BILL NO.: **4506** **ORDINANCE NO.:** _____

Introduced by: Council Present

AN ORDINANCE FOR THE BERKELEY POLICE DEPARTMENT GENERAL ORDER #30 "DISCIPLINARY SYSTEM" POLICY

WHEREAS, The City of Berkeley hereby finds and declares this ordinance is necessary, appropriate, and in the best interest of the City of Berkeley, Missouri, in accordance to the CALEA standards.

Now, Therefore, Be it Ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1 The City of Berkeley, Missouri, Council hereby adopts the attached Disciplinary System Policy in compliance with CALEA standards.

Section 2 This Ordinance shall be in full force and effect from and after its passage.

1st Reading this 21st day of November 2016

2nd Reading this _____ day of _____ 2016

3rd Reading, PASSED and APPROVED, this _____ **day of** _____ **2016**

_____
Theodore Hoskins, Mayor

ATTEST:

_____
Deanna L. Jones, City Clerk

_____
Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___ Nay __ Absent __ Abstain __
Councilwoman Hoskins	Aye ___ Nay __ Absent __ Abstain __
Councilwoman Kirkland	Aye ___ Nay __ Absent __ Abstain __
Councilwoman Mathison	Aye ___ Nay __ Absent __ Abstain __
Councilman-at-Large McDaniel	Aye ___ Nay __ Absent __ Abstain __
Councilwoman Mitchell	Aye ___ Nay __ Absent __ Abstain __
Councilwoman Williams	Aye ___ Nay __ Absent __ Abstain __

	BERKELEY POLICE DEPARTMENT GENERAL ORDER	**GENERAL ORDERS:** 30
DISCIPLINARY SYSTEM		
ISSUE DATE: 11/10/2016	EFFECTIVE DATE: 12/5/16	DISTRIBUTION: ALL PERSONNEL
AMENDED:	RESCINDS: ALL PREVIOUS VERSIONS	
ACCREDITATION STANDARDS: CALEA 26.1.4 , 26.1.6	NUMBER OF PAGES: 4	

PURPOSE: The purpose of this directive is establish an effective disciplinary system for Berkeley Police Department personnel consisting of training, counseling and punitive action to provide employees with the knowledge necessary to correct undesirable behavior.

POLICY: It is the policy of the Berkeley Police Department to promote a disciplinary system that ensures consistency and fairness when addressing incidents of officer misconduct. The Chief of Police is responsible for reporting all disciplinary action taken against an employee to the City Manager within 3 working days. In the absence of the Chief of Police, disciplinary action will be enforced by the Officer in Command.

All collective bargaining unit members who are subject to discipline must use the procedures set out in those agreements. All non-collective bargaining unit employees are subject to discipline as described in this General Order.

PROCEDURES:

CORRECTIVE DISCIPLINE

A. Remedial Training - Remedial training is a means of improving performance and correcting deficiencies in knowledge or in performance. If an employee fails to demonstrate minimum levels of proficiency on specified job-related tasks or knowledge, the employee receives remedial training. The employee is instructed about how to perform in an acceptable manner. [CALEA 26.1.4a]

   1. Employees are required to diligently maintain an acceptable level of competence in performance of their duties and to comply with department in-service training standards.

   2. Acts of employees which are because they misunderstood procedures or were never aware of them indicate the need for remedial training.

   3. Supervisors are expected to identify performance deficiencies and insufficient knowledge during the job performance evaluation process, when appropriate, supervisors should take the necessary steps to secure such remedial training for the employee.

   4. Training may be implemented on its own, combined with, or take the place of, other components of the department's discipline system to correct employee misconduct and/or improve performance deficiencies.

5. The training plan shall be designed to address the specific deficiency noted. Training Plans will be documented and placed into the employee's file.

B. Counseling is a non-punitive component of the Department's discipline system intended to correct minor acts of employee misconduct and/or work performance deficiencies through the use of positive suggestions for improvement. [CALEA 26.1.4b]

1. Counseling affords supervisors the opportunity to discuss improvement strategies with the employee in relation to work performance deficiencies and/or minor acts of misconduct.

2. Counseling may also serve as a notice of a possible administrative response to repeated acts of minor misconduct and/or continued work performance deficiencies.

3. Counseling may be imposed by itself, in combination with, or in place of, another component of the department's discipline system.

4. Counseling sessions may be conducted with an employee to correct minor acts of employee misconduct or work performance deficiencies observed during the normal course of their duties.

5. Informal counseling sessions are normally verbal between a supervisor and subordinate personnel under their command.

6. All counseling sessions should be documented in the Department's Corrective Discipline Counseling System.

PUNITIVE DISCIPLINE [CALEA 31.2.1c]

A. Punitive actions are taken when an employee exhibits unacceptable work habits or attitudes. There are seven forms of punitive discipline employed by the Department.

1. Oral Reprimand – Issued to an employee by an employee of superior rank or position. The offending employee's supervisor documents oral reprimands. Documentation of oral reprimands are retained for twelve months if no further action is taken.

2. Written Reprimand – Issued by a higher ranking employee. Written reprimands are produced in duplicate with a copy given to the offending employee. The original document is signed by the offending employee and his supervisor. The original is given to the Chief for his/her review. Following the Chief's review, the original documentation is transferred and stored in the offending employee's personnel file with the designated personnel responsible for human resources relations.

   Written reprimands are used to:
   a. Correct violations of policy and procedures
   b. Correct repeated procedural errors

c. Correct violation of other written directives

3. Suspension – All suspensions shall be administered in accordance with the City of Berkeley Employee Handbook of Personnel Rules and Regulations, Policies and Benefits Section 6.03 - 6.05. The Chief of Police holds the authority to suspend an employee without pay. Sergeants may make a recommendation of 1 day suspension without pay. Command staff may make a recommendation of suspension not to exceed three (3) days. The Chief of Police is authorized to suspend an employee up to ten (10) days with the approval of the City Manager. Suspension is appropriate when:

   a. Earlier, documented efforts to discipline have failed.

   b. The offense is so serious that retaining the employee in an on duty status would pose a threat to public safety, or the good order and discipline of the Department.

4. Reduction of Leave – The Chief of Police may, at his discretion, allow reduction of accumulated annual leave in lieu of suspension in cases where punitive suspension is warranted. Reduction of leave shall be subject to the following limitations:

   a. Reduction of leave shall be assessed at the rate of one (1) full work day for each day of the assessed suspension period for non-sworn and sworn personnel.

   b. Reduction of leave shall only be offered in cases where the offending employee has sufficient accumulated leave to permit the reduction of the number of hours assessed.

   c. Reduction of leave shall not be for any period longer than that which would be permitted for a punitive suspension.

5. Demotion – An employee may be reduced in rank or reduced in status from Permanent to Probationary if previous disciplinary efforts have failed to correct the employee's misconduct and the misconduct warrants immediate action initiated at this level in accordance with the City of Berkeley Employee Handbook of Personnel Rules and Regulations, Policies and Benefits Section 6.03 - 6.05.

6. Dismissal – Dismissal is termination of employment. The Chief of Police, subject to the approval of the City Manager, may dismiss any employee at any time. The employee shall receive a written notice of dismissal within three (3) days subsequent to the effective date of the action. The written notice must include the reason for dismissal and effective date of dismissal. Dismissal must be in accordance with the City of Berkeley Employee Handbook of Personnel Rules and Regulations, Policies and Benefits Section 6.03 - 6.05.

APPEAL PROCEDURES [CALEA 26.1.6]

A. All employees have the right to grieve any disciplinary action taken against them in accordance with General Order 27.

DRAFTED BY: Eye-Liza Conner	DATE: 10/28/16
BY ORDER OF: **ART JACKSON** **INTERIM CHIEF OF POLICE**	DATE: 10/31/16
APPROVED BY: Public Safety Committee	DATE: 11/10/16
APPROVED BY: Berkeley City Council	DATE: 12/5/16