

Directive	Discipline	300-10	1 of 5
Effective Date	January 1, 2010		



Wilkesboro Police Department

Electronic Written Directives Document

I. PURPOSE

To establish a procedure for addressing employee misconduct in a uniform manner and to protect all employees from false allegations, and to ensure that accused employees are treated fairly.

II. POLICY

It is the policy of the Wilkesboro Police Department to administer discipline in a fair and equitable manner consistent with the provisions of the Town of Wilkesboro Personnel Policies. The Wilkesboro Police Department will maintain a fair and equitable system of discipline.

III. PROCEDURES

A. Disciplinary Training

When it is determined that poor performance or the violation of a procedure is the result of inadequate training, the supervisor will ensure that the requisite training is provided. The supervisor shall contact the training coordinator to schedule remedial training at the earliest possible date. Participation in remedial training is mandatory. Failure of an employee to complete the remedial training within the prescribed time will subject the employee to punitive disciplinary action. The employee's supervisor will retain written documentation concerning the remedial training.

B. Counseling as a Function of Discipline

Counseling is an important part of improving employee performance and should be used in conjunction with remedial training, written warnings, suspensions, and demotions. The following information should be clearly communicated during any counseling session:

1. The type of poor performance or employee misconduct;
2. How the poor performance has affected co-workers and the Department;
3. How the employee can correct the poor performance or misconduct, and
4. What happens if the performance or conduct is not improved?

Directive	Discipline	300-10	2 of 5
Effective Date	January 1, 2010		

5. The Supervisor will maintain written records of all counseling sessions.

C. The Town of Wilkesboro uses Employee External Counseling (EAC) available to all employees. Supervisors may recommend and encourage employees to seek assistance through the EAC, if and when appropriate. When used, a mandatory EAC referral is in addition to remedial training, counseling, written warnings, suspension or demotion.

D. Employee Responsibility during Supervisor/Subordinate Discussions

Employees are required to fully and truthfully answer all questions specifically, narrowly and directly related to the performance of their official duties and/or questions pertaining to detrimental personal conduct. Refusal to answer, or failure to answer questions fully and truthfully, is considered gross personal misconduct and may subject the employee to punitive disciplinary action.

E. Progress Notes

Progress notes are not considered punitive disciplinary action. Its purpose is to formally notify the employee of poor performance or misconduct and shall include the following information:

1. The type of poor performance or employee misconduct;
2. How the poor performance has affected co-workers and the Department;
3. How the employee can correct the poor performance or misconduct, and
4. What happens if the performance or conduct is not improved?

Employees may ask the Chief of Police to review progress notes issued by supervisory members. The employee must notify the Chief of Police, in writing, within ten (10) working days of receipt of the written warning.

F. Punitive Discipline Action

Punitive disciplinary action is defined as suspension, demotion or dismissal. Specific information concerning punitive disciplinary action is found in Town of Wilkesboro Personnel Policy Article VIII Sections 5 through 8.

Directive	Discipline	300-10	3 of 5
Effective Date	January 1, 2010		

IV. ROLE OF SUPERVISORS

- A. The Lieutenant is responsible for the identification and documentation of superior employee performance and investigation of poor performance and employee misconduct. The Lieutenant may conduct counseling sessions, recommend remedial training, institute emergency relief, issue written warnings and recommend pre-discipline conferences.
- B. The Division Commander is responsible for the identification and documentation of superior employee performance and investigation of poor performance and employee misconduct. The Commander may conduct counseling sessions, recommend remedial training, institute emergency relief, issue written warnings and recommend pre-discipline conferences. The Division Commander forwards all discipline proceedings to the Deputy Chief of Police.
- C. The Deputy Chief of Police is responsible for communication with the Captains concerning all disciplinary proceedings. The Deputy Chief of Police will investigate all incidents brought to his attention by the Captains. The Deputy Chief of Police will then consult with the Chief of Police.
- D. The Chief of Police is responsible for the identification and documentation of superior employee performance and investigation of poor performance and employee misconduct. The Chief of Police may conduct counseling sessions, recommend remedial training, institute emergency relief, issue written warnings and recommend pre-discipline conferences. The Chief of Police may, based upon the requirements found in the Town of Wilkesboro Personnel Policy, suspend, demote or dismiss employees.

V. REPORT OF DISCIPLINE

- A. With the exception of disciplinary counseling, when disciplinary action is taken or recommended a written report, along with any documentation, is submitted through the chain of command to the Chief of Police. The written report shall contain the following information:
 1. Name, rank and present assignment of the employee being disciplined;
 2. Date, time and location of the misconduct; or, the period of time during which continuing unsatisfactory job performance or detrimental personal conduct occurred;
 3. Rule of Conduct, Directive, policy or procedure violated, including commonly used term for the violation;

Directive	Discipline	300-10	4 of 5
Effective Date	January 1, 2010		

4. A complete statement of facts regarding the misconduct or unsatisfactory job performance;
5. The disciplinary action taken or recommended;
6. Written documentation that the employee has received proper notification of the disciplinary action; and
7. The signature of the supervisor preparing the report.

B. Endorsement and Forwarding of Disciplinary Reports

Each level of the chain of command will endorse and forward reports of disciplinary action. Such endorsement may be in agreement, disagreement or modification. No employee will alter or withdraw, or cause to be altered or withdrawn any disciplinary report. Disciplinary reports in transit through the chain of command will not be delayed, but will be reviewed, endorsed and forwarded as soon as possible.

C. Conclusion of Fact

All allegations of misconduct coming under review by the Chief of Police will result in a conclusion of fact and will include determinations regarding the following:

1. Proper Conduct
2. Improper Conduct
3. Policy Failure
4. Training Deficiency
5. Insufficient Evidence
6. Unfounded Complaint

Such conclusions of fact are the sole responsibility of the Chief of Police and will be recorded, maintained, and distributed with other documentation related to the disciplinary matter under review.

Directive	Discipline	300-10	5 of 5
Effective Date	January 1, 2010		

D. Pre-Disciplinary Conference

When an employee is proposed to be placed on disciplinary suspension, demoted or dismissed, the Chief of Police will ensure that the employee is notified of the disciplinary action, advised of the evidence supporting the proposed action, and provided an opportunity to respond to the proposed action. The employee's response will be given due deliberation prior to making a final determination.

VI. APPEALS

A. Procedures for the appeal of a suspension, demotion or dismissal are found in the Town of Wilkesboro Personnel Policy Article VIII Section 5.

B. Employee Dismissal

In addition to the requirements in the Town of Wilkesboro Personnel Policy, the following information shall be provided to dismissed employees:

1. A statement citing the reason for dismissal;
2. The effective date of dismissal; and
3. A statement of the status of fringe and retirement benefits after dismissal

VII. RECORDS

A. The Chief of Police will ensure that a report of Disciplinary Action is completed on all written warnings, suspensions, demotions and terminations.

B. All records of disciplinary action will be maintained in the employee's permanent personnel file.

C. When the disciplinary action is a result of an Internal Affairs Investigation, all supporting documentation will be maintained in the Internal Affairs files in the Office of the Chief of Police.

VIII. REFERENCES

Town of Wilkesboro Personnel Policy
Rules of Conduct
CALEA 26.1.4, 26.1.5, 26.1.6, 26.1.7 and 26.1.8