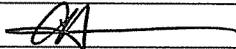
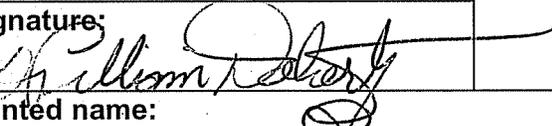


PEMBERTON TOWNSHIP FIRE DEPARTMENT GENERAL ORDER	
Number: 12-0002	
Cross Reference: Rules and Regulations Chapter 4	
Subject: Revised Disciplinary Regulations	
Effective Date: January 24, 2012	
By Order of: Pemberton Township Fire Chief	

By order of the Fire Director that attached revised Departmental Disciplinary Regulation shall take effect immediately. Please post and advise your personnel of this change.

PEMBERTON TOWNSHIP FIRE DEPARTMENT			
VOLUME: 1	CHAPTER: 4 – Disciplinary Regulations	# OF PAGES: 5	
SUBJECT: RULES AND REGULATIONS			
EFFECTIVE DATE: January 24, 2012	Browns Mills Fire Co. Country Lakes Fire Co. Presidential Lakes Fire & Rescue Squad	REVISION DATE	PAGE #
BY THE ORDER OF:		Previous pages 24 – 27 revised and replaced by new pages 24 – 28.	
Fire Director		1/23/2012	
Signature: 			
Printed name: William Doherty			

The previous and these revised Disciplinary Regulations have, as their principal sources, the relevant sections of the Pemberton Township Police Department Rules & Regulations and the NJ Civil Service Rules & Regulations. Both are excellent models of clear and unambiguous disciplinary procedures that I have incorporated into the Fire Department's Rules and Regulations. Many of the revisions reflect our existing unwritten procedures, but I believe that having them in writing underscores the Fire Department's commitment to provide members with sufficient due process while maintaining the Fire Department's need to maintain order and discipline.

Bill

DISCIPLINARY REGULATIONS

4:1 DISCIPLINARY ACTION

4:1.1 Disciplinary Action

Members, regardless of rank or assignment, shall be subject to disciplinary action according to the nature or aggravation of the offense. Offenses include violations of the Firefighter Oath, offenses punishable under the laws or statutes of the United States, the State of New Jersey, and municipal codes, or failure, either willfully or through negligence or incompetence to perform the duties of their rank of assignment. Offenses also include violations of any special order, these Rules and Regulations, policies and procedures, and the failure to obey any lawful instruction, order, or command of a superior or supervisor.

The disciplinary system established herein shall reflect the Fire Department's emphasis for improving the quality of service being delivered by members to the public. The disciplinary process is meant to correct members' behaviors and conduct that tend to impede the efficient and effective operation of the Fire Department. The proper administration of the disciplinary process can achieve this objective without causing a reduction in morale.

4:1.2 Misconduct and Incapacity

Members may be subject to disciplinary action for incapacity or general misconduct. It is not necessary that there be a specific rule or regulation prohibiting the specific form of incapacity or misconduct in question. Any act or omission constituting incapacity or misconduct may result in disciplinary action, notwithstanding the absence of a specific rule addressing the act or omission.

4:2 DEPARTMENT AUTHORITY TO DISCIPLINE

4:2.1 Penalties

The following actions may be taken regarding any conduct felt to be in violation of any policy, procedure, directive, order, rule, or regulation of the Fire Department.

Training - Certain minor offenses may be handled through targeted training. Supervisors have an affirmative obligation to observe the conduct and appearance of members and detect those instances when corrective action (training) may be necessary.

- Verbal Instruction - The supervisor may, depending on the circumstances, provide the individual "on the spot training" where such is indicated.
- Peer Training - The supervisor may assign the member to another member with experience in the area where training is indicated.
- In-Service Training - The supervisor may refer the member to an in-service training program.

Counseling - Certain first offenses are sufficiently minor in nature and may be handled by supervisors by documenting the counseling session on a performance notice form. The final disposition notice regarding the discipline shall be filed in the member's personnel file. Written documentation is to be made and forwarded to the personnel file via the normal chain of command.

Oral Reprimand - In some cases, the misconduct may warrant more than counseling, but less than a written reprimand. In those instances, a report of the offense shall be documented and issued to the member as an oral reprimand. The final disposition notice regarding the discipline shall be filed in the member's personnel file. An oral reprimand is more than counseling, but less than a written reprimand. Written documentation is to be made and forwarded to the personnel file via the normal chain of command.

Written Reprimand - In some cases, the misconduct may warrant more stringent measures. In these instances, a report of the offense shall be documented and issued to the member as a written reprimand. The final disposition notice regarding the discipline shall be filed in the member's personnel file. A written reprimand is more than an oral reprimand, but less than formal discipline outlined below. Written documentation is to be made and forwarded to the personnel file via the normal chain of command.

Other – Other reasonable forms of minor discipline including, but not limited to, revocation of privileges and duty restrictions are permitted.

Formal Charges - Serious violations and those committed as one violation in a series of repeated violations require swift and certain punitive measures in order to maintain proper discipline within the Fire Department.

The following major disciplinary actions may be taken:

- Suspension;
- Demotion;
- Revocation of membership.

4:2.2 Authority to Impose Discipline

A. In the event that a member of the Fire Department is to be charged with major discipline and said member is subordinate to the rank of Fire Chief, only the Fire Chief or his designee may initiate such charges.

B. The Fire Chief may seek to impose any level of discipline involving subordinates. The Assistant Fire Chief, Deputy Fire Chiefs, and Battalion Fire Chiefs, may recommend major discipline to the Fire Chief and may administer training, counseling, oral reprimands, written reprimands, revocation of privileges, and duty restrictions to subordinates. Officers subordinate to the Battalion Chiefs may administer training, counseling, oral reprimands, written reprimands, revocation of privileges, and duty restrictions in accordance with procedures established by the Fire Chief.

B. An officer or member other than a Fire Chief, Assistant Fire Chief, Deputy Fire

Chief, and Battalion Fire Chief may be removed by the Fire Director after a hearing on the charges conducted by the Fire Director or his or her designee. The Assistant Fire Chief, Deputy Fire Chiefs, and Battalion Fire Chiefs may be removed by the Mayor upon the recommendation of the Fire Director after a hearing conducted by the Fire Director or his or her designee. The Fire Chief may be removed by the Mayor after a hearing conducted by the Mayor or his or her designee.

4:3 COMPLAINT, HEARING & APPEAL PROCEDURES

4:3.1 Complaint Procedure

A. No member or officer of the Fire Department shall be removed from his or her office or position for political reasons or for any cause other than incapacity, misconduct, or disobedience of rules and regulations, policies and procedures, orders, and standard operating guidelines established for the government of the Fire Department, nor shall such member or officer be suspended, removed, or reduced in rank from or in office or position therein except for just cause as hereinabove provided and then only upon a written complaint, setting forth the charge or charges against such member or officer.

B. The Preliminary Notice of Disciplinary Action form (the complaint form) shall be filed in the office of the Fire Chief, with a copy provided to the Fire Director, and a copy thereof shall be served upon the member or officer so charged, with notice of a hearing thereon designating its time and place by the proper authorities, which shall be not less than 10 nor more than 30 calendar days from the date of service of the complaint.

C. The Preliminary Notice of Disciplinary Action shall be served either by personal service or certified mail with delivery confirmation.

D. The Preliminary Notice of Disciplinary Action shall set forth the charges and statement of facts supporting the charges (specifications).

E. The member or officer who is the subject of the complaint may request a departmental hearing within five calendar days of receipt of the Preliminary Notice of Disciplinary Action. If no request is made within this time or such additional time as agreed to by the Fire Director, the departmental hearing may be considered to have been waived and the Fire Director may issue a Final Notice of Disciplinary Action.

4:3.2 Immediate Suspensions Pending Hearing

A. A member may be suspended immediately and prior to a hearing where it is determined that the member is unfit for duty or is a hazard to any person if permitted to remain on duty or subject to call for duty, or that an immediate suspension is necessary to maintain safety, health, order or effective direction of public services. However, a complaint setting forth the notice of charges and notice of hearing must be served in person or by certified mail within five (5) calendar days following the immediate suspension.

B. A member may be suspended immediately when the member is formally charged with a crime of the first, second or third degree, or a crime of the fourth degree directly or indirectly related to the member's fire service related duty.

C. Where suspension is immediate under A. or B. above, the member must first be apprised either orally or in writing, of why an immediate suspension is sought, the charges and general evidence in support of the charges and provided with sufficient opportunity to review the charges and the evidence in order to respond to the charges before a representative of the Fire Department. The response may be oral or in writing, at the discretion of the Fire Chief or Fire Director.

4:3.3 Hearing Procedure

A. A departmental hearing, if requested, shall be held not less than 10 nor more than 30 calendar days from service upon the member or officer of the Preliminary Notice of Disciplinary Action unless waived in writing by the member or officer or a later date as agreed to by the parties.

B. The hearing shall be held before the Fire Director or a hearing officer designated by the Fire Director who is not the person who filed the Preliminary Notice of Disciplinary Action and who is not a witness in the matter. In the event the Fire Director designates a hearing officer other than himself/herself and the hearing officer is a member or officer of the Fire Department, only a person of greater rank or office than the person charged may be so designated.

C. The member or officer may be represented by an attorney during the hearing.

D. The member or officer who is the subject of the complaint shall have the opportunity to review the evidence supporting the charges and present and examine witnesses. The member or officer who is the subject of the complaint shall not be required to testify, but if he or she does testify will be subject to cross-examination.

E. Within 20 calendar days of the hearing, or such additional time as agreed to by the parties, the hearing officer shall make a decision on the charges and shall provide a copy of his or her findings to the Fire Director and the member or officer who is the subject of the complaint.

F. Within 5 calendar days of receipt of the hearing officer's findings, the Fire Director shall furnish the member or officer who is the subject of the complaint either by personal service or certified mail with a Final Notice of Disciplinary Action.

G. In cases where the Fire Director serves as the hearing officer, the Fire Director shall, within 20 calendar days of the hearing, furnish the member or officer who is the subject of the complaint either by personal service or certified mail with his or her findings and a Final Notice of Disciplinary Action.

H. In cases of removal of the Fire Chief, the hearing, if requested, shall be held by the Mayor or his or her designee.

4:3.4 Appeal Procedure

The appeal procedure in major disciplinary actions shall follow these steps:

A. In cases where the Fire Director did not serve as the hearing officer, any appeal from a major disciplinary action shall be filed in the office of the Fire Director within seven calendar days from the date of service of the Final Notice of Disciplinary Action.

B. In cases where the Fire Director served as the hearing officer, any appeal from a major disciplinary action shall be filed in the office of the Township Business Administrator within seven calendar days from the date of service of the Final Notice of Disciplinary Action.

C. Appeals shall be in writing and shall state the reasons underlying the appeal. The member or officer who is the subject of the complaint may request an informal meeting with the Fire Director or Township Business Administrator, as the case may be, to discuss the appeal. Such a meeting may be granted by the Fire Director or Township Business Administrator in their discretion. In the event that such a meeting is granted, the member or officer who is the subject of the complaint may be accompanied by his or her attorney.

D. The Fire Director or Township Business Administrator, as the case may be, shall render a decision concerning the appeal within seven (7) calendar days of receipt of the appeal, or such additional time as agreed to by the parties. The decision of the Fire Director or Township Business Administrator is final and binding upon all members and officers and is not appealable to a higher internal authority except as provided in paragraph (E) of this section.

E. Removal of the Fire Chief, Assistant Fire Chief, Deputy Fire Chiefs, and Battalion Fire Chiefs shall be presented for approval to the Mayor after the exhaustion of the hearing and appeal procedures set forth above.

4:3.5 Computing Time

In computing any period of time fixed by these rules, the day of the act or event from which the designated period begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor legal holiday.

4:3.6 Manner of Filing Requests

All requests for hearings and appeals shall be filed in writing at the office of the Fire Director or Township Business Administrator, as the case may be, located at 500 Pemberton-Browns Mills Road, New Lisbon, NJ, or through the use of facsimile to 609-894-2703. E-mail will not be accepted for transmitting these types of requests.