Police and Community COMMITTEE
Progressive Corrective Action (aka Employee Disciplinary Actions)

- Progressive is defined as proceeding step by step on a designated scale
- In this context, it is an increasing level of corrective action (discipline) for repeated infractions of a similar nature not serious enough to constitute just cause for termination

Management guidance outlined in police department policy &

Current police union collective bargaining agreement with the Fraternal Order of Police (FOP) Lodge #3
Corrective Action Principles & Philosophy

Acceptance, reporting and investigation of all employee misconduct allegations with finalized and documented disposition of the investigation.

Essential for enhancing and maintaining public trust &

Preservation of organizational integrity and public safety effectiveness

The purpose of all corrective action is to acknowledge issue and rectify future occurrence of unacceptable & prohibited behavior
TPD Policy 3.8 Performance Management & Grievance Procedures

- Consistency & Fairness are essential managerial elements in this process
  - Consistency = holding everyone similarly accountable for similar unacceptable behavior
  - Fairness = understanding the circumstances that contributed to the behavior and applying consequences in a way that reflects this understanding
- Factors to be considered:
  - Employee Experience - time of service, career path, specialized skills/training
  - Employee Motivation - legitimate police purpose vs personal interest
  - Intentional vs Unintentional errors
  - Degree of Harm - monetary cost, personal injury, property damage, impact on public confidence/trust
  - Employee’s past corrective action history
For In-bureau corrective actions, it is the assigned supervisor’s responsibility to complete investigation and make recommendations to command level on corrective action.

The recommended corrective action must be reasonable, impartial and consistent. Reviewed and approved by appropriate chain of command to include senior command staff and/or the Chief of Police.

Citizen complaints of police misconduct or inappropriate behavior (on-duty or off-duty) are investigated by the Professional Standards Unit (PSU).

PSU Administrative Investigations require Chief of Police approval:

- More serious level of alleged misconduct or performance; on duty or off-duty
TPD Policy 3.8 Performance Management & Grievance Procedures

- Informal or Alternative Supervisory Corrective Action Examples
  - Recognition of good performance-positive reinforcement/recognition-the power of the “good job or thanks”
  - Teaching= intent to communicate helpful information such as policies and expectations
  - Coaching= planned discussion on a topic between employee and supervisor to get employee input on areas of challenge or needed development prior to issue that rises to level of formalized corrective action
  - Training or re-training= area that needs improvement identified and individual instruction plan implemented
  - Referral to Employee Assistance Program (EAP)- (EX) financial counseling, family counseling
  - Policy Advisory= issued memorandum from supervisor explaining and clarifying department policy as a result of an employee’s action or inaction to promote better future performance & lay documentation for modification to formalized corrective action if repeated.
TPD Policy 3.8 Performance Management & Grievance Procedures

- Performance Improvement Plan- ‘Below expectation’ evaluation or request from Chief of Police for cause triggers a individualized plan that encompasses training, policy review and other methodology to improve employees performance in the identified areas of deficiency

- 520 work hours is allotted, within this improvement plan, then reassessment is completed of that individual

- Failure to improve performance can result in termination of employment
FORMALIZED CORRECTIVE ACTIONS

- **1st Offense-Caution/Counseling**
  - Policy infraction notice
- **2nd Offense-Written warning**
  - Written documentation of policy infraction served to employee
- **3rd Offense-Suspension days off work with no pay**
- **4th Offense- Termination of employment**
FORMALIZED CORRECTIVE ACTIONS

- Copies of all corrective documents are required to be provided to the employee and to the official personnel file that is kept @ COT HR
- Suspension days may go from 1-15 days
  - Sergeants have authority to issue up to 3 days
  - Lieutenants have authority to issue up to 5 days
  - Captains have authority to issue up to 10 days
  - Majors have authority to issue up to 15 days
  - Deputy Chief any amount of suspension
- Senior staff approval of all suspension days -to include Chief of Police consultation
- Chief of Police has final authority and responsibility for all department corrective actions
- Grievance appeal process is available within 7 days of receipt of corrective action forms for all levels
Termination process

- Chief of Police makes request for consideration of termination of employment to the City of Topeka Human Resources Director along with the investigative and/or work performance summary.
- HR Director reviews and makes recommendation to City Manager.
- Employment termination decision made by the City Manager.
- Termination of non-probationary permanent employees requires a just cause finding.
- Appeal steps for employment termination are available thru grievance and arbitration processes.
All Police employee change of status forms (promotions, demotions, retirements, employment terminations, resignations) mandated to be sent to KS-CPOST

KS-CPOST (Kansas Commission on Peace Officer’s Standards and Training) has full access to all PSU files –upon request– related to status changes

They routinely conduct investigations and/or review PSU investigations –related to misconduct allegations

They have the option of stripping law enforcement of their state wide certifications (required for employment)
FOP Employee Contract Rights

- Notice of investigation to include nature of investigation and/or inquiry
- FOP representation during inquiry with supervisor/commander or PSU
- Timeframe of questioning to be reasonably related to the employee's shift-preferably during work hours
- Interviews to be of reasonable duration with breaks allowed for physical necessities
- Recording of interview is allowed by management and employee
- Transcripts of interviews can be provided if needed or upon request
- Employee is allowed access to reports and recordings prior to interview
- Refusal to answer questions in an official investigation may constitute insubordination and could result in employment termination
- Providing inaccurate or false information in an official investigation could lead to employment termination
Management Rights

- Article 21 FOP Contract: *Management reserves the right to:*
- “Direct the work of employees”
- “Hire, promote, demote, transfer, assign, retain, and recall employees in positions within the public agency.”
- “Discipline, suspend, demote and/or discharge employees for just cause.”
- “Determine the methods, schedules, means and personnel by which operations are to be carried on.”