

Police and Community

COMMITTEE

TPD Progressive Corrective Action

- ▶ 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

TPD Policy 3.8 Performance Management & Grievance Procedures

- ▶ 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**

TPD Policy 3.8 Performance Management & Grievance Procedures

- ▶ 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 7days 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.

LAW ENFORCEMENT CERTIFICATION

- ▶ 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.”