

New York State ask Force - 2
Standard Operating Procedure

Subject: Disciplinary Procedures
General

Section: 100

Procedure # 112

Date: 06 August 2003

Revised: 24 August 2015 (BS)

Purpose: This SOP establishes a Code of Ethical Standards and a written policy establishing the disciplinary procedure to be used in the event Team Members violate established rules, regulations, and operational procedures, or for violating the Code of Ethical Standards as established for Members of NY-TF2.

Scope: This procedure applies to **ALL** New York State Regional Response Team (NY-TF2) members.

A) CODE OF ETHICAL STANDARDS

- NY-TF2- shall conduct its professional affairs fairly, impartially and ethically.
- Conduct that may impair or negatively impact the integrity or the reputation of the team or that might compromise or impair team performance is prohibited.
- Any Team Member who discredits the team or its Members may be relieved from duty pending an investigation to be conducted at the discretion of the Executive Board.
- Each Team Member will abide by the laws of the State of New York.
- It is the responsibility of each Team Member to ask questions and to express their concern about the conduct of any Member, which conduct impacts or which may impact the safety of any Team Member or others.
- Team Members will adhere to the Standard Operating Procedures set forth by NYRRT-1 and NY-TF2 Membership Guide.

All NY-TF2 Members in the performance of a team deployment are required to conform to the highest standards of conduct. To this end, it is essential that supervisors and managers provide each Team Member with guidance and training regarding the conduct required whenever deployed to a disaster site to assist in the search and rescue operations and the medical treatment of disaster victims.

B) PROHIBITED CONDUCT

The following conduct is prohibited by any Member of NY-TF2 and will result in an immediate suspension, pending an investigation by the Executive Board or DHSES in regard to permanent dismissal from the team:

- Possession or use of alcohol, or the apparent impairment or intoxication from the use of alcohol whenever on shift or Stand-by to a disaster or during team training, meetings, or drills
- Possession or use of illegal drugs, or the apparent impairment or intoxication from the use of illegal drugs whenever deployed to a disaster or during team training, meetings, or drills
- Possession of or use of an unauthorized firearm
- Trading, selling, or misappropriating team equipment
- Any act of discrimination, including sexual harassment
- The use of vulgar or hateful language

C) DISCIPLINARY PROCESS

1) Charges & Reprimands

Charges may be filed in writing against any Team Member who violates the Code of Ethical Standards or the Prohibited Activities as described above, or any Member who violates any rule, regulation, or operational procedure established by NYRRT-1 of NY-TF2. Any violation that is determined to exist may result in one the following administrative actions:

a) Verbal Reprimand

A verbal reprimand is an appropriate remedy for a minor infraction of rules or regulations and may be used as a tool to cause the Member to conform to the conduct required. A verbal reprimand may be initiated at any level of team management or OFPC staff assigned to the program and does not constitute the imposition of discipline.

b) Written Reprimand

A written reprimand may be issued when a Member's infraction of rules or procedures is serious enough to require documentation regarding the incident to be placed in the Member's official personnel file. A written reprimand may also be used after a verbal reprimand goes unheeded. Written reprimands shall be expunged from the Member's personnel file after 12 months, if no other infraction or disciplinary action occurs. The Executive Board, a Team Leader or OFPC Special Operations Program Director, Chief or Deputy Chief may impose a written reprimand. A written reprimand is the first level of official disciplinary action.

c) Written Charges

Written charges may be filed against a Member whenever an infraction is serious or is one of the prohibited activities specified above. Written charges may also be filed if a verbal reprimand and written reprimand have proven to be ineffective. Written charges shall include the following information:

- The nature of the infraction and the Member(s) involved.
- A description of the circumstances that lead up to the infraction
- A list of witnesses and their statements with regard to the incident

A copy of the written charges will be sent to the member's sponsoring agency.

2) Investigation

Whenever written charges are filed against a Member, an investigation shall be conducted as soon as possible by the Executive Board.

3) Special Meeting of the Executive Board

After the investigation is complete, a special Executive Board meeting will be held with the Member(s) accused.

Members may provide legal counsel at their own expense if they so desire.

A written and a verbal notice of the scheduling of the special meeting shall be sent to the affected Member(s) and to all witnesses, specifying the date, time and place of the meeting. **If a member is unavailable for the date assigned they must notify an Executive Board member at least 48 hours prior to the scheduled meeting.** Failure to attend the meeting without just cause shall result in immediate dismissal of the Member from the team.

- The Executive Board shall appoint an impartial facilitator to conduct the meeting.

- The charges against the Member shall be read and entered into the meeting minutes
- The charging Member(s) shall present first and state the nature of the circumstance that lead to the charges
- The charged Member(s) shall respond to the charges and state his or her case
- The facilitator shall allow witnesses to make any appropriate statements
- The Executive Board shall then go into closed session to render a decision
- Any involved Member shall be notified within five working days of the results of the meeting

4) Findings

The Executive Board may issue any of the following disciplinary actions as the result of a special meeting:

- Dismissal of all charges
- Issuance of a written reprimand
- Suspension of Member for a period not to exceed ninety days.
- Dismissal of the Member from the team
- A change in position assignment
- Impose additional training before returning to deployable status

A letter will be sent to the Member's sponsoring agency describing the findings and detailing the disciplinary actions to be taken.

5) Appeals

- If the Executive Board removes or suspends a Member, the Member may file a written appeal within 10 days of such removal or suspension to the Deputy State Fire Administrator, who shall uphold, modify, or set aside the decision of the Executive Board.
- The Deputy State Fire Administrator shall make a written decision to be sent to the Executive Board and to the Member, which decision shall be final.

Authority:
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