.

**Suspension from operations** - means that a volunteer member is prohibited from engaging in any emergency and non emergency fire and rescue operations, including training activities, and from driving, operating and/or being a passenger in or on any vehicle owned, maintained, fueled or insured by any Prince George's County funds for the period of the suspension.

**Reduction or removal of operational authority** - means that a volunteer member, who is an operational officer, may be demoted in the Department's operational chain-of-command.

**Retaliation** - an illegal employment action which adversely affects the terms and conditions of employment of an individual because that individual has opposed any practice he or she reasonably believes violates Title VII of the Civil Rights Act or made a formal or informal complaint or charge, testified, assisted, or participated in any manner in a formal or informal investigation, proceeding or hearing relating to a practice alleged to violate Title VII. Retaliation is specifically prohibited by Federal, State, and County law and will not be tolerated.

**Volunteer member** - any person who is a member of any designated organization, according to Subtitle 11, Division 6, and/or to any member who actively engages in firefighting, rescue operations or the provision of emergency medical services in connection with any such organization, whether or not paid in part or in whole with County funds, within Prince George's County.

**Workplace** - an establishment, facility or location in which personnel conduct business related to fire/Emergency Medical services. This can include but is not limited to a fire station, Fire/EMS Department offices, County offices, training facilities, or locations of training opportunities (acquired structures, parking garage's etc. or the location(s) of incidents.

**PROCEDURES**

**1. Conduct Related Disciplinary Actions**

**Grounds**

The Department may initiate and take any of the disciplinary actions set forth below, against any volunteer member when any such volunteer member has committed an act, or acts, which constitutes a violation(s) or failure(s) to comply with any duty, obligation, or requirement imposing a standard of conduct or behavior on such volunteer member by virtue of the provisions of any criminal or civil law or statute or any rule or regulation authorized and promulgated pursuant thereto, provided any such violation(s) or act(s) of noncompliance:

- Bears a demonstrable relationship to the nature of the duties and responsibilities of the volunteer member's position; and,
- Constitutes a willful, indifferent, or negligent act or commission by such



volunteer member. Such acts for which disciplinary action may be taken include, but are not limited to: theft of County property; knowingly giving or making false statements of a material nature in matters relative to the volunteer member's position; failure to report a crime; being insubordinate; violating any general order, procedure or regulation of the Department; and/or violating standards of ethics as established under the County's Code of Ethics.

### Authorized Actions

Whenever the volunteer member commits an act or acts which constitute a violation(s) or act(s) of noncompliance of the nature described above, the County Fire Chief may initiate and take any of the following disciplinary actions against the volunteer member:

- The County Fire Chief may issue a written reprimand to the volunteer member, provided that any such written reprimand shall state:
  - The specific violation or acts of noncompliance causing the issuance of the reprimand; and
  - The fact that any subsequent violations or acts of noncompliance by the volunteer member may warrant the taking of more severe disciplinary action against the volunteer member.
- The County Fire Chief may cause the volunteer member to be suspended from operations.
- The County Fire Chief may cause the volunteer member's operational authority to be reduced or eliminated.
- The County Fire Chief may cause the volunteer member to be dismissed as an operational member of the Department.

### General Criteria

Whenever a volunteer member commits an act or acts which constitute grounds for disciplinary action, as provided above, the County Fire Chief shall adhere to the general criteria set forth below in deciding what type of disciplinary action, if any, should be initiated and taken against such volunteer member.

Dismissal as an operational member of the Department shall be taken only when the act or acts of the volunteer member which constitute the grounds for disciplinary action, are, in the judgment of the County Fire Chief, serious in nature. In deciding whether any act or acts of the volunteer member are sufficiently serious in nature to warrant a dismissal as an operational member of the Department, the County Fire Chief shall rely upon any one (1) of the following criteria as justification for the taking of this action against the volunteer member:

- Where the volunteer member commits one of the following acts:
  - Commission of a crime
  - Theft of County property
  - Falsification of County reports or documents
  - Intoxication while performing in operations
  - Using, possessing or selling narcotic drugs
  - Possessing unauthorized weapons or explosives
  - Failure to report a crime
  - Violation of any Departmental General Order(s), Directive(s) and/or regulations.
- Where the volunteer member commits a series of acts which constitute a course of conduct characterized by a continued inability or unwillingness on the part of the volunteer member to conform to the



applicable standards of conduct or behavior.

- Where the volunteer member commits a series of acts, which have clearly caused a continuing, disruptive effect on the efficient and/or safe operations of the Department and/or the Prince George's County government as a whole.
- Where the volunteer member commits an act or a series of acts which call into serious question the volunteer member's trustworthiness and/or integrity in the continued performance of the volunteer member's assigned duties and responsibilities.
- Where the volunteer member commits an act or a series of acts which have had or may be reasonably expected to have, a harmful or injurious effect on the volunteer member, other employees and/or members of the Department and/or general public.
- Where the volunteer member commits an act or a series of acts which have had, or may be reasonably demonstrated to have, an appreciable effect on the general public's confidence and/or trust in the operation of the Department and/or the Prince George's County government as a whole.

Reduction or removal of a volunteer member's operational authority shall constitute an action less severe in nature than the dismissal as an operational member of the Department. Where the volunteer member commits an act or acts which constitutes justification for dismissing the volunteer member as an operational member of the Department under the provisions noted above, the volunteer member may have his/her operational authority reduced or removed rather than being dismissed as an operational member of the Department where the County Fire Chief determines that the volunteer member's past conduct record and/or

extenuating circumstances mitigate against taking of the dismissal action against the volunteer member.

Suspension from operations shall constitute the type of disciplinary action which shall generally be less severe in nature than a reduction or removal of operational authority, yet more severe than a written reprimand. In deciding whether the act or acts of the volunteer member constitute the grounds for disciplinary action are of such a nature as to warrant suspension from operations, the County Fire Chief shall rely upon any one (1) of the following criteria as justification for the taking of a suspension action against a volunteer member:

- Where the volunteer member has been charged with the commission of a serious crime such that a subsequent conviction thereof or a finding of wrongful conduct by the County Fire Chief in connection therewith, would constitute grounds for the dismissal as an operational member of the Department under the provisions noted above, provided that any such suspension shall remain in effect until the volunteer member's guilt or innocence with respect to such alleged crime has been determined by a trial court and, on the basis of such court determination, the County Fire Chief shall either revoke the suspension and return the volunteer member to an operational status or proceed to dismiss the volunteer member from operations altogether, whichever is warranted
- Where the volunteer member commits an act or acts which constitute justification for the volunteer member to be dismissed as an operational member of the Department under the provisions noted above, the volunteer member may be suspended from operations rather than dismissed where the County Fire Chief



determines that the volunteer member's past conduct record and/or other extenuating circumstances mitigate against the taking of a dismissal action against the volunteer member

- Where the County Fire Chief or supervisor has issued two (2) or more related written reprimands to the volunteer member and where the issuance of such reprimands has not resulted in the cessation of the act or acts of the volunteer member which constituted the grounds for the issuance of the written reprimands in the first instance, the volunteer member may be suspended from operations, provided that the foregoing shall not be construed to prevent the County Fire Chief from suspending the volunteer member from operations following the issuance of one (1) written reprimand to the volunteer member where:
  - The volunteer member commits the same act or acts which resulted in the issuance of the written reprimand within a period of six (6) months following the issuance of the reprimand; and
  - The act or acts committed by the volunteer member have clearly caused a disruptive effect on the efficient and/or safe operations of the Department and/or the government as a whole
- Where the volunteer member is intoxicated or commits a breach of peace while participating in operations, the volunteer member may be immediately suspended from operations for the commission of any such act, provided that:
  - The facts and circumstances surrounding the commission of the act are not in dispute such that an investigation or inquiry of the act for evidentiary purposes would not be

necessary in the judgment of the County Fire Chief;

- Any such suspension is made effective as of the same day that the volunteer member committed the act; and
- Any such suspension from operations shall not require the presentation of an advanced, written statement of charges to the volunteer member by the County Fire Chief as would otherwise be required.

## 2. Performance Related Disciplinary Action

### Grounds

The County Fire Chief may initiate and take, or a supervisor may initiate, any of the disciplinary actions set forth below, against any volunteer member under their respective jurisdictions where the County Fire Chief makes a determination that any such volunteer member's performance has become less than satisfactory with respect to the execution of any or all of the duties, tasks, and/or responsibilities set forth in the volunteer member's position. In determining whether a volunteer member has become less than satisfactory to a degree which warrants disciplinary action, the County Fire Chief shall rely upon any one (1) of the following criteria as justification for the taking of any of the disciplinary actions set forth below:

- Where the volunteer member's actions, inactions, and/or attitudes constitute a representative course of conduct characterized by a general inability, incapability, and/or unwillingness on the part of the volunteer member to maintain a minimum standard of performance with respect to the quality and/or quantity of any or all of the duties, tasks, and/or



responsibilities properly assigned to the volunteer member

- Where the volunteer member unjustifiably fails to carry out a particular work assignment which was within the scope of the duties, tasks, and/or responsibilities properly assigned to the volunteer member
- Where the volunteer member loses or fails to maintain any of the requirements or standards set forth in the qualification requirements, as defined in Subtitle 11, Division 7, applicable to the volunteer member's position.

**Authorized Actions**

Whenever the County Fire Chief makes a determination in accordance with grounds set forth above, that a volunteer member's performance has become less than satisfactory, the County Fire Chief shall be authorized to initiate and take any of the following disciplinary actions against the volunteer member:

- The County Fire Chief or supervisor may issue a written reprimand to the volunteer member, provided that any such written reprimand shall state:
  - The specific violation or act of nonperformance causing the issuance of the reprimand; and
  - The fact that any subsequent violations or acts of nonperformance by the volunteer member may warrant the taking of more severe disciplinary action against the volunteer member
- The County Fire Chief may cause the volunteer member to be suspended from operations.
- The County Fire Chief may cause the volunteer members operational authority to be reduced or eliminated

- The County Fire Chief may cause the volunteer member to be dismissed as an operational member of the Department.

**General Criteria**

Whenever the County Fire Chief or supervisor makes a determination, in accordance with the grounds set above, that a volunteer member's performance has become less than satisfactory the County Fire Chief shall adhere to the general criteria set forth below in deciding what type of authorized disciplinary action, if any, should be initiated and taken against such volunteer member.

Dismissal as an operational member of the Department shall constitute the most severe of the four (4) types of performance-related, disciplinary actions authorized and noted above. After the County Fire Chief or supervisor has determined that the volunteer member's performance constitutes grounds for disciplinary action, as set forth in the sections above, the County Fire Chief shall be justified in causing the volunteer member to be dismissed as an operational member of the Department, provided that:

- The County Fire Chief or supervisor, as the case may be, has made a reasonable effort to counsel the volunteer member with respect to the volunteer member's performance and has afforded the volunteer member a reasonable opportunity to take remedial actions with respect thereto; and,
- The County Fire Chief has made a reasonable determination that the volunteer member will be unable, incapable and/or unwilling to perform satisfactorily. The County Fire Chief should not be in the position of finding "another" position for a volunteer member.



Reduction or removal of operational authority of a volunteer member shall constitute a performance-related disciplinary action less severe in nature than dismissal as an operational member of the Department. After the County Fire Chief has determined that the volunteer member's performance constitutes grounds for disciplinary action, as set forth above, the County Fire Chief shall be justified in causing the volunteer member's operational authority to be reduced or removed, provided that:

- The County Fire Chief or supervisor, as the case may be, has made a reasonable effort to counsel the volunteer member with respect to the volunteer member's performance and has afforded the volunteer member a reasonable opportunity to take remedial actions with respect thereto; and,
- The County Fire Chief, or supervisor as the case may be, has made a reasonable determination that the volunteer member will be capable and able to perform satisfactorily. The Fire Chief should not be in the position of determining this capability. It is a function of the volunteer leadership of the particular department

Suspension from operations shall constitute the type of authorized disciplinary action which shall generally be considered to be less severe in nature than a reduction or removal of operational authority, yet more severe in nature than the issuance of a written reprimand to a volunteer member. In deciding whether the act or acts of the volunteer member which constitute the grounds for disciplinary action are of such a nature as to warrant a suspension from operations, the County Fire Chief shall rely upon any one (1) of the following criteria as justification for the taking of a suspension action against a volunteer member:

- Where the volunteer member commits an act or acts which constitute justification for being dismissed as an operational member of the Department under the provisions noted above, the volunteer member may be suspended from operations rather than dismissed where the County Fire Chief determines that the volunteer member's past conduct and/or performance record and/or other extenuating circumstances mitigate against the taking of a dismissal action against the employee
- Where the County Fire Chief or supervisor has issued two (2) or more related written reprimands to the volunteer member and where the issuance of such reprimands has not resulted in the cessation of the act or acts of the volunteer member which constituted the grounds for the issuance of the written reprimands in the first instance, the volunteer member may be suspended from operations provided that the foregoing shall not be construed to prevent the County Fire Chief from suspending the volunteer member from operations following the issuance of one (1) written reprimand to the volunteer member where:
  - The volunteer member commits the same act or acts which resulted in the issuance of the written reprimand within a period of six (6) months following the issuance of the reprimand; and
  - The act or acts committed by the volunteer member have clearly caused a disruptive effect on the efficient and/or safe operations of the Department or the government as a whole.

The issuance of a written reprimand to a volunteer member shall constitute the least



severe type of all authorized disciplinary actions. The County Fire Chief or supervisor shall be justified in issuing a written reprimand to the volunteer member if the act or acts of the volunteer member which constitute the grounds for disciplinary action are minor in nature.

Any volunteer member to whom a written reprimand is issued shall be entitled to respond in writing to any such reprimand within five (5) days after the date of the issuance thereof by the County Fire Chief or supervisor, as the case may be.

Whenever the County Fire Chief or supervisor, as the case may be, files or causes to be filed a written reprimand or a copy thereof in a volunteer member's official departmental personnel file, any such written reprimand or copy thereof:

- Shall have appended thereto a copy of the volunteer member's written comments in response thereto if such comments are provided in accordance with the above; or, in the alternative,
- Shall be signed by the volunteer member so as to indicate that the volunteer member received and reviewed the reprimand, provided that such signature by the volunteer member shall not be construed as an indication that the volunteer member concurs with the contents of the reprimand; or, in the alternative,
- Shall be accompanied by a signed certification by the County Fire Chief or supervisor, as the case may be, to the effect that the County Fire Chief or supervisor issued the written reprimand to the volunteer member and that the volunteer member did not elect to respond in writing to the reprimand or to sign the reprimand.

### **3. Disciplinary Hearing Board**

The Department shall establish a disciplinary hearing board to hear and review disciplinary charges against any volunteer member. The findings rendered by any such hearing board so appointed, shall be advisory in nature and the final determination as to the taking of any authorized disciplinary action in relation thereto shall rest exclusively with the County Fire Chief and may be rejected or modified provided that the County Fire Chief has reviewed the complete disciplinary case file and has entered into the volunteer member's disciplinary file a written synopsis of, in the judgment of the County Fire Chief, why the recommendation was either rejected or modified.

The Disciplinary Review Board shall be convened within sixty (60) days of the volunteer member's response to the written statement of charges or within sixty (60) days of when a response to the written statement of charges should have been received or delayed only:

- Upon written request from the volunteer member, provided that the written request state the reason for the requested delay and when, in the judgment of the volunteer member, the volunteer member will be prepared to appear before the Disciplinary Review Board.
- By written order from the County Fire Chief.

### **4. Procedure for Taking Adverse Action**

The following procedures shall apply to the taking of adverse actions concerning a dismissal as an operational member of the Department, suspension from operations, or reduction or removal of operational authority against a volunteer member by the County



Fire Chief and to the taking of volunteer member appeals there from:

- Whenever the County Fire Chief intends to take an adverse action against any volunteer member, the County Fire Chief shall first serve the volunteer member with a written statement of charges. Any such written statement of charges shall state the specific grounds or other reasons for the charges and the fact that the volunteer member shall be entitled to appeal such action to the Disciplinary Review Board.
- Any such volunteer member shall be entitled to respond, in writing, to any statement of charges served upon the volunteer member, as noted above, provided such written response is filed with the County Fire Chief no later than ten (10) days after the date of receipt of the notice by the volunteer member. If no response is received by the required return date, it shall be presumed that the volunteer member is requesting a hearing
- Prior to serving any final written notice of adverse action on any volunteer member, the County Fire Chief shall consider any advisory comments rendered by the Disciplinary Review Board with respect to the statement of charges, and any written response filed by the volunteer member with respect to the statement of charges, as may have been provided in the above.
- The County Fire Chief will provide the volunteer member with a final notice of adverse action no more than sixty (60) days after the Disciplinary Review Board concludes a hearing concerning the statement of charges.
- Any such volunteer member shall be entitled to forgo the Disciplinary Review Board and admit a guilty plea to the written statement of charges and accept a

final determination of adverse action by the County Fire Chief.

- Failure to respond or cooperate with the Disciplinary Review Board process will constitute a waiver of the volunteer member's right to a hearing.

**Note:** Nothing in this Section shall prevent the County Fire Chief from ordering the immediate suspension from operations of a volunteer member who meets the criteria for such action.

## 5. Arbitration Procedure

Any such volunteer member shall be entitled to request arbitration, giving written notice to the County Fire Chief within ten (10) days after receipt of a Final Notice of Discipline. The arbitration proceedings shall be conducted by an arbitrator to be selected by the County and the Volunteer Fire Commission from a list supplied by the American Arbitration Association. The parties shall use an alternate strike procedure to select an acceptable name. Normally, such list shall be jointly requested within seven (7) days from the date the County is officially notified by the Volunteer Fire Commission of its intent to arbitrate. The decision of the arbitrator shall be final and binding on both parties. Expenses for the arbitrator's service and the proceedings shall be borne equally by the County and the Volunteer Fire Commission.

## 6. Responsibilities

### Supervisors

It shall be the responsibility of all supervisors to contact the Department's Office of Professional Standards when the supervisor believes a violation(s) or failure(s) to comply with any duty, obligation, or requirement



imposing a standard of conduct or behavior on such volunteer member by virtue of the provisions of any criminal or civil law or statute or any rule or regulation has occurred; and, participate in any investigation to the extent that they are directed to by the County Fire Chief; as well as the Disciplinary Review Board hearing to provide testimony.

**Office of Professional Standards**

The Office of Professional Standards shall be responsible for the following:

- Assisting the supervisor with the preparation of any written reprimand and/or statement of charges
- Determining if the criteria exist for taking adverse action and, in the judgment of the Office of Professional Standards, if no adverse action is warranted, providing a written explanation to the supervisor as to this determination
- Coordinating and notifying all parties as to the date, time and place of the Disciplinary Review Board
- Establishing the procedures for the Disciplinary Review Board and ensuring such procedures are communicated, in writing, to all participants of a Disciplinary Review Board
- Ensuring a fair, reasonable and equitable method for resolving conduct related infractions of established rules and regulations and that any and all disciplinary action taken is fair, reasonable and equitable for all similar violations
- Coordinating all Departmental disciplinary actions on behalf of the County Fire Chief
- Maintaining all disciplinary records
- Preparing an annual report for the County Fire Chief on all disciplinary action taken Department wide

**6. Equal Employment Opportunity (EEO) Violations**

**ZERO TOLERANCE POLICY** - The Department will maintain a “zero tolerance” policy. Any actions or conduct that constitutes discrimination, including sexual harassment and retaliation, shall be grounds for disciplinary action up to and including dismissal and the procedures for taking adverse action relating to EEO violations are not subject to this disciplinary process.

As part of the disciplinary measures imposed by the Department on volunteer members who are determined to have engaged in a violation of the Department's Equal Employment Opportunity Policy, or other applicable sexual harassment and retaliation policies or procedures, after such a determination of a violation is made, those volunteer members shall not be eligible for promotion to a higher rank for a six-month period if a minor violation has occurred and at least a one (1) year period if a more serious violation has occurred.

Where the County Fire Chief has determined that a volunteer member has engaged in sexual harassment or retaliation after having conducted an investigation, the County Fire Chief shall impose appropriate disciplinary measures, including removal of operational authority of the volunteer member of the type and duration commensurate with the disciplinary actions that would be imposed on a career/civilian member under similar circumstances.

If there are more than three (3) violations of the Department's Equal Employment Opportunity Policy by one or more volunteer members of the same volunteer company or station during a one-year period, the County Fire Chief shall remove the operational authority of the Volunteer Chief of that



volunteer company from his or her position as Volunteer Chief for at least a one-year period. The dispersal of discretionary funds provided by Prince George's County to that volunteer company or station may also be suspended.

Members must provide a written statement during the course of an EEO investigation concerning his or her conduct, adherence to Departmental rules and regulations or suspected misconduct. If a member refuses to answer questions relating to an investigation or is untruthful in answering questions, the person shall be subject to charges of insubordination and/or falsification of documents, which could result in disciplinary action up to, and including dismissal. The member's operational authority shall also be removed until the disciplinary process is complete.

As a result of a violation, the County Fire Chief may suspend the volunteer member from operations and direct that volunteer member's chief to remove the member from the station, all Fire/EMS Department events and related activities, and any area reasonably considered to be occupied by Departmental personnel/members. Failure of the volunteer chief to comply with this order may result in the volunteer chief being suspended from operations.

**REFERENCES**

N/A

**FORMS/ATTACHMENTS**

N/A