

Geneva Police Department GENERAL ORDERS		DISCIPLINARY PROCEDURES	
<input type="checkbox"/> new: <input checked="" type="checkbox"/> rescinds: Policy & Procedure 14.4 <input type="checkbox"/> amends:		cross-reference: NYS Civil Service Law §75, §76, Article 78-Civil Practice Law and Rules City-Local 3471 AFSCME Contract, City-Local Teamsters 118	
effective date: 3.31.04		issue/amend/review date: 3.31.04 / 10.24.13 / 11.19.19	
		Accreditation/Recognition standards: NYS L.E.A.P.: 14.4	
I. PURPOSE	The purpose of this General Order is to establish and describe the Geneva Police Department's disciplinary system, and the responsibility delegated to Departmental supervisors for the maintenance of discipline.		
II. POLICY	It is the policy of the Geneva Police Department that discipline procedures shall be positive in nature, constructive in use and application and equitable in administration. The discipline system of the Geneva Police Department is comprehensive and includes provisions for non-punitive actions such as training and counseling, as well as punitive alternatives. The Department shall adhere to the Disciplinary Procedures as set forth in Article XVI City-Local Teamsters 118 and Article XIX City-Local 3471 AFSCME Contracts.		
III. DEFINITIONS	<p>A. <u>Discipline</u> – A characteristic which embodies willingness to conform and a feeling of self-restraint, coupled with dedication and perseverance or correctional or disciplinary action.</p> <p>B. <u>Formal Discipline</u> – The pursuit of disciplinary action through the process mandated by Section 75 of the New York State Civil Service Law, City-Local Teamsters 118, and the City-Local 3471 AFSCME Contract.</p> <p>C. <u>Non-Punitive Measures</u> – All efforts not constituting formal discipline undertaken by a supervisor to address performance or conduct issues that do not require formal discipline. Non-punitive measures include verbal counseling, counseling memorandums, and remedial training. The goals of utilizing non-punitive measures are to improve employee performance, productivity, effectiveness, attitude, and motivation through positive and constructive methods. Non-punitive measures may correct the problem without resorting to formal discipline or may be appropriate as an initial step in applying progressive discipline.</p> <p>D. <u>Summary Discipline</u> – The resolution of disciplinary issues through the mutual consent of the accused member and the Chief of Police.</p>		
IV. PROCEDURES	<p>A. Responsibilities of Supervisory Officers</p> <p>1. Supervisory officers are responsible to ensure that Department members perform their duties in accordance with the policies, procedures, rules and regulations of the Department and all applicable laws. Supervisors are required to initiate discipline in response to the acts of commission or omission of personnel who:</p> <ul style="list-style-type: none"> a. Are assigned to their command; b. Are under their supervision; or c. Come to their attention. 		

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2. With regard to the discipline process, an immediate supervisor has the responsibility to:
 - a. Discover the strengths, efficiencies, weaknesses, deficiencies, failures or overt acts of a subordinate that indicate the need for attention or corrective action.
 - b. Analyze all the factors involved in order to decide the most suitable action.
 - c. Initiate non-punitive corrective action in appropriate cases.
 - d. Recommend, through the chain of command to the Chief of Police, punitive actions in those cases in which such action is indicated.
 - e. Maintain documentation in the supervisors work file for each subordinate in his/her command.
3. Supervisory members holding the rank of Police Sergeant or above are authorized to initiate a function of discipline for members of their command to include non-punitive measures such as:
 - a. **Training** – In cases involving minor violations of the Geneva Police Department’s General Orders Manual, supervisors shall utilize training as a non-punitive corrective method. Training activities shall be documented, and recorded in the supervisor’s work file.
 - b. **Counseling** – If appropriate, the supervisor shall counsel the member with regard to the unacceptable behavior. During counseling the supervisor shall:
 - i. Identify and define the behavior to be modified.
 - ii. Review any applicable general orders or laws.
 - iii. Clearly explain the behavior expected of the member.
 - iv. Explain the potential consequences of continuing the unacceptable behavior.
 - v. Utilize the City’s Employee Assistance Program (EAP) when applicable.
 - vi. Document the counseling effort and record the counseling in the member’s personnel file. Files shall be kept as follows:
 1. A master personnel file with all original documents will be secured in City Hall under the control of the Personnel Office. Duplicate files will be secured in the Office of the Chief of Police and also in the Sergeants office at the Public Safety Building.
4. In cases involving serious or repetitive violations of Geneva Police Department’s General Orders Manual, or violations of law or in those instances in which non-punitive measures have been tried and failed, supervisory officers shall request formal discipline to correct a member’s behavior. Supervisors initiating a request for formal discipline shall:
 - a. Prepare a written report describing the violations.
 - b. Collect and record facts or potential evidence pertaining to the alleged misconduct.
 - c. Demonstrate, where applicable, that non-punitive corrective action has been attempted and has failed.
 - d. The supervisory officer shall forward the request for formal discipline through the chain of command to the Chief of Police.
 - e. Each level of command shall review the request and forward it to the next level with a notation via attached memorandum that the request and recommendation are:
 - i. **Endorsed.**
 - ii. **Not Endorsed-** If the action is not endorsed, commentary shall be provided to explain the reasons for such decision and recommended action.

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- f. The Chief of Police upon review may cause an internal investigation into the matter before rendering a finding and decision to initiate formal discipline.
 - g. The Chief of Police, prior to the imposition of any formal disciplinary action, shall consult with the City Attorney and Assistant to the City Manager on the matter.
 - h. The Chief of Police may authorize the following punitive disciplinary actions as per Civil Service Law § 75 (3) :
 - i. Written reprimand.
 - ii. Fine not to exceed \$100.00.
 - iii. Suspension without pay not exceeding two months.
 - iv. Demotion in grade or title.
 - v. Dismissal.
 - i. The supervisor who initiated the process, unless otherwise directed, shall execute written reprimands.
 - j. The Chief of Police, or at his/her direction, a command officer, shall execute suspensions, demotions and dismissals.
 - k. When a member is dismissed, the Chief of Police or command officer shall provide to the member in writing:
 - i. The reason for the dismissal.
 - ii. The effective date of the dismissal.
 - iii. A statement of the status of fringe and retirement benefits after dismissal.
5. Relief from Duty
- a. Supervisory officers holding the rank of Police Sergeant or above may relieve from duty any officer who the supervisor has reason to believe may not be mentally, physically or medically fit for duty. If circumstances permit, the supervisor shall notify and consult with a Lieutenant or the Chief of Police prior to the removal. The supervisor shall follow up with a written report stating the details and forward same to the Chief of Police.
 - b. In the event that the relief from duty involves possible mental unfitness, the supervisor will:
 - i. Take possession of the employee's issued firearm(s) and any other Department-issued weapons; and
 - ii. Immediately notify or cause to be notified the Chief of Police or in his/her absence the senior ranking member of the Department.
 - c. In the event the relief from duty involves possible physical or mental unfitness, the employee may be subject to a Fitness for Duty Evaluation to determine the mental or physical fitness of the employee in which there are concerns about the employee's ability to meet demands on the job.
 - d. Advise the Chief of Police of any alleged misconduct on the part of an officer. The Chief of Police, or in his absence, the senior ranking member of the department shall be notified immediately of any allegations of criminal conduct by the officer. **See GO 300 Internal Affairs and Personnel Complaints §IV (F)(1)(a-d).**

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B. Discipline

1. **Summary Discipline** - The Chief of Police may, at his discretion, offer the member the opportunity to accept summary discipline in lieu of formal disciplinary charges. The accused member may elect to accept the finding and summary discipline, or reject the finding and penalty and opt for formal disciplinary charges.
 - a. Summary discipline penalties shall be limited to:
 - i. Written reprimands.
 - ii. Loss of leave.
 - iii. Loss of pay.
 - iv. Suspension.
 - b. Summary Discipline Report
 - i. If the member elects to accept the finding and summary discipline, the Chief of Police shall prepare, or cause to be prepared, a "Summary Discipline Report" to include:
 1. Allegation of misconduct;
 2. Penalty proposed and accepted;
 3. Members signature acknowledging the finding and penalty;
 4. The Chief of Police's or his designee's signature.
 - c. Summary Discipline shall be commenced no more than ninety (90) days after the discovery of the alleged misconduct.
 - d. If applicable, the Chief of Police or his designee will issue a Personnel Order indicating the discipline administered.
 - e. The member shall be provided with a copy of the "Summary Discipline Report". The original shall be filed in the member's personnel file.
2. **Formal Discipline**
 - a. When a member declines to accept summary discipline, or in those cases in which the Chief of Police does not offer the member the option of summary discipline, the member will be subjected to formal disciplinary action.
 - b. Sworn officers who are formally charged shall have the option of having the case heard before:
 - i. A hearing officer appointed pursuant to Section 75 of the Civil Service Law.
 - ii. With the consent of Teamsters Local 118 and/or AFSCME, when dismissal is sought, the officer may elect to use arbitration in accordance with the employee's contract.
 - c. Non-sworn members in permanent competitive classifications shall have their cases heard before a hearing officer appointed pursuant to Section 75 of the New York State Civil Service Law.
 - d. When a sworn officer elects to have the case heard before an arbitrator, the decision of the arbitrator shall be final and binding upon the Department and the officer.

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- e. When a case against a member is heard before a hearing officer appointed pursuant to Section 75 of the Civil Service Law, the member may appeal the decision of the hearing officer either:
 - i. Before the Civil Service Commission or Personnel Officer of Jurisdiction pursuant to the provisions of Section 76 of the New York State Civil Service law; or
 - ii. In court pursuant to the provision of Article 78 of the Civil Practice Law and Rules.

C. Disciplinary Records

- 1. A record of all sustained summary discipline and formal disciplinary findings shall be placed in the member's personnel file.
- 2. Records of training/counseling shall be placed in the member's personnel file.
- 3. An employee's personnel file may be reviewed in accordance with the procedures listed under the established contracts.

Approved By

MICHAEL J. PASSALACQUA
CHIEF OF POLICE