

GENERAL ORDER, ADMINISTRATION, NUMBER 4
APRIL 3, 2001
WATERLOO POLICE DEPARTMENT

A. SUBJECT:

Disciplinary Actions / Pre-Termination Hearing Procedures

B. PURPOSE:

To insure maximum efficiency and to standardize discipline procedures, the Waterloo Police Department herein sets forth the types of disciplinary actions which are authorized for a violation of the Rules of Conduct, General Orders, Special Orders, City Policy, or instructional material of the Police Department/City of Waterloo.

C. POLICY:

Supervisory personnel shall be responsible for the management of the Rules of Conduct, General Orders, Special Orders, City Policy, or instructional material of the Waterloo Police Department/City of Waterloo and shall attempt to secure employee conformance to established procedures.

D. PROCEDURES:

1. Informal Actions.

- a. Positive Discipline: Positive discipline is an action which should not adversely affect attitude, morale, or productivity of the employee, and shall attempt to bring behavior into conformance with established procedures and guidelines.
- b. Positive discipline may be, but is not limited to, any of the following:
 1. Corrective Action/Counseling or Instruction.
 2. Guidance geared to improve employee performance.
 3. Specialized training in the deficient area.
- c. Positive discipline is an informal disciplinary action and shall be construed by the employee to mean that the conduct in question is contrary to Department or City rules, regulations, orders, policies or procedures.
- d. Employees who receive a positive disciplinary action are expected to modify their conduct and/or behavior to conform to established

guidelines.

- e. At the discretion of the Supervisor, positive disciplinary actions may be documented as supervisory records. Documentation shall indicate, but is not limited to, the subject matter of the infraction, when, where, who, date, and time.
- f. Supervisory records may be utilized for the retention of positive disciplinary notations. These records will be maintained by the appropriate Division, Unit, Section, or Watch Supervisors. Non-disciplinary documents such as commendations, special assignments, certificates, etc., as comments, may remain in the supervisory record until no longer needed.
- g. Positive disciplinary documentation shall be retained in supervisory records only, and shall not be subjected to inclusion in an employee personnel file. Positive disciplinary notations shall expire automatically after two (2) years from date of issuance. Prior to the two (2) years expiration, such documentation may be used as supportive material, for Formal Disciplinary Action.
- h. Employees may periodically request, in writing, to review their personal supervisory records from the appropriate Division, Unit, Section or Watch Supervisors.

2. Formal Disciplinary Actions

- a. Formal disciplinary actions shall be in compliance with the City of Waterloo Disciplinary Policy, a copy of which is attached hereto and incorporated herein by reference.
 - 1. Formal discipline shall be given by the Chief of Police or by the Chief's designee in the Chief's absence.
- b. An employee shall be notified in writing of any formal disciplinary charge(s). This written notice will provide the employee procedural due process. The employee will be given at least three (3) days to prepare matters in defense, mitigation or extenuation.
- c. The employee has the right to Bargaining Unit representation. If they desire attorney representation, that is at their personal expense.
- d. Where the recommended discipline is other than termination, the employee has the right to waive the three (3) days in which to prepare a defense. This waiver will be by letter signed by the employee to the Chief of Police.

- e. The employee will be notified of the time, date and place for their disciplinary hearing before the Chief of Police.
 - f. Notice of all Formal Disciplinary Action, as determined by the Chief of Police, shall be filed in the affected Officer's personnel file in accordance with the Contract Agreement between the City of Waterloo and the Waterloo Police Protective Association. A copy will be forwarded to the Mayor and Personnel Director.
3. Pre-termination Hearing Procedures.
- a. As defined in city policy, all qualified employees have the right to a pre-termination hearing.
 - b. The Pre-termination hearing shall afford the employees the opportunity to present reasons, either in person, in writing, through witnesses or other means, why the proposed termination should not be taken.
 - c. Upon consideration of an employee's termination, the Chief of Police shall within 72 hours, set the time and date of the hearing.
 - d. Attendance at the hearing shall be determined by the Chief, but shall consist of the following:
 - 1. Chief of Police, Chair
 - 2. Representative from Internal Affairs
 - 3. Representative from City Personnel
 - 4. Representative from City Attorney Office
 - 5. The Employee being considered for termination
 - 6. The employee's representative(s), if requested
 - 7. Others as determined by the Chief of Police
 - e. The Chief of Police shall conduct the Pre-termination hearing.
 - 1. The proceedings at the Pre-termination hearing will be informal as compatible with law and be directed toward the issues of the employee's conduct or performance.
 - 2. The Chief shall consider all evidence and direct the hearing as necessary to consider the facts surrounding the issue of termination.
 - 3. The Chief shall direct the proceeding and have the authority to call and/or sequester witnesses, examine or cross-examine witnesses, or otherwise consider all applicable evidence

pertinent to the proceedings.

- f. At a minimum, the entire proceeding will be tape-recorded.
- g. The Chief will consider the issue(s) presented at the Pre-termination hearing and render a written decision as soon as possible.
- h. All proceedings conducted at the Pre-termination hearing shall be confidential.

BY ORDER OF:

Thomas J. Jennings
Chief of Police