

# BURLINGTON TWP. FIRE DEPARTMENT

## STANDARD OPERATING GUIDELINE #26

### DISCIPLINE

**Purpose:** As members of the Burlington Twp. Fire Department, we are entrusted by the people we serve to provide a high level of professionalism in everything we do. Therefore, it is imperative that all personnel maintain high levels of courtesy and professionalism and appropriately conduct themselves while representing the department. Consequently, all allegations of misconduct by any personnel shall be investigated and a discipline determination shall be rendered.

**Scope:** The Burlington Twp. Fire Department discipline policy is to ensure a work environment free of insubordination, unprofessional conduct, inadequate performance, discrimination, or policy violations, both on and off duty, to the extent that it would affect the reputation of the Burlington Twp. Fire Department, its members, or Burlington Township. This policy may be modified from time to time to ensure its purposes are met.

**Covered Personnel:** All Burlington Twp. Fire Department personnel, regardless of position, certification, or qualifications, are covered by this policy.

**Enforcement:** The Fire Chief and Fire Officers shall have full responsibility and authority to enforce this policy.

#### **Prohibited Conduct:**

1. Any member of the Burlington Twp. Fire Department may be disciplined, including being suspended or terminated, for cause, for any of the following list of offenses which is not to be considered as all inclusive:
  - a. Possess, consume, use, or be under the influence of any alcohol or form of drugs or chemical substances prohibited under Federal or State law while on duty.
  - b. Intoxication
  - c. Thievery
  - d. Immoral or indecent conduct that would be offensive to the average citizen
  - e. Insubordination or refusing an order from a Fire Officer
  - f. Leaving an incident early without permission of the Fire Officer in Charge
  - g. Giving Fire Department information to unauthorized persons. (All inquiries should be directed to the Fire Officer in Charge.)
  - h. Loss of valid Michigan Operator's, Chauffer's, or Commercial Driver's License status
  - i. Misuse of Fire Department equipment
  - j. Failure to use proper chain of command, involving matters or procedures pertaining to Fire Department operations

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- k. Loaning out Fire Department identification or equipment to unauthorized persons
- l. Responding to any incident in a careless or reckless manner
- m. Failure to complete required training
- n. Any conduct which brings discredit to the Fire Department
- o. Abuse of leave or absence without leave
- p. Unsatisfactory or inadequate work performance
- q. Failure to follow Standard Operating Guidelines

**Discipline:**

1. Violations of any Burlington Twp. Fire Department Rules and Regulations, Standard Operating Guidelines, Directives, Procedures, or Special Orders, or the neglect or evasion of the duties and responsibilities contained in any Burlington Twp. Fire Department policy shall be the subject of disciplinary action up to and including termination.
2. If discipline is required, every effort will be made to respond to the deficiency with training or counseling.
3. Any member violating any Burlington Twp. Fire Department Rules and Regulations, Standard Operating Guidelines, Directives, Procedures, or Special Orders, or the neglect or evasion of the duties and responsibilities contained in any Burlington Twp. Fire Department policy shall be subject to any of the following disciplinary action with due regard for the nature of the offense and the member's previous record of misconduct:
  - r. Oral Counseling
  - s. Written Counseling
  - t. Written Reprimand
  - u. Restriction of activities or privileges
  - v. Probation
  - w. Suspension
  - x. Demotion
  - y. Restitution
  - z. Termination

**Investigation and Determination:**

1. A citizen may make a complaint against a member of the Burlington Twp. Fire Department to any member whether verbally or in writing. A citizen shall be encouraged to make a complaint using the Burlington Twp. Fire Department complaint form (attachment 1) to ensure uniformity. A member shall not refuse to take a complaint from a citizen who declines to utilize the form. At a minimum, the member taking the complaint shall attempt to obtain the complainant's name and contact information for follow-up investigation. The member taking the complaint shall record all available information on the Burlington Twp. Fire Department complaint form and immediately notify a Fire Officer of the complaint.
2. The notified Fire Officer shall immediately notify the Fire Chief of the complaint and seek guidance as to the investigation of the alleged violation.

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3. Any member of the Burlington Twp. Fire Department can be suspended by a Fire Officer, at any time. Fire Officers shall consider all available information and utilize cautionary discretion when deciding to suspend a member of the department. The Fire Chief shall be notified of any suspension imposed by a Fire Officer as soon as possible. The Fire Chief shall review the available information and make a determination of the suspension within twenty-four (24) hours. The Fire Chief may sustain, modify, or cancel the suspension.
4. Charges (prohibited conduct) must be selected by the Fire Officer in writing and referred to the Fire Chief within twenty-four (24) hours of observing the violation or concluding the investigation of the alleged violation. All charges must be acted upon by the Fire Chief within ten (10) business days of receiving the charges from the Fire Officer.
5. Any charge against a member shall be investigated, and a conclusion of fact will be reached by a formal hearing board, which will be as follows:
  - a. Proper conduct- The conduct occurred and was appropriate for the given conditions and circumstances.
  - b. Improper conduct- The conduct occurred and was inappropriate for the given conditions and circumstances.
  - c. Policy and/or procedure failure- The conduct occurred but was the result of a failure of current and established policy or procedure.
  - d. Insufficient evidence- There is insufficient evidence to establish if the conduct occurred.
  - e. Unfounded complaint- The alleged conduct did not occur.
6. Due process rights will be exercised as follows:
  - a. Notice of the charge in writing.
  - b. Time to prepare a defense, 48 hours.
  - c. Formal hearing with two (2) Firefighters and two (2) Fire Officers, not directly involved, where evidence of the prohibited conduct is presented.
  - d. Right of rebuttal and the calling of witnesses.
  - e. Written notice of findings and selection of a conclusion of fact.
  - f. Discipline decision by Fire Chief.
  - g. Appeal of action submitted to an Appeal Board as outlined below.
7. The Fire Chief may suspend or terminate any member for cause, after apprising the member of the action to be taken and reasons, therefore. Upon suspension or termination, a member shall have the right to appeal said action by submitting a written appeal to the Fire Chief, outlining the reasons why said member feels aggrieved by the action taken. The Fire Chief shall call a meeting of an Appeal Board, which shall consist of the Firefighters and Fire Officers who conducted the formal hearing. The Appeal Board may confirm, reduce, or reverse the action of the Fire Chief. The decision of the Appeal Board shall be binding on all parties.
8. The Fire Department will create and maintain a written record of all complaints, investigations, incident reports, witness statements, hearing board findings, disciplinary actions, appeals, and final determinations arising under this policy. The Fire Officer or investigator assigned will forward all discipline-related documentation to the Fire Chief for filing in the member's personnel file. No disciplinary records will be maintained outside the approved personnel file

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without authorization of the Fire Chief. The Fire Chief will ensure that all discipline records are maintained in a confidential manner. Records will only be accessed by individuals who require access to perform official duties, or when disclosure is required by law, subpoena, discovery, or the Michigan Freedom of Information Act (MCL 15.231 et seq.). Disciplinary records shall be maintained in the following manner:

<b>Record Type</b>	<b>Minimum Retention Period</b>
Informal counseling/verbal warnings	1 year from date issued, if no further related discipline
Written reprimands & written counseling	3 years
Suspensions, demotion records, probation documentation	5 years
Termination records, resignation while under investigation, and high-level discipline	7 years after separation
Investigation files where allegations are substantiated	7 years from final action or separation, whichever is later
Unfounded or insufficient-evidence complaints	2 years
Appeal records & final determinations	Same duration as underlying discipline record
Any matter under litigation, grievance, or FOIA request	Retain until matter fully resolved, <b>then</b> follow above period

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