

**McCLOUD COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Fire Department Disciplinary Action  
**POLICY NUMBER:** 7090  
**ADOPTED:** 04/10/17  
**REVIEWED:** 03/14/17; 09/12/19; 10/01/20; 10/01/20  
**REVISED:** 10/26/20

**7090.10** Purpose

**7090.11** The purpose is to describe the progressive discipline and enforcement guidelines and procedures for the McCloud Fire Department.

**7090.12** Refer to most recent Government Code 3250-3262 Fire Fighters Bill of Rights for proper disciplinary procedures.

**7090.20** Scope

**7090.21** This policy shall apply to all volunteer members of the McCloud Fire Department.

**7090.30** Enforcement

**7090.31** All McCloud Fire Department Officers shall have the authority and duty to enforce the rules, regulations, policies and procedures, whether written, oral or special, as set forth by the McCloud Fire Department By-Laws, Standard Operating Guidelines and/or McCloud Community Services District policies.

**7090.32** Due to the nature of some offenses, McCloud Fire Department Officers may, in the interest of safety, immediately suspend and/or remove from duty any member of the McCloud Fire Department. Such action shall be reported to the Chief as soon as possible so that the investigative procedures can be activated.

**7090.33** The following are offenses that may warrant immediate suspension or removal. This list is not inclusive and may be changed with Board of Director's approval.

**7090.331** Felony, theft or conspiracy to commit felony or theft.

**7090.332** Using or being under the influence of intoxicants while on duty.

**7090.333** Use of illegal drugs, on or off duty.

**7090.334** Misuse of prescription drugs, on or off duty.

**7090.335** Operating McCloud Fire Department resources while under the influence of drugs and/or alcohol.

**7090.336** Neglect of duty, which impairs the ability to perform normal operations.

**7090.337** Offensive or derogatory behavior.

**7090.338** Failure to follow established safety procedures.

**7090.339** Violation of HIPPA laws and/or statutes.

**7090.3310** Willful disregard of orders from McCloud Fire Department Officers.

**7090.3311** Insubordination.

**7090.3312** Interfering with or giving false testimony during Departmental investigations.

**7090.40** Investigations

**7090.41** The Fire Chief shall be notified of any disciplinary action taken, and shall be in possession of all related disciplinary records as soon as possible.

**7090.50** All reports of charges and/or wrongdoing shall be investigated.

**7090.51** Under the direction of the Fire Chief the Department shall conclude all investigations with one or more of the following:

**7090.52** Proper Conduct

The member has been found to have acted within the scope of, MFD/MCSD policies, and guidelines and no further investigation or action is warranted.

**7090.53** Improper Conduct

The member has been found to be in violation of, MFD/MCSD policies, Standard Operating Procedures (SOP's), or Standard Operating Guidelines (SOG's) and disciplinary action is warranted.

**7090.54** Policy/Procedure Failure

A deficiency with the, MFD/MCSD policies, (SOP's), or (SOG's) has been found and shall be corrected. Disciplinary actions against the member may or may not be warranted, depending on the offense.

**7090.55** Insufficient Evidence

A wrongdoing may have occurred but there is insufficient evidence to continue an investigation.

**7090.56** Unfounded

No evidence is available to substantiate a claim of wrongdoing and no further investigation is needed.

**7090.60** Disciplinary Actions

**7090.61** It shall be the policy of the McCloud Fire Department to make every effort to use counseling or additional training to assist in correcting deficiencies.

**7090.62** Any member found in violation of MFD/MCSD policies, SOP's, or SOG's may be subject to one or more of the following disciplinary actions, with consideration for the nature of the offense and the members previous conduct on record:

**7090.621** Non-Punitive Letter of Caution

A letter explaining that the actions of the member were wrong but no disciplinary action will be taken. Said member will be monitored for further incidents.

**7090.622** Written Reprimand

A letter that makes a permanent record of a specific violation or behavior. Corrective actions such as restriction of privileges or reimbursement of damages may be included.

**7090.623** Disciplinary Probation

Action that requires the member to abide by behavioral conditions as set forth by the McCloud Fire Department for a specific amount of time. Any deviation from the conditions set forth may require implementation of more severe actions.

**7090.70** Emergency Removal from Duty (Investigative Suspension)

**7090.71** Removal from duty, usually for the loss, expiration of, and/or failure to provide required documentation for service, such as job-related certifications,

driver's license problems, etc. Suspension will usually last until corrective measures have been taken.

**7090.72** Disciplinary Suspension: Removal from duty for a specific amount of time, usually for severe or repeated violations of McCloud Fire Department By Laws, MFD/MCSD policies, SOP's, or SOG's.

**7090.73** Termination Member is discharged from the McCloud Fire Department.

**7090.80** Documentation

**7090.81** All documentation, included required reports, witness statement, etc., shall be considered confidential at all times and shall not be released, except for purposes such as separate investigations by law enforcement agencies or for review by the Grievance Committee and/or the MCSD Board of Directors per Policy 2180 - Grievances.

**7090.82** Only documentation relating to the charges and actions taken will be placed in the member's personal folder. All other materials related to the incident will be placed in a location as specified by the McCloud Fire Department Fire Chief.

**7090.90** Appeal Procedures

**7090.91** Any member of the McCloud Fire Department wishing to file an appeal for disciplinary action imposed by the McCloud Fire Department shall notify the McCloud Community Services District General Manager in writing within 72 hours of receiving their disciplinary notice (reference Policy 2180 - Grievances).

**7090.92** The General Manager shall inform the MCSD Board of Directors of an appeal of department disciplinary action. At the Board of Director's discretion, the Board may or may not elect to hear the appellant's case.

**7090.93** Any ruling made by the MCSD Board of Directors shall be considered final per Policy 2180 - Grievances.

**7090.100** Retaliation

**7090.101** Any member who is found to have caused harm in the form of retaliation, reprisals and/or retribution to another member for submitting reports or evidence of wrong-doing shall be immediately removed from duty for the purpose of dismissal from the McCloud Fire Department.

**7090.102** The McCloud Fire Department fully intends to cooperate in any manner and to forward any and all substantiated evidence to the appropriate County, State, and Federal authorities having jurisdiction over the various "Whistleblowers" laws and statutes on file.