

San Diego Fire-Rescue Battalion Chief Level Training

Discipline/Fact Finding/FBOR: Bin Items

- **What is the City/Departments suggested/approved method for documenting and tracking verbal discipline?**
 - Ensure that the discipline is delivered properly, addressing all the key elements of official discipline. This includes the statement of official discipline, the behavior, impact, change required, and consequences.
 - Ensure that the supervisor's notes/email has the same key information.
 - Share with the employee copies of any policies or written directions applicable to the situation at the meeting.
 - Share with the employee the documentation you're keeping as a record of the discipline, if requested. You can do this in person or email c/c them.
 - Forward the complete information to PSU including any details for tracking.
 - Keep a supervisor's folder/file of your issued discipline in a secure location.
- **Do Supervisors need permission from their chain of command to issue a verbal warning? What is the Department's expectation/policy?**
 - Supervisors do not need permission to issue a Verbal Warning. Supervisors have the option of admonishing the employee to stop the behavior and advising them that further discipline could result. Do not issue discipline until you have collected all the facts and are sure it is the appropriate level. The CoC is your best resource to ensure consistency.
- **What is the City/Departments suggested/approved method for sharing discipline between Supervisors?**
 - Immediate supervisor can transfer discipline issues to the new supervisor. It is appropriate to inform the employee that the information has been transferred and the behaviors are still being tracked.
 - Immediate supervisors can contact PSU to check HR files (or data base history) on an employee in their command.
- **What is the best way to store Supervisor's Files? Laptop, Thumb Drive, H Drive, PSU.**
 - The personal H: Drive is the most secure place to store discipline folders/files. It should not contain any non-work related content that could be discovered if the file/folder/drive were subpoenaed.
 - Keep a separate file/folder for discipline that does not contain other un-related material. Make sure to organize the information so that it is easy to recall.
 - Paper files and/or personal devices are approved ways of storing data, but there is potential for the devices to be lost, stolen, or subpoenaed, so be careful to choose password protected devices, or locking file cabinet, and do not have other non-professional content on the same device.

- **What are the differences/circumstances between issuing PDP with Supplemental and PDP without?**
 - All Supplemental Performance Reports should have a Performance Development Plan. The Supplemental Performance Report is the discipline component and provides supervisors with the opportunity to document poor overall job performance and discuss it with the employee. The Performance Development Plan provides the employee with clear, concrete, measurable steps that he or she must follow in order to improve job performance to acceptable levels.
 - Supplemental Performance Reports provide supervisors with a tool to evaluate employee performance between regular rating periods. A Supplemental Performance Report shall be completed by supervisors to make an official record (between regular ratings) of employee performance that has improved or deteriorated significantly from the previous Report.
 - Performance Development Plan is a tool available to supervisors to guide, train and develop employees. It can be used alone when annual performance ratings of Below Standard and Unsatisfactory for individual functions and/or for Overall Job Performance indicate that performance requires improvement to reach a satisfactory level. Whenever possible, Performance Development Plans should be developed by supervisors to assist employees in bringing such performance up to satisfactory levels.
- **What is necessary to properly get to the PDP level?**
 - Unless egregious, there should be a Verbal Counseling followed by a Written Counseling prior to issuing a Supplemental/PDP. A Written Counseling can cover multiple performance issues and will give the employee a fair chance to improve performance before a Supplemental/PDP. Avoid multiple issues stacking up undocumented/unaddressed, and then request a Supplemental/PDP at the breaking point. This is a supervisory problem.
- **What is the City/Department policy on recording fact findings start to finish?**
 - The fact finding panel will be issued recording devices from the PSU unit for use during their investigation. Announce that we are recording prior to the beginning of the interview. Give the recording device back to PSU for downloading into wave file format. Wave files will be kept in PSU/Fact Finding folder.
- **Do any other Unions have the right to record during fact findings?**
 - Not at this time. FFBOR alone gave that right to Local 145 represented personnel. It is the City's policy not to record otherwise.
- **What are the City/Departments procedures for obtaining In-Essence Statements (IES) review and signatures? Who gets representation and when?**
 - Witnesses – NO REPRESENTATION REQUIRED; hand delivers (IES), observe review, get signature, and take (IES) with you.
 - Subject – REPRESENTED; Give courtesy email (or phone call) to L 145 Rep (if involved) that you will be having the meeting and the approximate time. Hand delivers (IES), observe review, get signature, and take (IES) with you. If there is an issue with the document you can review the recording with employee. By signing the employee agrees that the statement is an accurate summary of their testimony.

- **Do we provide Representation to Witnesses during Fact Findings?**
 - No, Witnesses are not afforded the right to representation. If a Witness makes a statement that could lead to discipline the interview will be stopped and the employee will be re-noticed with all rights attached.
- **If a Subject of a fact finding is un-represented (waived, unclassified) and not recording, do we still record?**
 - Yes. The only time we will not record is when we interview Subjects that are represented by labor groups other than L145.
- **Is there an additional more substantive Admonishment to go along with recording?**
 - PSU and Labor Relations are currently looking into this.
- **What is the expectation on how to rate EPRs consistently across the Department? How does improper EPR documentation effect/degrade the discipline process? Is there training planned to standardize EPR ratings?**
 - All EPRs are reviewed and approved by the second level supervisor. Employees that are doing their job are satisfactory. Any rating above or below satisfactory needs to be justified in writing on the summary page. If the justification is not specific enough to warrant the rating chosen there should be a discussion (by 2nd level supervisor) to improve the documentation or change the rating until it's appropriate. When the Department initiates discipline and the employee's EPR is rated above standard/outstanding with no specific justification, will create a cause for concern.
 - Future EPR training passed to the CoC.
- **What is the approved method for documenting an employee's received discipline in the annual EPR?**
 - Do not document the specific discipline in the EPR. This could violate the employee's rights later if they successfully petition and have the discipline sealed/removed. Document the continued areas for improvement.
- **What is the Departments policy on Supervisors own expectation statements? Do they supersede the expectations set forth in the EPR? Is it ok for Supervisors to have their own written expectations outside of the EPR process?**
 - The EPR gives general work standard categories with no specifics on good or bad performance. The Supervisor's expectations are specific measures of what constitutes good performance for them. It is a benefit to the employee to know and understand what is expected. Employees have to have a clear and consistent understanding of what is expected of them in order to be held accountable to the expectations.
 - Supervisor's expectations should not overreach beyond what our policies, SOP's, and EPRs justify.
- **Can L145's laminated FFBOR posters be distributed?**
 - Yes.

- **What is the Department's policy for when QI/QA becomes discipline? When and how does that properly occur? Is there an approved process?**
 - The Chain of Command (CoC) determines when QA/QI becomes discipline. If EMS staff feels an issue is correctable with QA/QI intervention, and the paramedic(s) will be allowed to continue to work after, then EMS staff will act quickly to contact the paramedic(s) and make the QA/QI correction. This may include EMS documentation to prove that they have provided instruction/training. The conversations the paramedic has with EMS training staff during this QA/QI contact will not be used against them in any official discipline proceedings (specific admonishment being developed). However, EMS staff correcting the paramedic issue does not preclude the Chain of Command from initiating formal discipline to correct misconduct or performance issues if deemed necessary. When this is necessary it will be done following the normal discipline process and include all employee rights. This is an approved process.
- **Can we prevent an employee who refuses a locker search from accessing their locker while we go through the noticing process?**
 - Yes, Management can secure control over City property until proper noticing can be issued or the employee is physical present.
- **How much advanced notice is required for locker searches when the employee is not available? When the employee does not agree to the search?**
 - There are no overall guidelines on the time frame. If the matter is criminal in nature Management will expedite the entry into the locker. If this matter is conduct related we may grant the employee time to be physically present.
- **How long does discipline stay in employees HR file?**
 - Written Warnings/Reprimands **may** be removed after (3) three years if there is no additional discipline given to the employee. The employee must petition the Fire Chief and he/she (or his/her designee) will determine if the discipline will be removed. (Pg 54, C1, L145 MOU)
 - Per the current MOU, discipline other than that stays permanently in the employees Personnel and HR file.
- **How long does discipline count against an employee's chance to get promotions/specialties?**
 - (2) two years. This language can be found in the announcements to the openings.
- **How long is discipline used in consideration of future discipline?**
 - (3) three years.
- **Can we inform the Rural Metro Supervisors that they should go through the CoC to request info or letters from Firefighters?**
 - Yes, this can be coordinated through EMS. There will always be times when someone forgets, or is new to their position, that may not know the proper procedure. It is imperative that the Battalion Chiefs and Captains courteously steer them in the right direction. If there is any doubt, defer to the appropriate CoC for clarification.

- **Can we incorporate the “DESC” model into the promotional process? Training process?**
 - Battalion Chiefs will be delivering DESC model training to the Captains.
 - **Describe Behavior**
 - “When you don’t wear your PPE....”
 - **Express Impact**
 - “...your crew has to wait for you to get ready, it’s unsafe for all of us, and the Chief will...”
 - **Specify Change**
 - “You need to wear your PPE on every call, everyday, starting immediately – that means before we leave the station.....”
 - **Consequences**
 - “If you do not do this, I’ll have to take more sever disciplinary action”