



# TALLAHASSEE POLICE DEPARTMENT

## GENERAL ORDERS

 Proudly Policing Since 1841	<b>SUBJECT</b>  Corrective Action Procedures		 Nationally Accredited 1986
	<b>CHIEF OF POLICE</b> <i>Signature of File</i>		
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### AUTHORITY/RELATED REFERENCES

COT Administrative Policies and Procedures 709, Discipline  
 COT Administrative Policies and Procedures 710, Grievance Procedures  
 COT/PBA Agreement, Article 5, Grievance Procedure  
 COT/PBA Agreement, Article 21, Corrective Action  
 ER-19, Grievance Procedures – General Employees  
 ER-20, Grievance Procedures – Contractual Employees  
 ER-26, Law Enforcement Credential Program  
 FS 112.532, Law Enforcement Officers’ Rights

### ACCREDITATION REFERENCES

CALEA Chapters    22, 26  
 CFA Chapters       6, 7

### KEY WORD INDEX

<b>Application of Corrective Action</b>	Procedure II
<b>Corrective Action Issuance Protocols</b>	Procedure IV
<b>General Guidelines</b>	Procedure I
<b>Grievance Procedures</b>	Procedure VI
<b>Levels of Corrective Action</b>	Procedure III
<b>Pre-determination Hearings</b>	Procedure V

### POLICY

The Department is responsible for establishing well-defined corrective action procedures and ensuring they are applied fairly to all members without bias or prejudice. Members involved in a corrective action process shall adhere to the established procedures of this written directive and applicable City of Tallahassee administrative policies.

**DEFINITIONS**

**Corrective Action:** A process of communicating with a member the need to cease unacceptable behavior or improve job performance.

**Infraction:** Violation of a written directive.

**Progressive Discipline:** A system of administering gradually increasing corrective actions for each successive instance of member misconduct.

**Shall:** Indicates the described action is mandatory.

**Should:** Indicates the described action is not mandatory, but preferred.

**PROCEDURES**

**I. GENERAL CORRECTIVE ACTION GUIDELINES**

- A. Although corrective action is a proper response to a member committing an infraction, whenever appropriate, before taking any formal corrective action, the following should be offered to the member:
  - 1. Supervisory guidance,
  - 2. Remedial training, and/or
  - 3. Counseling.
- B. Corrective action should be constructive rather than punitive.
- C. Corrective action should be used to motivate members to develop appropriate work habits and behaviors which contribute to successful Department operations.
- D. If appropriate, remedial training may be offered to the member before administering any formal corrective action.
  - 1. Remedial training is designed to assist members in correcting and improving their performance.
  - 2. Remedial training may be conducted during reasonable hours with a training officer or a supervisor.

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3. When necessary, members may be temporarily assigned to the Training Section for remedial training.
  4. If for any reason a member fails to attend or complete the remedial training in a satisfactory manner, the member's Bureau Commander shall be notified and appropriate action taken (e.g., progressive discipline).
- E. Any level of corrective action listed in section III below (except dismissal) may also be accompanied by any or all of the following actions:
1. Mandatory counseling,
  2. Fitness for duty assessment,
  3. Transfer to another job assignment, and
  4. Remedial training.
- F. The Department retains the right to treat each corrective action situation on an individual basis without necessarily establishing a precedent.
- G. During a corrective action situation, the supervisors/commanders providing the corrective action are responsible for ensuring:
1. The situation is fully documented on appropriate Department forms,
  2. Required timeframes are followed, and
  3. The required forms are provided to Employee Resources (ER) for inclusion in the affected member's personnel file.
- H. During a corrective action situation, the member receiving the corrective action is responsible for:
1. Adhering to any mandatory tasks (e.g., remedial training, counseling sessions), and
  2. Asking questions of the supervisor/commander as needed to ensure an understanding of the process.

## II. CORRECTIVE ACTION – PROGRESSIVE DISCIPLINE

- A. When circumstances permit, progressive discipline will be practiced in response to an infraction by a member.

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- B. Critical factors to consider in determining the appropriate level of corrective action imposed upon a member are:
  - 1. Type of infraction,
  - 2. Severity of the infraction,
  - 3. Time interval(s) between past and present infractions by the member, and
  - 4. Prior corrective actions imposed for similar infractions, under similar circumstances.
- C. Other factors which may be considered in determining the appropriate level of corrective action imposed upon a member are the:
  - 1. Overall work performance of the member, and
  - 2. Willingness of the member to improve.
- D. Similar infractions may be more serious in one case than in another because of the member's responsibilities (e.g., failure to be at an assigned workstation might be a more serious infraction for a police officer than for an administrative aide).
- E. Repetition of the same infraction, or the commission of a serious infraction, indicates more severe corrective action measures are necessary.
- F. When a member repeatedly commits infractions, progressive discipline should be administered even if the infractions are unrelated.
- G. Certain infractions are of such a serious nature that dismissal upon a first infraction is appropriate.

### III. LEVELS OF CORRECTIVE ACTION

- A. At all levels of corrective action, the supporting documents shall include:
  - 1. A complete description of the infraction,
  - 2. The specific times, dates, locations, and individuals involved, and
  - 3. The written directive(s) violated.
- B. Oral Reprimand

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1. Oral reprimands are designed to allow the supervisor to bring to the member's attention the need to improve job performance, work habits, and/or behavior and to serve as a warning against repetition of the unsatisfactory conduct.
2. The supervisor shall identify the area needing improvement and should inform the member how such improvement can be realistically achieved.
3. In situations where counseling and/or other informal corrective measures have not resulted in the expected improvement in job performance, a minimum of a formal oral reprimand shall be issued to the member.

### C. Written Reprimand

1. In situations where previous corrective actions have not resulted in the expected improvement in work performance, or when a member commits a more serious infraction, a written reprimand may be issued to the member.
2. The supervisor shall identify the area needing improvement and should inform the member how such improvement can be realistically achieved.

### D. Suspension

1. In the event infractions are continued or repeated, and the member has already received oral or written reprimands, or if the nature of the infraction is more serious than that justifying a reprimand, a member may be suspended for a specific period of time.
2. A suspension shall be without pay, and if for more than one day, shall be issued on a consecutive working day basis.
3. Suspended members shall not work on their normal day(s) off, use paid leave time, or make up time by working overtime in lieu of a payroll deduction for the period of suspension.
4. A member on suspension is prohibited from:
  - a. Operating a COT vehicle,
  - b. Taking law enforcement action,
  - c. Engaging in secondary employment, and

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d. Carrying a concealed firearm under the authority of FS 790.052 (carrying concealed firearms; off-duty law enforcement officers).

5. Upon being suspended, the member shall promptly relinquish all Department-issued property to their on-duty sworn supervisor or the Watch Commander.

### E. Demotion

For a continued series of lesser infractions, repetition of serious infractions, or on the first occurrence of a more serious infraction, a member may be demoted.

### F. Dismissal

For a continued series of lesser infractions, repetition of serious infractions, or on the first occurrence of certain serious infractions, a member may be dismissed.

### F. Administrative Leave

Though Administrative Leave is not a form of corrective action, it may be utilized in corrective action procedures.

1. Upon being placed on Administrative Leave, a member will be informed by the Chief of Police (or designee) when department-issued property will be relinquished to a sworn-supervisor or the Watch Commander.

2. If a member is informed their department-issued equipment will be relinquished, the member shall promptly comply.

## IV. CORRECTIVE ACTION ISSUANCE PROTOCOLS

A. For use in this section, *the decision to impose corrective action* is defined as the completion of an administrative investigation in which it is determined the member committed an infraction, and corrective action is warranted.

B. Unless an extension has been granted by the Chief of Police, the Department shall provide the corrective action to the affected member within 30 working days of the decision to impose corrective action.

C. To ensure corrective action is appropriate for the infraction, the Department is responsible for conducting a corrective action review process as part of each corrective action procedure.

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1. The corrective action review process involves the affected member's chain of command reviewing the situation and providing written recommendations regarding the proposed corrective action to be administered to the member.
2. The chain of command shall use the COT Disciplinary Action Form (DAR) for the corrective action report and review process.
3. Within seven (7) working days of the decision to impose corrective action, the member's supervisor shall coordinate with the ER Director, or designee, and complete the tasks listed below.
  - a. Review the member's corrective action history, and
  - b. Ascertain the corrective actions imposed on other members for similar infractions, under similar circumstances.
  - c. As warranted, closely examine similar corrective action cases, and discuss with, and receive guidance from, the ER Director, or designee, on the proposed corrective action.
4. Once the tasks listed in subsection 3 above are completed, it is the responsibility of the supervisor to forward the DAR to the next supervisor in the chain of command.
5. The remainder of the member's chain of command is responsible for:
  - a. Reviewing the DAR for completeness and the supervisor's recommendation,
  - b. Making required notations on the DAR (e.g., signature, date, concurrence, or other corrective action recommendation), and
  - c. Returning the DAR to the supervisor in a timely manner so the corrective action can be administered within the 30 working days timeframe.
6. If the affected Bureau Commander, the Deputy Chief, or the Chief of Police decides further discussion is needed regarding the recommended corrective action, the member wanting the discussion is responsible for:
  - a. Advising the appropriate command staff members of the need for such a discussion,

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- b. Providing appropriate information to the participants of the discussion, and
  - c. Facilitating the discussion in a manner which will allow corrective action to be administered within the 30 working days timeframe.
- D. The supervisor administering the corrective action shall discuss the DAR with the member as soon as possible after it is returned from the chain of command to comply with the 30 working days timeframe, and is responsible for the tasks listed below.
- 1. Requesting the member's signature on the DAR.
    - a. The member's signature is requested solely to acknowledge it has been discussed and does not indicate the member's agreement with the information contained on the DAR.
    - b. If the member refuses to sign the DAR, it shall be so indicated in the space reserved for the member's signature.
  - 2. Providing the member with a copy of the DAR.
  - 3. Informing the member of their right to grieve the corrective action (see section VI below).
  - 4. Providing the DAR (original, not a copy) to ER.

E. Dismissal Procedures –

If a member is dismissed for an infraction, ER is responsible for providing the following information to the member:

- 1. A written statement citing the reason for dismissal,
- 2. The effective date of the dismissal,
- 3. A statement of the status of fringe and retirement benefits after dismissal, and
- 4. A statement outlining the member's right to grieve the dismissal (as outlined in section VI below).

## V. PRE-DETERMINATION HEARING



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- A. When a member's corrective action is a dismissal, demotion, suspension, or a job assignment transfer resulting in loss of pay or direct financial benefit, the member – *upon their request* – shall be given a pre-determination hearing prior to the effective date of the corrective action.
- B. This type of hearing, also known as a *Loudermill Hearing*, is not applicable in a corrective action involving only an oral or written reprimand.
- C. The Chief of Police, or designee, will conduct the pre-determination hearing.
- D. The pre-determination hearing is informal in nature, and is designed to:
  - 1. Advise the member of the facts relevant to their pending corrective action,
  - 2. Explain the applicable grievance procedures, and
  - 3. Allow the member to provide a defense or offer mitigating circumstances relevant to the case.
- E. After the pre-determination hearing (and the final decision of the Chief of Police in regards to the recommended corrective action) the appropriate supervisor shall issue the approved corrective action to the member as outlined in section IV above.

### VI. CORRECTIVE ACTION GRIEVANCE PROCEDURES

- 1. A member receiving a corrective action may grieve such action in accordance with COT Administrative Policies and Procedures 710 (Grievance Procedures).
- 2. A sworn member receiving a corrective action may grieve such action in accordance with the Article 5 (Grievance Procedure) of the COT/PBA Agreement.

History: previous title (*disciplinary procedures*) – issued 07/15/1985, revised 01/01/1991, 07/15/1991, 07/31/1992, 09/30/1998 (*title change – corrective action procedures*), 03/10/2008, 03/10/2010, 09/13/2017, and 05/04/2018.