



Company Officer – Leadership & Discipline



Session Goals

Purpose: Prepare you for the POSITION of Company Officer through

Task:

- ⑩ Discussion of typical employee problems encountered by SDFD Company Officers and how to manage them.
- ⑩ Discussion of typical employee problems encountered by the SDFD and how to manage them.

End State:

Effectively respond to and manage employee problems as a Company Officer in the San Diego Fire-Rescue Department



Supporting the Chain of Command *PSU as a Resource*

- PSU tracks discipline for all Fire-Rescue employees.
 - ▣ Firefighters, CRRD, Lifeguards, ECDC, and other civilians.
- PSU's role is to track discipline and provide guidance.
 - ▣ Firefighter Bill of Rights
 - ▣ Track discipline process and file completed discipline documents.
 - ▣ Provide employee discipline history to help determine current discipline level.
 - ▣ Provide examples from similar instances to help ensure consistency
 - ▣ Seek guidance from City Attorney and/or Human Resources for unusual cases
- **First and second line supervisors throughout the city are responsible for discipline.**



Supporting the Chain of Command *PSU as a Resource*

- Investigate
 - Provide technical and professional guidance of investigations authorized by the Fire Chief and conducted by the chain of command.
- Assist CoC in determining discipline level
 - Will provide guidance, relevant employee discipline history, past discipline for similarly situated employees.
- Fact-finding reports and discipline documents
 - Will proofread, edit, and coordinate delivery of fact-finding reports and discipline documents.



Congratulations!?

I'm a Captain, now what the heck am I supposed to do?

LEAD !

“Serve the community of San Diego by providing the highest level of emergency/rescue service, hazard prevention and safety education ensuring the protection of life, property, and the environment”



Everyday Challenges a Company Officer Faces

- ❑ Current departmental issues
- ❑ Issues in the fire service
- ❑ Issues or matters handled at the BC level



Brain Storm

Let's list some.....

- Current departmental issues
- Everyday challenges a Company Officer faces
- Issues in the fire service
- Issues or matters handled at the BC level



Time Starts Now
5 Minutes



You Must Know

- ❑ Policies and procedures
- ❑ Disciplinary process
- ❑ Misconduct vs. Performance Issues
- ❑ Your obligations as a Company Officer



SDFD Leader

A San Diego Fire-Rescue *leader* is anyone who by virtue of assumed role or assigned responsibility inspires and influences people to accomplish organizational goals. SDFD leaders motivate people both inside and outside the chain of command to pursue actions, focus thinking and shape decisions for the greater good of the organization.

(United States Army, 2012) (National Wildfire Coordinating Group, January, 2007)
(San Diego Fire-Rescue Department, 2006)

How will you motivate your crew to pursue actions that support the mission and function of the San Diego Fire-Rescue Department?



Dimensions in Discipline

Managers and supervisors are expected to use the available tools and resources at their disposal to reward and encourage city employees who perform their job duties to a fully satisfactory level and above. Page 1





Purpose of Leadership

***Leadership* is the process of influencing people by providing purpose, direction, and motivation to accomplish the mission and improve the organization.**

(United States Army, 2012)

How will you provide purpose motivation and direction to your crew to pursue actions that support the mission and function of the San Diego Fire-Rescue Department?



Brain Storm

As a Company Officer how can you improve morale? It must be easily implemented from day one as a new Captain and add no new cost to the department.

Time Starts Now

2 Minutes



Communication

- Be accessible: e-mail, cell phone, in person
- Be present: Make time for questions, assist with Station Duties (3 Bs)
- Be invested: Know people by name, know their families, know their hobbies
- Solicit feedback: ask crews; How do you feel? What are your challenges? What are your goals? How can I help?



Captains Are Leaders of People

Leaders of people accept responsibility not only for their own actions, but for their team, including those of its members. Leaders of people act to develop credibility as leaders: placing the team ahead of themselves, demonstrating trustworthiness, mastering essential technical skills, and instilling the mission-driven values in their teams.

(Mission Centered Solutions, 2016) (United States Army, 2012) (National Wildfire Coordinating Group, January, 2007)

Key Concept: Your Crew reflects upon **you** and the conduct and performance **you** find acceptable.



Build the Team

- ❑ Welcome and introduce incoming crew members
- ❑ Recognize and thank our outgoing crew members
- ❑ Share in suffering: Code 9 with crews, join in manipulative training, last to eat, pick up hose.
- ❑ Lighten the load: Cook meals, help with clean up, Fire RMS
- ❑ Provide training and mentorship, OOS Training, MCD



Components of Leadership

Followers respond to the authority of a leader in general or in response to specific guidance. Effective organizations depend on the competence of respectful leaders and loyal followers. Given the hierarchical structure of Fire-Rescue, every Fire-Rescue leader is also a follower. Learning to be a good leader also needs to be associated with learning to be a good follower—learning loyalty, subordination, respect for superiors, and even when and how to lodge candid disagreement.

(United States Army, 2012) (San Diego Fire-Rescue Department, 2006)

How will you lodge candid disagreement?
What orders will you refuse to follow? IRPG pg 19



Use Incentives

- Recognize performance at incidents
- Recognize community service
- Recognize station improvements
- Recognize apparatus maintenance
- Develop healthy competition
- Recommend employees for City and Department Awards
- Recommend employees for training opportunities



Applying Influence

Leaders can encounter resistance when attempting to influence others internal or external to their unit. Leaders can mitigate resistance by anticipating what others value, their reactions to influence, their shared understanding of common goals, and their commitment to the general organization or the purpose of the mission and their trust in the organization and the leader. After taking measure of underlying causes of resistance, leaders can work to build or restore relationships, determine shared goals, remove perceived threats or other actions, and clarify how the influence action relates to their personal values.

(United States Army, 2012)

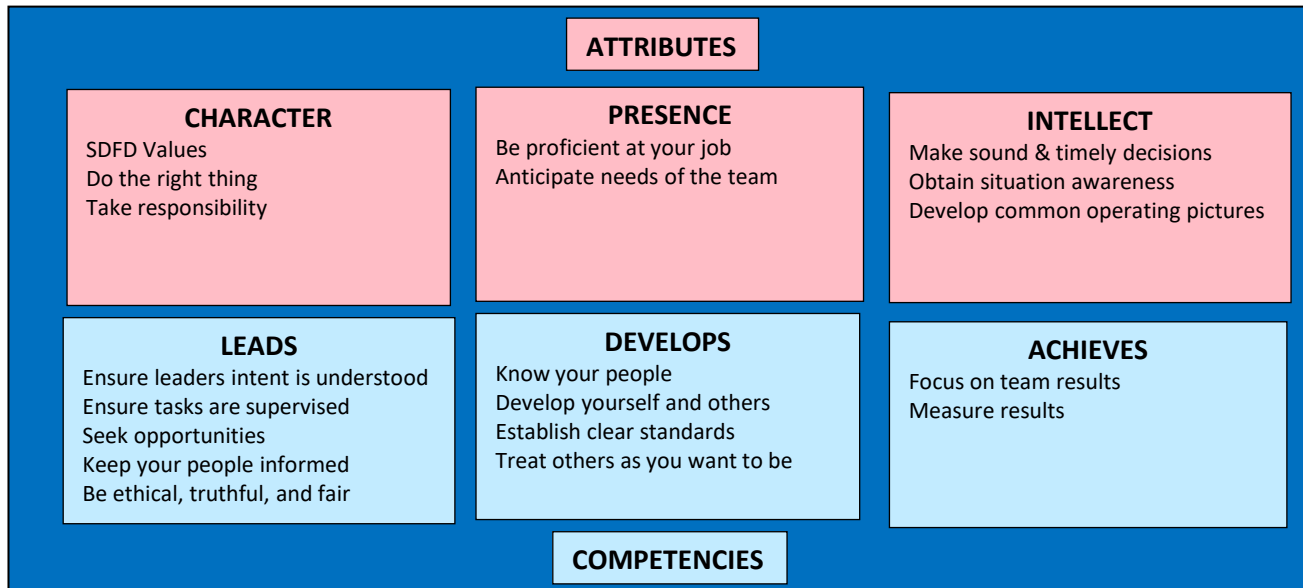
What do Firefighters value?

How can you use that to improve performance and conduct?



Leadership Model

Are leaders born, or are leaders made?





Leadership Values, Principles & Tasks

SDFD Value	MDC Principle	Leadership Tasks
Professionalism	Service for the Common Good Form & Function Defined by End State	Focus on team results & the public good. Make sound and timely decisions. Ensure leaders intent is articulated and understood. Ensure tasks are supervised and safely accomplished.
Respect	High Trust State	Know your people, look after their well-being Keep your people informed. Treat others as we would like to be treated. Take responsibility for our actions.
Integrity	Pursuit of Truth	Obtain situational awareness. Develop sound common operating picture. Do the right thing. Be ethical, truthful, and fair.
Dedication	Individual Initiative	Be proficient at your job. Seek opportunities to employ our capabilities Anticipate needs of the team, and the public.
Excellence	Continuous Improvement	Develop yourself and others for the future. Measure results and seek improvement in all we do. Establish clear standards, consistent approaches and predictable processes.



What should you do as Captain?

- ❑ Recognize you are a role model
- ❑ Develop subordinates for future leadership
- ❑ Knowledge of rules, policies and procedures
- ❑ Provide written expectations
- ❑ Review/Deliver Employee Performance Review
- ❑ Recognize and Reward good performance
- ❑ Communicate acceptable job standards to subordinates
- ❑ Recognize misconduct early and intervene quickly
- ❑ Hold subordinates accountable for poor job performance
- ❑ Document objective performance data. Must be specific not general



Undermining Your Own Authority

Key Concept

Your power is weakened when you do NOT uphold the policies of the Department





What should you do as Captain?

- Keep Your Chain of Command Informed
- Conduct Discipline
 - ▣ Verbal Counseling/Warning
 - ▣ Written Counseling/Warning
 - Performance Development Plan (PSU and CoC)
 - Supplemental Performance Reports (PSU and CoC)
- Document performance concerns
- Know Civil Service Rule XI
 - ▣ RESIGNATION, REMOVAL, SUSPENSION, REDUCTION IN COMPENSATION, DEMOTION



Company Officer Discipline Duties

- ❑ Monitor and enforce Tardy and AWOL Policies
- ❑ Professionally Manage Citizen Complaints
- ❑ Require Subordinates Report for Drug Testing
- ❑ Require Subordinates to Have Valid CDL
- ❑ Model and Uphold EEO Policy
- ❑ Complete Vehicle Accident Reports
- ❑ **Manage Supervisor Witnessed Misconduct and Poor Performance**
- ❑ **Complete Annual Employee Performance Reviews**
- ❑ **Supplemental Performance Reports**



You Can't Un-know What You Know

Key Concept

Turning a blind eye and a deaf ear to misconduct and poor performance is misconduct and poor performance of a Company Officer





Supervisor Witnessed Misconduct and Poor Performance Discipline

- You observe something or get some info that something has happened, and you want to know more

-OR-

- BC directs you to find out what happened

SLOW YOUR ROLL, CONSUT WITH PSU

- Admonish the employee(s) to stop the behavior that violates policy
- Don't ask questions
- Document, pass it up the chain





Supervisor Witnessed Misconduct and Poor Performance Discipline

- ❑ Counseling and Warnings usually focus on a specific issue or incident (narrow focus)
- ❑ Supplemental Performance Reports generally address several issues (broad focus)
- ❑ Misconduct issues are disciplines based on the incident. This means a *first* incident may result in termination so consult with you chain of command
“Feel Allen” Case

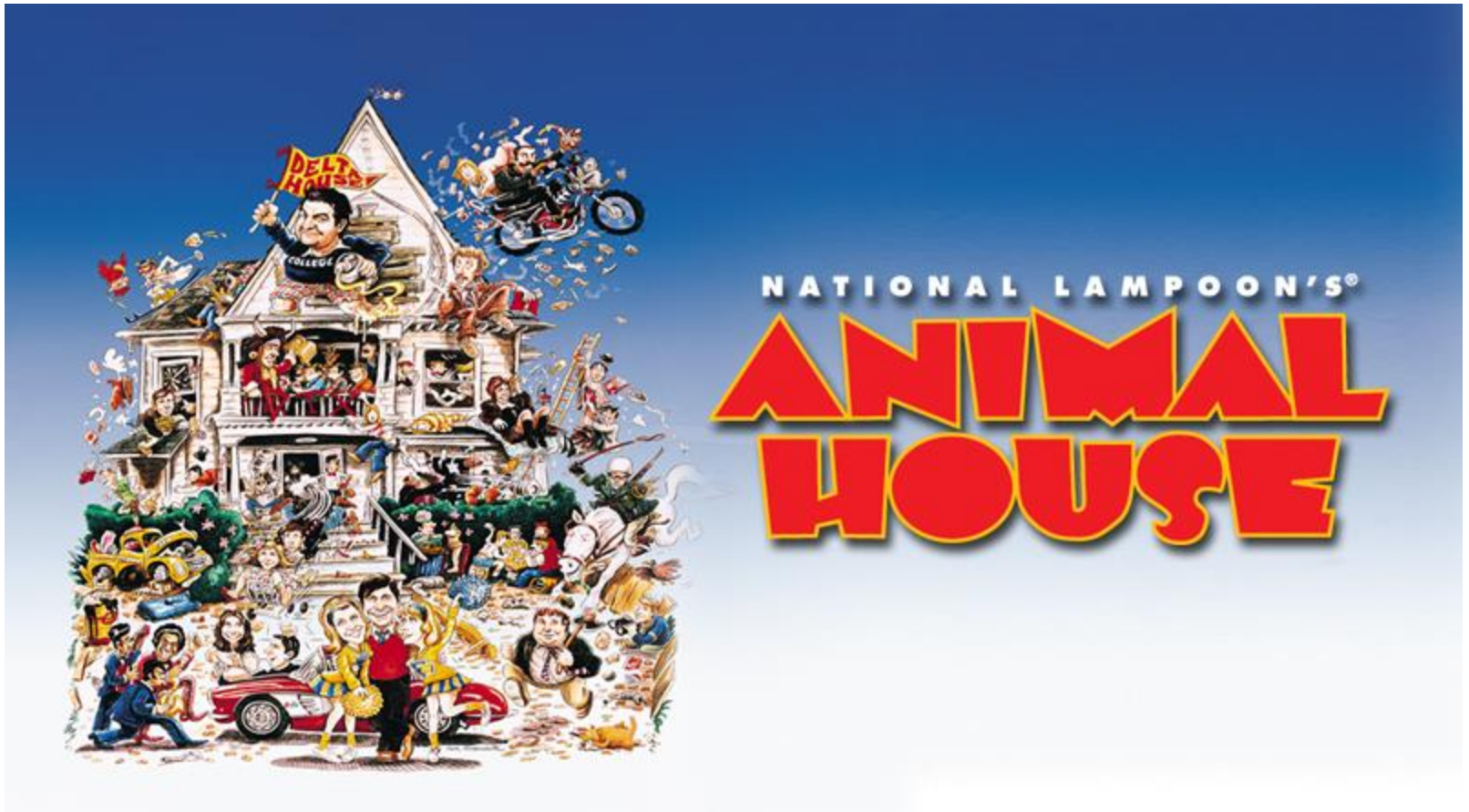


Supervisor Investigations

- You **CANNOT** ask questions when the answers can lead to discipline without affording representation.
- You **CAN** observe conditions, actions, documents and records as well as overhear voluntary statements made in public spaces.
- Once you have knowledge of something for which discipline may be issued, and you start poking around, employee(s) should be notified and given a representative (*Labio – Los Angeles Airport Police*)
- **DO NOT** direct employee to write an FD-7/send an email
 - If required that direction will come from a BC



Firehouse Banter





Firehouse Banter

Examples of Positive Behavioral Statements:

- Be respectful to colleagues and members of the public
- When having a conflict with another, resolve it through respectful dialogue or agree to disagree
- At times of disagreement, listen carefully before responding
- Provide support to colleagues before being asked
- Acknowledge others for a job well done
- Use civil, respectful verbal and non-verbal communication when dealing with colleagues and members of the public
- Be inclusive of others in conversations, as appropriate under the circumstances
- Provide feedback to others in constructive, helpful ways



Firehouse Banter

While on-duty, in uniform, on fire department property, on/in fire apparatus, or while representing the fire department, personnel shall not:

- use uncivil, profane, hostile language or demeanor or passive aggressive language or demeanor;
- ridicule, mock, disparage or malign another person in their presence or outside of their presence;
- engage in hazing and/or bullying other members of the department at any time whether on-duty or off-duty regardless of the members' willingness to participate or submit to the conduct;
- engage in the hazing and/or bullying of any other person while on-duty, while in uniform, while on fire department property, while in or on fire department apparatus, or while representing the fire department, regardless of the person's willingness to participate or submit to the conduct;
- commit nor threaten to commit any act of physical intimidation or violence upon any person;
- at times of disagreement with another, do any of the above in place of, or in addition to, a respectful conversation.



Firehouse Banter

When interpersonal disputes and/or differences of opinion arise, personnel shall not:

- use uncivil, profane, hostile language or demeanor, or passive aggressive language or actions to resolve the interpersonal dispute or differences; or
- commit nor threaten to commit any act of physical intimidation or violence upon any person; or
- ridicule, mock, disparage or malign another person in their presence or outside of their presence in place of, or in addition to, having a respectful conversation.



Vehicle and Industrial Incident Investigation





Vehicle and Industrial Incident Investigation

Who needs to fill out Employee Vehicle/Industrial Accident Damage Report/CD-1551?

- Each person that may have contributed to the incident, including:
 - Driver
 - Passenger
 - Backer-(every backer involved)
 - Spotter-(ie. Captain spotting the placement of Aerial Ladder)



Vehicle and Industrial Incident Investigation

Common mistakes when filling out CD 1551

- ❑ Must be typed, NOT handwritten
- ❑ Required narrative is incomplete or too vague. (please get as much detail on this portion by the employee because further investigation is not allowed due to FFBOR)
- ❑ Missing wet Driver Signature and date (have the employee sign in this area even if they were not driving, ie. backer, spotter, witness). Getting a wet signature requires the employees to print, sign, and scan the document.



Vehicle and Industrial Incident Investigation

Common mistakes on the Supervisor Vehicle/Industrial Incident Investigation Report -CD 1555

- ❑ Investigating Supervisor Narrative shall be a complete independent investigation of the City employee named at the top of the CD-1555 and include any actions/inactions/location and any other pertinent information that attains to the incident/employee .
- ❑ Cut and paste narrative for multiple employees on the same incident is not acceptable



Vehicle and Industrial Incident Investigation

- All CD-1551 forms must be turned into their supervisor **within 72 hours**
- All CD-1555 forms along with any supporting documentation must be submitted to Battalion Chief or appropriate supervisor **within 7 calendar days of incident notification date.**



Applying Discipline



5 Minute Break



Dimensions in Discipline

On the other hand, managers and supervisors are expected to use the available tools and resources at their disposal to discipline city employees whose workplace conduct or job do not meet the City standards .

Page 1





Goals of Discipline

What is the goal of discipline?



Applying Discipline

- Not an opportunity to settle old scores
- Teach them a lesson
- Not the ability to retaliate against an employee

“Lets throw the book at them”

“I want to make this one sting”

“The last time they got away with it, this time they won’t”



Applying Discipline

Rationally related...



...Similarly situated employees



A Few Tips

When considering the action to be taken, consider if it is:

- ▣ Fair and Equitable
- ▣ Consistent with department/division standards
- ▣ Reasonable
 - Rationally related
 - Similarly situated





Actual Harm or Disruption

How does the employee's performance or conduct harm the mission or function of the department?

Dealy in fire suppression or rescue operations?

Jeopardizing personal, team or public safety?

Willing and able to accomplish the goals of the department?

Damage to public trust and the reputation of the department?



Appropriate Level of Discipline

The corrective action should be appropriate for the offense. Supervisor can **recommend**, but Management will **determine** the level.





Two-Track System

Coaching Sessions (AAR) Admonishment - Reinforce Policy “Stop the Bleeding”

Performance Discipline	Misconduct Discipline
1. Verbal Counseling	1. Verbal Warning
2. Written Counseling	2. Written Warning
3. Supplemental Performance Report / PDP	3. Reprimand
4. Reduction in Compensation	4. Suspension
5. Demotion	5. Demotion
6. Termination	6. Termination



Company Officer Discipline Tools

- ❑ Coaching
- ❑ Admonishment
- ❑ Verbal Warning / Counseling
- ❑ Written Warning / Counseling
- ❑ Reprimand (must be issued by BC delivered by you)
- ❑ Performance Plan (must have below standard EPR overall or on certain aspects)



Many Different Systems To Use

- ❑ Determine Performance or Misconduct
 - ❑ Must be tied to Law, Policy, EPR, Mission or Values
 - ❑ All policy violations require re-training
- ❑ Now what system do I use?
 - ❑ Coaching
 - ❑ Admonishment
 - ❑ Counseling or Warning
 - ❑ Supplemental Evaluation
 - ❑ PDP





Progressive? Discipline

What does progressive mean?

Hint: doesn't mean you have to start at the beginning

- ❑ Lost or damaged 800 MHz radio (Reprimand)
- ❑ Refusing to respond (Suspension)
- ❑ EEO Violations
- ❑ Threat Management
- ❑ Substance Abuse

Progressive discipline needs to have a **rational relationship** to the misconduct or poor performance and based upon what a **similarly situated employee** would receive.



Progressive Discipline

Do It

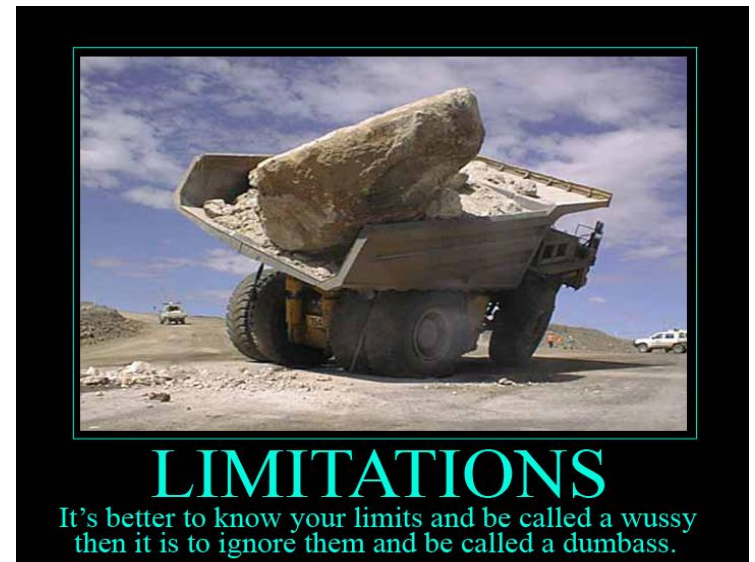
- Coaching
- Admonishments
- Verbal Warnings / Counseling's
- Written Warnings / Counseling's

Delegate It

- Coaching

Elevate It

- EEO
- Threat Management
- Substance Abuse
- Performance Development Plans
- Reprimands





Employee Meetings – Have a Plan

What are your initial intentions of this meeting?

- Coaching
- Admonishment
- Discipline
- Do NOT underestimate
the power of a verbal
warning





Discipline Meetings

- Must issue Notice of Right to Representation (NORR) 3-5 days prior to issuance of discipline
 - ▣ City Personnel Regulations
 - ▣ Probationary personnel cannot appeal, but could file complaint with city or lawsuit.
 - Don't give any room to claim any sort of unfair treatment/discrimination/harassment

- If no union representation, have employee sign Waiver of Representation
 - ▣ No Perception of coercion to sign Waiver of Representation



Discipline Meetings

- ❑ Should be in private
- ❑ Don't make it personal
- ❑ Don't raise your voice





Supervisors Notes

- ❑ A Working File (electronic or paper)
 - ❑ Can be kept for only one year (7/1 – 6/30)
- ❑ Good and bad notes about employees
- ❑ Used to complete annual performance evaluation or refer to in future
- ❑ Employee does not have the right to view the file
 - ❑ Pool V OCFA



Supervisor Notes – How To

- Tracking Working Notes
 - Email the employee describing what was discussed.
 - Request Read Receipt.
 - Direct employee to respond to acknowledge receipt of email and understanding of expectations.
 - Email can be sent to PSU for tracking. Will NOT be placed in the employee's file.
 - This DOES NOT turn it into a written counseling/warning. It is simply documenting an admonishment or reminder of expectations.



Working Notes – Good

- Too often we focus on what needs to improve

- Employees need to be recognized for the good they do
 - Improves morale
 - It's not bad every time you call them into the office
 - Notes for EPR - constant station bids

- Don't forget about commendations
 - Unit Citations
 - Employee of the Quarter
 - City Discipline and Rewards Program



Working Notes – Good

The purpose of this email is to recognize your performance during my time at Station XX over the past two months. I have noticed that you stay calm under pressure, take control of patient care in critical situations, and provide guidance to newer firefighters, paramedics, and EMTs.

Not only have I noticed it, but Captain XXXX worked overtime with you on DATE, and he took the time to tell me how impressed he was with your paramedic skills and calm under pressure during a critical call. He also appreciated how you provided guidance to the probationary firefighter working on the crew that day.

I want you to know that your effort and dedication does not go unnoticed, and I encourage you to keep up the good work. It has been a pleasure working with you.



Bad Attitude

- ❑ What if employee pushes back or at best, doesn't seem to care?
- ❑ DOCUMENT
- ❑ EPR Sections

TRAINING					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	21. Practices proper safety techniques.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	22. Interest/motivation/participation.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

INTERPERSONAL SKILLS					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	32. Teamwork.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	33. Respect for others.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	34. Professionalism/tact.



Bad Attitude – policies

- ❑ You violated City of San Diego Civil Service Rule Rule XI, Section 3.(d) which states, **“That the employee has violated any lawful or official regulation or order or failed to obey any lawful and reasonable direction given by a superior officer when such violation or failure to obey amounts to insubordination or serious breach of discipline.”**
- ❑ City of San Diego Personnel Manual, Index Code G-1. II.K. which states **“Employees must adhere to the rules of work and performance established as standards for their positions by the appropriate authority.”**
- ❑ City of San Diego Personnel Manual, Index Code G-1, Code of Ethics & Conduct, Section II.G, which states, **“City employees have an obligation to the citizens, to the people’s elected representatives, to fellow employees, and to management to cooperate in accomplishing the goals of this City and their individual departments and work units.**



Bad Attitude – policies

- ❑ City of San Diego Personnel Manual Index Code G-1. III which states **“Every employee should serve the public and fellow employees with efficiency, impartiality, and courtesy, so that our public and personnel relations will be continuously enhanced.”**
- ❑ SI03, Section II.3.e – **“Accord obedience and proper respect to officers and acting officers”**



Bad Attitude – documentation

- Document the pushback/attitude.
 - ▣ Consult with BC and issue additional, appropriate discipline
 - ▣ Document via email to BC, send to PSU
- Hard to put a finger on or put into words
 - ▣ Condescending tone, nonchalant, uncaring, unaffected
 - ▣ Rolled his eyes, crossed his arms, set his jaw, scoffed



Coaching Sessions

Reminder of Expectations.

Informal conversation **before** formal discipline.

- Performance or Misconduct
- Used when substandard performance or behavior needs to be addressed, but not to the level of formal discipline, **After Action Review**
- Reminder of Expectations
- Can serve as basis for formal discipline later





Admonishments

Reminder of Policies and Expectations

Formal conversation to stop misconduct or poor performance
while formal discipline is considered

- Performance or Misconduct
- Used when substandard performance or behavior needs to be addressed, immediately while discipline is considered, **“Stop the Bleeding”**
- Reminder of Expectations
- Will serve as basis for formal discipline later



Verbal or Written Counseling

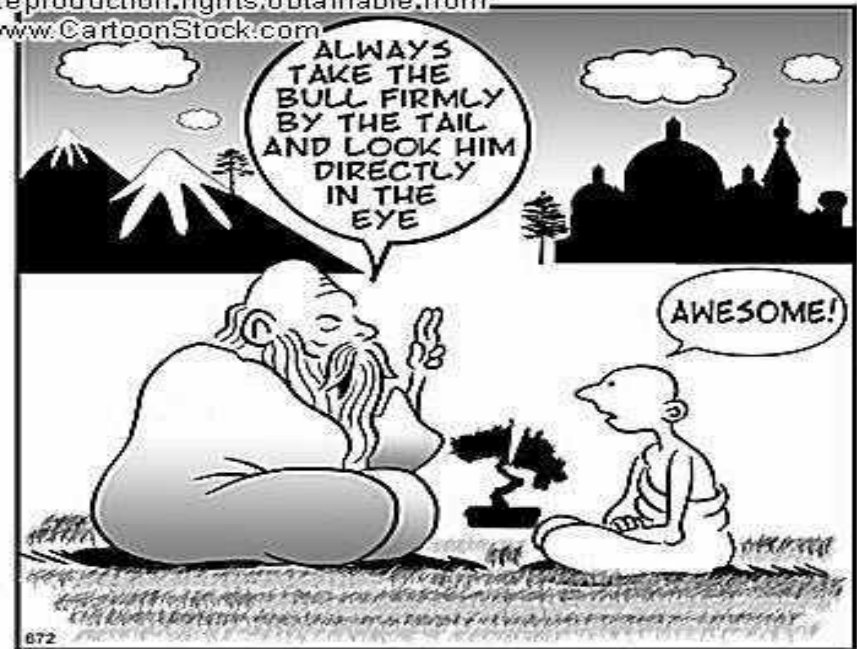
- ❑ Used to improve performance and come up with a plan
- ❑ Identify needs of the employee (how can you help the employee improve)
- ❑ Establish benchmarks and timelines
- ❑ Follow department standards



Counseling Continued

- ❑ Encourage employee
- ❑ Show confidence
- ❑ Be firm

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DESC Model

Describe Behavior

“When you fail to wear your PPE....”

Express Impact

“...your crew has to wait for you to get ready, it’s unsafe for all of us, and results in a delay in rescue and suppression operations which can **increase property damage and increase the risk of injury and death to civilians, firefighters and other first responders**”

Specify Change

“You need to wear the correct PPE on every call, everyday, starting immediately”

Consequences

“If you do not show immediate and sustained improvement, progressive discipline, up to and including termination may result”



Written Counselings and Warnings

- Be sure to focus on:
 - Performance or incident
 - Date or time frame
 - Improvement needed
 - Consequences if improvement is not noted

- Be sure to offer assistance and designate a follow-up date

- Offer EAP as a resource



Written Counselings and Warnings

- ❑ Previous Verbal Counselings / Warnings should be referenced in the Written Counseling / Warning.

Document:

- ❑ Date(s)
- ❑ Time(s)
- ❑ Topic(s)
- ❑ If the employee fails to change the behavior, document it in the Written Counseling / Warning



What Right Looks Like

- Now that we told them what they did wrong, and told them how it violates policy/procedure, we need to show them what right looks like and help them get there.
- Fits the “DESC” model from Dimensions in Discipline
 - **D**escribe the behavior
 - **E**xplain the impact – Inefficient service, danger to others, etc.
 - **S**olution – Remediation Plan
 - **C**onclusion – Check understanding and commitment (buy-in)



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: 1/05/2020
TO: [REDACTED] Probationary Firefighter
FROM: [REDACTED] Captain
SUBJECT: Remediation Plan

This memorandum is delivered in concurrence of Written Counseling PSU# [REDACTED] issued January 05, 2020 and is to serve as the Remediation Plan to assist you as you work toward improving your performance.

Your presence at work is imperative to the goal of remediation and improved performance. As such, in accordance with Staffing Policy Manual Section 2.6, Section A, "All leaves, with the exception of Unscheduled Leave, must be approved by the supervisor."

Remediation will take place for a total of four (4) shifts at Fire Station 44 on Jan. 16, 18, 20, 22. You are hereby ordered to report for all four shifts of the go-around to complete this remediation plan. In accordance with the Staffing Policy cited above, any requests for leave must be pre-approved and authorized by your administrative captain or Battalion 7.

Areas Requiring Improvement

- Equipment Location on Truck, engine, and brush apparatus
- Demonstrating proficient knowledge in equipment operation
- Maintaining knowledge and skills related to academy curriculum, specifically ladder operations
- Demonstrate proficiency in hose deployment and operation

Remediation Plan

Probationary Firefighter [REDACTED] will be evaluated on the following engine company equipment:

- Ground Extension Ladders; present spiel, demonstrate various one person carries, place and climb ladder
- Deployment of a condo lay and safe effective operations on hose lines
- Professionalism and customer service during medical aids

As time and operational requirements allow, Probationary Firefighter [REDACTED] will be evaluated on the following truck company equipment:



Performance Development Plan

- Step 1) Verbal Counseling
- Step 2) Written Counseling
- Step 3) Performance Development Plan and Supplemental Performance Report

- Work closely with Professional Standards Unit (PSU) to ensure all the requirements to issue a PDP with supplemental performance report.



Performance Development Plan and Supplemental Performance Report

- ❑ Not all PDP require a Supplemental Performance Report
- ❑ All Supplemental Performance Reports require a PDP

Work closely with Professional Standards Unit (PSU) to ensure all the requirements to issue a PDP with supplemental performance report.



Supplemental Performance Reports

- Supplemental Performance Report
 - A tool to notify employees about poor performance **in between** regular annual performance reviews
 - An official documented record of poor performance

Remember to:

- Establish date/time to meet with the employee and provide performance updates on a regular basis and adhere to dates
- Offer assistance
- Keep employee informed - **there should be no surprises**
- Conduct a final meeting to discuss employee status
- Do not let final date lapse



Supplemental Performance Reports

- ❑ Supplemental Performance Reviews should refer to any previous inappropriate behavior(s) within the current evaluation
- ❑ Include behaviors that can be supported with examples or documentation previously discussed with employee
- ❑ Include a Performance Development Plan (PDP) that addresses how the employee must correct problems / behaviors



Supplemental Performance Reports

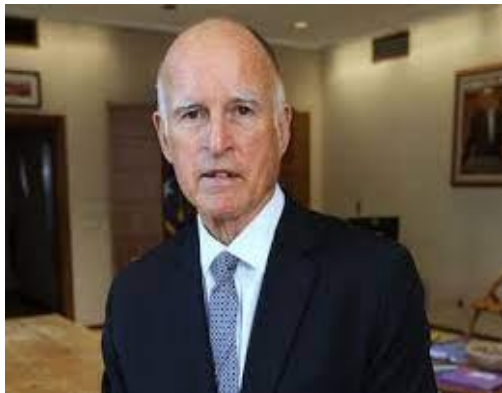
- Meet on a regular basis to discuss performance
 - List dates, times, and location of weekly/bi-weekly meetings with employee in the supplemental performance review and adhere to them

- Be specific on the expected performance

Work closely with Professional Standards Unit (PSU) to ensure all the requirements for a PDP and Supplemental Performance Report or the Annual Performance Review are met



Firefighters Bill of Rights



Knowing Your Rights Can Save Your Job.

If you find you're being asked questions that might result in disciplinary action or criminal prosecution:

1. Ask if you are at risk of disciplinary action.
2. Ask for union representation before responding to any questions.
3. Insist that any statement be tape-recorded.
4. Don't volunteer to take a lie-detector, alcohol or drug test.
5. Don't reveal any personal financial information without a court order.
6. Make note of physical or verbal abuse, threats, extortion or any other attempt to compel your answers.

Non-Waiver Statement

If you're compelled to make a statement or answer questions in violation of your right to representation or any of the rights listed above, demand that it be recorded and read the following:

I am making this statement voluntarily, in compliance with a direct order made under penalty of sanction and/or termination. In compelling my statement without representation, you are in violation of the California Government Code, Sections 3250 through 3262, and are subject to civil penalties prescribed by law. I do not waive any of my rights under this law, our current union contract, any other local, state or federal law, or my right to remain silent under the Fifth and Fourteenth Amendments of the United States Constitution.

United Firefighters of Los Angeles City
Local 112, International Association of Fire Fighters
1511 Beverly Boulevard, Suite 201
Los Angeles, California 90025-3784

Know Your Rights
The Firefighters Procedural Bill of Rights

Coauthored by

CALIFORNIA PROFESSIONAL FIREFIGHTERS
United Firefighters of Los Angeles City LOCAL 112

5 Minute Break



Firefighters Bill of Rights

COVERS

All Firefighters of all ranks, including at-will employees (Deputy Chief or higher)
Events and circumstances involving the performance of his/her official duties.

Notification

Representation

Interview Process & Rights

Deadlines

Appeals

Locker Search

Reassignment

Punitive Action for Exercising Rights

Enforcement

*as it relates to discipline

Exceptions:

Single-Role Paramedics & EMT's*(Article 11)

Arson Investigators*(PBOR)

Probationary Firefighters

Off-Duty Misconduct



Firefighter Bill of Rights

TRIGGERED BY:

Any actions which may lead to:

- Dismissal
- Demotion
- Suspension
- Reduction in Salary
- Transfer for the purpose of punishment
- Written Reprimand
- Written Warning/Counseling

DOES NOT APPLY TO:

- Verbal Counseling
- Verbal Warning
- Instruction
- Coaching
- Routine or unplanned contact with supervisor



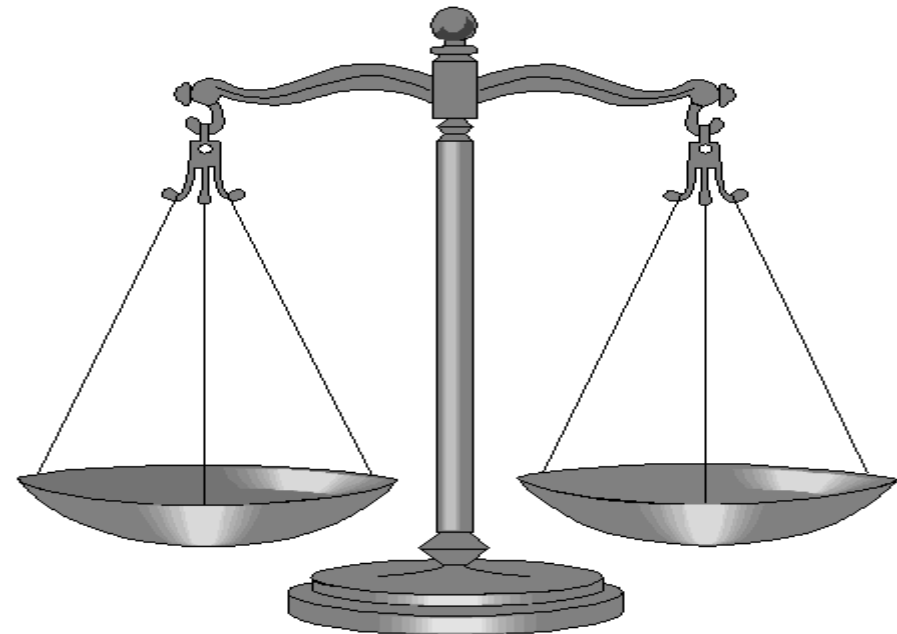
Firefighter Bill of Rights

REASSIGNMENT	PUNITIVE ACTION FOR EXERCISING RIGHTS
<p>A Firefighter shall not be loaned or temporarily reassigned to a location or duty assignment if a Firefighter in his or her department would not <u>normally</u> be sent to that location or would not normally be given that duty assignment under <u>similar circumstances</u>.</p>	<p>A Firefighter shall not be subject to or threatened with punitive action, or denied promotion, because of the lawful exercise of the right granted under this act</p>



Union or Representatives Role

- ❑ Ensure the process is correct
- ❑ Give the employee a sense of security
- ❑ Remember, you want the employee to know they were treated fairly





NORR – Notice of Rights of Representation

□ Shall Include:

- Date/details of alleged misconduct or poor performance
- Level of proposed discipline
- Name and rank of Supervisor **delivering** discipline
- Right to representation

Use templet found on S: Drive



NORR – Notice of Rights of Representation

- It is the Firefighters responsibility to obtain representation
- Local 145
- Attorney
- MOU Article 11
 - Fire Battalion Chiefs are not authorized to represent Fire Fighters, Fire Engineers, or Fire Captains on matters of discipline or grievances.
 - Fire Captains are not authorized to represent Fire Fighters or Fire Engineers on matters of discipline or grievances.
 - Members of the Board of Directors may represent employees in all Fire classifications in matters of discipline and grievances.



Waiver of Right to Representation

Obtain a signed waiver **on the day** discipline is issued if the employee states they are waiving their right to a representative of their choice



Role Playing Group Exercises

- ❑ Groups of 4-5
- ❑ 30 Minutes
- ❑ 3 – 4 Policy Violations



Role Playing Group Exercises

Scenario 1

- ❑ Your Engineer is very experienced and knowledgeable but continues to offer “coaching” to the Firefighters by telling them who should be able to ride the Truck. You have had a previous coaching session with your Engineer when you directed them to stop telling firefighters who can ride the Truck. During that coaching session, the Engineer seemed reluctant to accept your direction. You just overheard a will working firefighter from your station griping to another firefighter that the Engineer told him to go ride the pump.



Role Playing Group Exercises

Scenario 2

- ❑ You are grocery shopping, and you overhear your firefighter use the pejorative term for a gay man to the other firefighter on your crew. Both firefighters laugh and don't seem bothered or offended, but a member of the public overhears the remark and sees the firefighters laughing.



Role Playing Group Exercises

Scenario 3

- ❑ Your new Firefighter submitted his apparatus task books to you for your signature. While reviewing the task books it appeared that the dates of documented training had been changed (manipulated) from 2020 to 2021. It was obvious that the dates were scribbled over and manipulated to 2021.
- ❑ You review the firefighters Telestaff calendar and realize they were NOT working any of the days that they documented training with the exception of one day on October 31st, 2021. The employee's TeleStaff calendar matched the training days/hours recorded for 2020.
- ❑ It appeared that the firefighter attempted to manipulate the documented training dates to try to stay within the standard of beginning a certification to the time of completion within 6 months.
- ❑ Firefighter documented over the maximum allowable training of 6 hours per day on the following dates:
 - ❑ 8 hours documented
 - ❑ 7 hours documented



Role Playing Group Exercises

Scenario 4

- ❑ Your Battalion Chief calls you and directs you to inspect your Engineers Drivers License to ensure they have a valid CDL. You ask your Engineer to show you their CDL but they refuse stating they need representation, and you are violating Firefighter Bill of Rights by investigating without proper notice.



Appeals

- Government Code Section 3254(b) 3254.5(a) Firefighter Bill of Rights
- Government Code Sections 11500 – 11529 “Formal Hearing” (Skelly and CSC) Property Rights
- Government Code Section 11400 through 11475.70 – Specifically 11445.20 “Informal Hearing” (Appeal) Non-Property Rights
- Dimensions in Discipline (DiD) Unit II,
- L-145 MOU Article 43,



Appeals

- No appeal for Verbal discipline
 - ▣ Remains in file for one year
- Appeal for Written Counseling/Warning/Reprimand/EPR
 - ▣ Remains in file for two years
- Suspension and higher is called Skelly Meeting, not appeal
 - ▣ Remains in file for duration of employment
 - ▣ Appeal is the term for the Civil Service Commission hearing
- Deputy Chiefs hear appeals for WC/WW/WR
 - ▣ If appeal is denied, no further appeal



Appeals Non-Property Rights “Informal Hearing”

□ **Must state basis of the request for appeal**

“The employee must submit a request for an appeal, in the form of an appeal letter, to the Department Director within the time frame stated in the appropriate MOU or in the written Reprimand document. The division head or higher authority should instruct the employee that the appeal letter must be in writing, and be submitted to the Department Director or designee.” Dimensions in Discipline



APPEALS Property Rights

- Skelly Hearing
 - Hearing Officer is an Assistant Chief
- Civil Service Commission (CSC) Hearing
 - Presiding Administrative Law Judge
- **Firefighter is entitled to any notes made by a stenographer, and copies of any reports or complaints made by investigators or other persons.**
 - **UNLESS, they are required by law to be kept confidential**



Employee Performance Review Program (EPRP)

- ❑ Review Employee Performance Review & Expectations Annually
- ❑ Evaluate & Deliver Employee Performance Review
- ❑ Address poor performance (as early as possible)
- ❑ Escalate poor performance that doesn't improve
- ❑ Issue Supplemental Performance Reports when needed.

PSU Tip – A few areas of Unsatisfactory or Needs Improvement DOES NOT require a PDP or Supplemental



Employee Performance Review Program

- Supplemental Performance Report
 - A tool to notify employees about poor performance
 - An official documented record of poor performance

Remember To:

- Establish date/time to meet with the employee and provide performance updates on a regular basis and adhere to dates
- Offer assistance
- Keep employee informed - **there should be no surprises**
- Conduct a final meeting to discuss employee status
- Do not let final date lapse



Employee Performance Review Program

- Supplemental Performance Reviews should refer to any previous inappropriate behavior(s) within the current evaluation
- Include behaviors that can be supported with examples or documentation previously discussed with employee
- Include a Development Plan that addresses how the employee must correct problems / behaviors



Employee Performance Review Program

- Meet on a regular basis to discuss performance
 - List dates, times, and location of weekly/bi-weekly meetings with employee in the supplemental performance review and adhere to them

- Be specific on the expected performance

- Work closely with Professional Standards Unit (PSU) to ensure all the requirements for a supplemental performance review and the annual review are met



Common Violations By Officers





Common Violations By Officers

Fire Captains shall:

- A. Be of equal rank to each other and subordinate in rank to Battalion Chiefs.
- B. Be in command of a fire company and fire station during an assigned shift, and perform related work.
- C. Be thoroughly familiar with their response districts.
- D. When performing duty at fires, be particularly judicious in laying lines, placing ladders, spotting equipment, calling for assistance, and other operations necessary for the preservation of life and property.
- E. When performing duty at medical aids, be particularly judicious in overseeing the medical care being provided by the crews, providing direct patient care when needed, calling for assistance, and other operations necessary for the preservation of life and crew safety.**
- F. Ensure that all apparatus, equipment and department property assigned to their command, in quarters and during all outside activities, are properly cared for, safe and protected from damage and theft. Apparatus shall not be left unattended during outside activities, unless under supervision of at least one crew member or locked/secured.**
- G. Train and instruct members of their commands, through daily training sessions to ensure that the efficiency and coordination of their commands are maintained.
- H. Direct their command in making fire prevention inspections of designated occupancies within their assigned area and within their Company Fire Prevention Districts.
- I. When given assignments other than fire suppression, perform duties in an efficient and judicious manner.
- J. Use sound judgment when making decisions in compliance with San Diego Fire-Rescue Department policies and guidelines.**



Common Violations By Officers

All Officers shall:

A. Be responsible for the enforcement of discipline and the promotion and maintenance of efficiency of their commands and consider it their duty to set especially good examples and require their commands to maintain the high standards of the Department.

B. Within their commands, put into effect the authorized policies, regulations, practices and procedures of the Department.

C. Be familiar with the general requirements of their commands in order to assume their responsibilities and effectively discharge their duties.

D. In sudden emergencies, decide promptly any questions of doubt on the part of their subordinates relative to the interpretation of regulations or orders and shall prescribe the immediate action to be taken.

E. Respond to alarms, rescue, medical aid, and special calls in accordance with requirements and Department policy, and those officers in charge of Emergency Operations shall assume command and direct operations until relieved by a superior officer.

F. When in charge at the scene of any fire, have full power and authority to direct the operation of extinguishing same, take the necessary precautions to prevent the spread thereof and, in the course of such operations, prohibit approach to such fire by any person, vehicle, vessel, or thing, and to remove or cause to be removed and kept away from such fire any vehicle, vessel, or thing, and all persons not actually or usefully employed in the extinguishing of such fire or the preservation of property in the vicinity thereof.

G. Cause all fires to be extinguished with the least possible danger to life and property, prevent unnecessary water damage, take proper precautions against rekindle, and leave the premises in as safe a condition as is practical.

H. When in charge at the scene of any rescue, have full power and authority to direct the operation of rescuing anyone in need of rescue, take the necessary precautions to prevent injury to any person, ensure safety of all persons not actually or usefully employed in the rescue, the protection of life or the preservation of property in the vicinity thereof.

I. When in charge at the scene of any medical aid, have full power and authority to direct the operation of providing medical care and transportation, take the necessary precautions to ensure safety of all persons not actually or usefully employed in the medical aid, the protection of life or the preservation of property in the vicinity thereof.



Common Violations By Officers

J. Keep the Communications Center informed of their status at all times while on duty.

K. When in charge of a departmental subdivision for which the maintenance of a journal is not specifically required, keep on file in an orderly manner reports and materials relative to the functions of their offices.

L. Be responsible for the correct notation in journals of all orders, directions, and other information having general application to the operation of their respective commands and apprise their reliefs of occurrences incidental to their tour of duty.

M. Preserve all orders, notices, bulletins, communications, and records pertaining to the operation of their respective units, until the purpose of such records has been served.

N. Be responsible for the completeness, accuracy, and routing of all reports with which they are concerned; refrain from intercepting or unnecessarily delaying any report or communications in transit and where such reports involve questions of Department policy, forward them promptly to the Human Resources Manager.

O. Promptly investigate and make oral reports to their commanding officers of any unusual occurrences concerning the Department; when required, make written reports containing the facts of the case and forward promptly through their chain of command.

P. Promptly investigate, make written reports containing the facts of any Equal Employment Opportunity complaint directly to the Human Resources Manager pursuant to the policies, procedures and regulations of the City, State and Federal government. Officers will take immediate action to ensure that the actions resulting in the complaint are immediately stopped and that the reporting party is not retaliated against for making the report.

Q. Take precautionary measures to prevent the exposure of members to unnecessary danger while on duty.

R. Be just, dignified, and firm in their relations with subordinates, and see that good order and proper discipline are maintained.

S. Require subordinates to comply with all orders, regulations, practices and procedures of the Department, and applicable Federal or State Laws or City Ordinances.

T. Avoid interference in matters or operations for which any officer of equal rank is responsible, except as directed by a superior officer.

U. Relinquish to a superior officer, to be exercised at his/her discretion, any authority which the subordinate officer may have held.



Resources

- City Intranet citynet.sandiego.gov
 - citynet.sandiego.gov>Internal Services>Human Resources>HR Forms

- S Drive
 - Professional Standards Unit>Company Officer



Discipline Documents – Templates

S-Drive > Professional Standards Office

Company Officer > Template Packets

Name	Date modified	Type	Size
!Strike Team Rosters	3/3/2020 11:48 AM	File folder	
Community Risk Reduction	3/12/2020 7:33 AM	File folder	
Emergency Command and Data Center	10/23/2019 2:04 PM	File folder	
Emergency Medical Services	3/5/2020 8:52 AM	File folder	
Fiscal&AdminSrvs	3/10/2020 10:32 AM	File folder	
Headquarters Reception Desk	3/2/2020 9:14 AM	File folder	
Health and Safety Office	3/2/2020 3:25 PM	File folder	
Lifeguards	11/14/2019 10:33 ...	File folder	
Logistics	2/19/2020 4:43 PM	File folder	
Operations	2/24/2020 7:07 AM	File folder	
Payroll	11/12/2019 2:54 PM	File folder	
PRAR	3/5/2020 2:50 PM	File folder	
Professional Standards Office	3/26/2019 12:38 PM	File folder	
Public Information Office	3/12/2020 12:12 PM	File folder	
Recruitment	6/6/2019 9:35 AM	File folder	
Special Operations	2/7/2020 7:59 AM	File folder	
Training and Education	3/5/2020 6:55 AM	File folder	
ZS-drive to be archived 11.01.2018	3/1/2020 7:05 PM	File folder	

Type

File folder

File folder

File folder

Fact-Finding Investigation - Document Kit	12/13/2019 10:03 ...	File folder
Template Packets	12/17/2019 12:20 ...	File folder



Resources

- ❑ Your Chain of Command
- ❑ Health and Safety Office
- ❑ Professional Standards Unit (PSU)
- ❑ Local 145
- ❑ Employee Assistance Program





Human Resources Department

619-236-6313

<http://citynet/hr/index.shtml>



Professional Standards Unit

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