



PROGRESSIVE DISCIPLINE

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I. PROGRESSIVE DISCIPLINE

A. Considerations

Disciplinary action is administered in a progressive fashion. The seriousness of the incident, the circumstances surrounding the incident, the employees past disciplinary record, the employees past work performance, the overall negative impact on the organization caused by the incident, and the likelihood for future similar problems are taken into consideration in the administration of disciplinary action.

B. Categories & Criteria

The following are criteria for progressive disciplinary action alternatives. The description of each category is intended to provide guidance to supervisors in the administration of disciplinary action but is not binding on the supervisor or the Division. This policy does not require or imply a required sequence of punitive acts.

1. Documented verbal reprimand

Employee misconduct which warrants more severe disciplinary action than counseling/training, but less than that which is described below, may be resolved by documenting a verbal reprimand. Documented verbal reprimands are noted in the formal files of the agency.

2. Written Reprimand: Reassignment

If the employee's misconduct is part of a continuing pattern of behavior involving repeated acts of misconduct or mistakes, a written reprimand may be issued, or the employee may be reassigned. Such actions are noted in the formal files of the agency.

3. Suspension Without Pay; Fines; Loss of Leave; Demotion

This level of disciplinary action is appropriate in the following situations:

- the employee has deliberately or flagrantly violated a law, rule, regulation, procedure, or standard of conduct;
- the employee's conduct impairs the achievement of the division/bureau's mission or brings the either into disrepute;

- the employee's conduct represents a continuing pattern of disregard for the rules, regulations, and standards of conduct required of enforcement agents;
- In cases where lesser applications of disciplinary actions have failed to correct the employee's conduct.

4. Dismissal

If progressive discipline fails, or the employee's misconduct warrants disciplinary action greater than that described above, the employee may be dismissed from employment.

II. AUTHORITY OF THE DIRECTOR

The division director is authorized to promulgate and enforce such rules, regulations and procedures, as he/she deems necessary for the efficient operation and government of the Field Enforcement Division.

The division director has final authority for disciplinary action involving sworn personnel (within the requirements of the Law Enforcement Officer's Bill of Rights). Only the division director has the authority to dismiss an employee from employment, or to suspend and employee without pay for longer than thirty days.

Consistent with the Law Enforcement Officers' Bill of Rights, the division director may administer any form or combination of punishment authorized by this directive or by the personnel rules of the State of Maryland.

III. AUTHORITY OF SWORN POLICE SUPERVISORS

A. Role of supervisors

The role of supervisors, especially first-line supervisors, is crucial in the disciplinary process. First-line supervisors have the best opportunity to observe the conduct and appearance of agents and detect those instances when disciplinary actions are warranted (remedial training, counseling, or punishment). First-line supervisors also have the opportunity to understand the personality traits of the personnel under their supervision and to determine the most effective methods of discipline.

B. Authority of supervisors, assistant directors, deputy director

1. Enforcement agent supervisors are authorized:

- a. to counsel employees;
- b. to recommend and/or conduct retraining of employees;
- c. to investigate complaints of employee misconduct, subject to approval and review by the division director;
- d. to offer and impose summary punishment upon concurrence of the division director;
- e. to effect emergency suspension of employees;
- f. to serve as members of department administrative hearing boards.

2. In addition to the authority granted in the above-mentioned section, assistant directors are authorized:

- a. to offer and impose punishment in excess of the provisions of LEOBR summary punishment, when authorized by the division director, up to, but not including dismissal.
- b. to chair department administrative hearing boards.

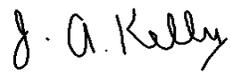
3. In addition to the authority granted in section B.1 and B.2, the deputy director is authorized to rule complaints against agents as unfounded when a suitable investigation determines the complaint to

be malicious, baseless, deliberately false, or frivolous. In such cases, the circumstances will be documented and forwarded to the division director with no further action taken.

IV. EMERGENCY SUSPENSIONS

- A. Administrative Suspension – supervisors may suspend an employee on an emergency basis in the light of evidence that the employee is emotionally or psychologically unfit for duty. This is an administrative action, as opposed to a punitive action. The supervisor must immediately submit written justification for this action in inter-office correspondence to the division director, via the chain of command. The supervisor will also immediately notify the next available level in the chain of command, either in person or by telephone.
- B. Use of Force Cases – When an agent’s use of force causes death or serious injury, the agent will be relieved from the line of duty pending administrative review of the incident.
- C. Punitive Suspensions – supervisors may suspend from duty, on an emergency basis, an employee who:
 - 1. Refuses to obey a lawful order of a supervisory agent;
 - 2. Engages in conduct such that it is in the best interest of the employee, the agency or the state that he/she be temporarily suspended from duty.
- D. Payroll Status/procedures for emergency suspensions:
 - 1. Employees suspended on an emergency basis will be suspended with full pay and benefits until the director changes their payroll status.
 - 2. Whenever a supervisor affects an emergency suspension, he/she will promptly submit a report to the director via the chain of command setting forth the justification of the suspension. If the suspended employee is not under the supervision of the suspending supervisor, a copy of the report will be forwarded to the employee’s supervisor.
 - 3. The director will review the report and assign a supervisor to conduct a follow up investigation and process the suspension.
 - 4. Any agent so suspended is entitled to a prompt hearing before a ranking agent as designated by the director. The purpose of the hearing is to determine whether the suspension should be continued, and if so, whether it will be with or without pay.

V. CANCELLATION: None.



Jeffrey A. Kelly, Director