



ABINGTON TOWNSHIP FIRE DEPARTMENT

OG - 100-114

DISCIPLINARY PROCESS FOR ATFD MEMBERS

1.0 PURPOSE

This addresses the reason for, process of, and dispute of discipline of Abington Township Fire Department members. It also outlines some potential expulsion grounds for members.

Any Officer or member may be disciplined, impeached and/or removed from office, suspended or expelled from the Fire Company, or denied the right to vote, hold office, make motions or have a voice on the floor for violation(s) of the By-Laws, Policies, Standard Operating Procedures, or for other improper conduct, provided that no member may be disciplined, removed or expelled without due notice of the accusation and ample opportunity to make his/her defense.

2.0 RESPONSIBILITY

The responsibility to ensure that the above actions are taken in an appropriate manner are defined as indicated below:

2.1 Company Members (CM)

2.2 Company Officers (CO)

2.3 Document Control Administrator (DC)

3.0 PROCEDURE

The procedure for disciplining a member shall be as follows:

3.1. The member in question must be informed of the accusation against them within 48 hours and requested to appear before the Disciplinary Committee to answer the accusation within 30 days of the committee being informed of the accusation.

a. The Disciplinary Committee shall be composed of the following: the Executive Board of the Fire Company and the Chief of the Fire Company.

3.2. The meeting shall be a closed session of the Disciplinary Committee whereby only the committee members and the accused may be present. In the event that the accused is a minor, the parent/guardian of the accused minor will be notified and allowed to attend the disciplinary meeting with the accused minor.

a. At the meeting, the Committee shall inform the accused member of the accusations and any investigation into the alleged incident performed either by Officers of the fire company or an outside agency.

b. If necessary, witnesses may be called into the room to be questioned, then dismissed upon completion of their testimony.

c. The member in question shall be given a full opportunity to refute said accusations, and/or give a full explanation of the incident from said member's perspective.

d. Any committee member and/or the accused member may ask any relevant question during said meeting.

3.3. Upon the conclusion of the meeting with the member in question, the accused member shall be dismissed, and the committee must decide on proper disciplinary action, including suspension or expulsion, if appropriate.

a. If the Committee decides expulsion of the member is appropriate, there must be agreement by 2/3 of the committee to recommend expulsion.

b. If expulsion is not determined as a suitable punishment, or if 2/3 do not agree upon expulsion, a lesser punishment must be imposed which must be agreed upon by a majority of the committee.

c. If the Committee finds that a punishment is not warranted, a report of the case and reasons for non-punishment must be provided to the Chief and President.

3.4. Upon receipt of actions recommended by the Disciplinary Committee, the President and/or Chief shall notify the member of the outcome.

3.5. The accused member may appeal the results of the Disciplinary Committee at the next regularly scheduled Company meeting. At said meeting, the member has the right to plead their case to the full body, and any member in good standing has the right to question the expelled member. The expelled member will then be dismissed, and a vote will be taken of the body.

a. The results will only be reversed upon the agreement of 2/3 of eligible voting members.

b. If the expulsion is reversed, the Committee must then determine a lesser punishment as set forth above.

3.6 Expelled Members. If a member is expelled from the company, they cannot apply to rejoin the company for a period of at least one year after their expulsion. After this waiting period, they may apply and be readmitted into the company in the manner described in their individual fire company's by-laws.

3.7. False Charges. Any member falsely accusing another member will be subject to disciplinary action.

3.8. Criminal Charges. In the event a member is charged by a law enforcement agency with a felony or misdemeanor criminal charge, the individual's membership shall be suspended until such time as the criminal charges are concluded.

a. In the event that the member pleads guilty or is found guilty of a misdemeanor and/or felony offense, such conviction shall be discussed by the Disciplinary Committee as to whether or not the member is deemed eligible for continued membership in the organization. The membership shall have the right to vote on expulsion of the member without the need for action by the Disciplinary Committee, and the action of the membership shall be final.

3.9. Summary Suspension. The President, Chief, or Officer in Charge in the case of an active incident, shall have the right to summarily suspend a member until such time as the Disciplinary Committee has

an opportunity to meet to discuss and consider the disciplinary action. Such temporary suspension shall be reported and documented to both the President and Chief. Summary suspension may be utilized if they deem it necessary to protect the safety of company members, the reputation of the Company, or in a situation which they determine immediate action necessary.

3.10. Expulsion Situations. All ATFD members must understand that no group of rules and/or regulations can be established that will cover all situations. There may be situations that are unforeseen and not enumerated below where the conduct involved is unbecoming of a member of the ATFD where the Disciplinary Committee **may consider** expulsion of the member due to said conduct. The following list of infractions for which a member **may be expelled** and is not meant to be all inclusive, but a basic guide to be used by the Disciplinary Committee:

- a. Misappropriation of Fire Company/Fire Department funds or Fire Company/Fire Department property.
 - 1. Non-Payment.** Any member expelled for non-payment of money belonging to the Company cannot reapply for membership without the payment of the amount for which they were expelled.
 - 2. Withholding Funds.** Any member withholding money from the Company, or money received by them or entrusted to their care for the benefit of the Company, or any books, papers or any other property belonging to the Company may, upon conviction, be expelled and legal proceedings be instituted against them for the recovery of the same.
- b. **Intoxication.** Any member appearing in the fire house, on the Company's premises, at a fire call or training when acting in an official capacity, or in the uniform of the Company in a state of intoxication, under the influence of drugs, or bring or causing to be brought any intoxicating liquors or drugs in or about same, shall upon conviction of the Discipline Committee thereof be expelled.
- c. **Gambling.** Any member convicted of gambling on or about the premises of the Company may be expelled.
- d. Making unfounded or fraudulent claims of occupational injury, illness or disability.
- e. Sexual harassment or other prohibited harassment in the workplace.
- f. Threatening or engaging in or committing an act of violence when acting in an official capacity as a member of the ATFD.

4.0 RECORDS

Documentation. All discipline occurring in accordance with this policy shall be documented and records of such action retained in company files and within the record of the individual member(s).

4.1 Master Document Listing