
KANSAS CITY, KANSAS POLICE

GENERAL ORDER

SUBJECT: Discipline and Grievances

ORDER NUMBER: 20.01
ISSUED DATE 09/07/2017
EFFECTIVE DATE: 09/14/2017
RESCINDS: 20.01 Issued 07/08/2016

REFERENCE: CALEA [Ch.26](#)

CROSS REFERENCE:

CONTENTS:

- I. PURPOSE
- II. DISCIPLINE DEFINED
- III. RESPONSIBILITY FOR DISCIPLINE
- IV. SUPERVISORY RESPONSIBILITY
- V. TAKING DISCIPLINARY ACTION
- VI. FORMS OF DISCIPLINE
- VII. DISCIPLINARY ACTION
- VIII. DEPARTMENTAL INVESTIGATIONS
- IX. COMPLAINTS AGAINST SUPERVISORS AND THE CHIEF OF POLICE
- X. DISMISSALS AND DEMOTIONS
- XI. DISCIPLINARY ACTION RECORDS
- XII. GRIEVANCE PROCEDURES
- XIII. GRIEVANCE RECORDS

I. PURPOSE

- A. To acquaint personnel with the disciplinary procedures and responsibilities within the department.

II. DISCIPLINE DEFINED

- A. The process by which the employer ensures that each employee's conduct conforms to standards set by the employer.
- B. When an employee violates a written rule, the employer has three options to insure the employee's future conduct conforms to departmental standards.
 - 1. Non – Adversarial Discipline – Dealing with a potential problem behavior in a manner which the officer or employee is counseled in order to alter the behavior before it rises to a rules and regulation or General Order violation.
 - 2. Alternative Discipline – Dealing with the problem behavior through disciplinary action designed to punish without involving suspension, demotion or discharge. Examples of such are: reprimands and or points, change in assignment, forfeiting accrued time, etc.

- 3. Negative Discipline - Punishing the employee for problem behavior with suspension, demotion or discharge.

III. RESPONSIBILITY FOR DISCIPLINE

- A. The final responsibility for all discipline rests with the Chief of Police.
 - 1. The Chief may delegate to any supervisor, in writing, a limited amount of authority to discipline.
- B. Any supervisor, in emergency situations, may take disciplinary action, such as suspension, if the situation is serious enough to warrant such action. The supervisor acting under this section must fully document the incident and forward such documentation through the chain of command to the Chief on the following working day.

IV. SUPERVISOR RESPONSIBILITY

- A. Each supervisor, at every level, has a responsibility for knowing and utilizing procedures set forth by this Department in dealing with behavior that is contrary to expectations. If the supervisor fails to follow these procedures, they are not conforming to expected supervisory traits and should be subjected to some type of corrective action.
 - 1. Supervisory personnel are responsible for subordinates' adherence to department rules, regulations, policies, orders, directives and procedures and will take reasonable action to ensure compliance.
- B. The supervisor provides four basic functions in maintaining discipline among their subordinates.
 - 1. Supervisors are responsible for the job performance of all subordinates under his/her command. The supervisor must insure that employees do not develop work habits that will result in violations of management's expectations generally and written rules of conduct specifically. In fulfilling this responsibility, the supervisor is expected to fully understand departmental policy, procedures and rules of conduct.
 - 2. Supervisory personnel are responsible for all job related failures on the part of their subordinates when the supervisor was aware or reasonably should have been aware of the failure or the potential for failure and did not take the appropriate action to correct the deficiency. The supervisor must determine whether or not employees have in fact committed alleged violations of work rules. Such allegations come to the supervisor's attention in various ways. They are the result of direct observation or citizens or fellow employees may report them.
 - 3. The degree to which a supervisor must investigate a violation will depend on the immediate circumstances of the offense and departmental

policy regarding division of investigative responsibility.

4. Once the supervisor has determined that an employee has in fact committed a violation of work rules, it is his or her duty to assess the appropriate disciplinary action that fits the violation.

V. TAKING DISCIPLINARY ACTION

- A. As a general rule, the type of disciplinary action selected should run in an increasingly severe progression, with the mildest action being taken first, followed by the next action, etc. However, the rule of progressive discipline cannot always be followed because of unique facts in any given case.
- B. In carrying out disciplinary functions, four principles must be applied:
 1. The supervisor's action must be legal.
 2. The supervisor's actions must be reasonable.
 3. The supervisor's actions must be consistent.
 4. The supervisor's actions must be timely.
- C. Once the supervisor's investigation indicates that the employee has in fact engaged in misconduct, a determination must be made as to what form of disciplinary action is most appropriate for the violation. In determining what form of discipline is most effective, the supervisor must first assess the total factual situation and decide what is most reasonable under the circumstances. Each employee's situation is different, and the supervisor must examine all relevant factors before deciding what action is appropriate. Factors the supervisor should take into consideration include but are not limited to:
 1. The employee's past work and disciplinary history, including the nature and frequency of other offenses;
 2. The nature of the position to which the employee is assigned (the more responsible the position, the more rigorous the standard of performance or conduct);
 3. The type and consequences of the offense;
 3. The effectiveness of discipline in correcting future misconduct.

VI. FORMS OF DISCIPLINE

- A. Once a Supervisor determines corrective action is appropriate he or she must determine the type of discipline to be imposed.
 1. Counseling Form - This positive discipline is a written form of counseling. Counseling forms advise the officer or employee of a problem and advise corrective action or recognize improved performance. This form is used to bring a potential issue to an employee's attention before it becomes a problem or violation.
 - a. Counseling forms will not be issued when there is a Rules and Regulations or General Order violation.
 2. Points – This is a form of progressive discipline and can be issued by Sergeant and above. If at any

time the points assessed for a minor violation would cause the accumulated total points for all active minor violations charged against an officer, or employed, to exceed forty (40), the violation shall be considered a major violation and discipline imposed accordingly.

3. Suspension

- a. Suspensions may be given in combination with points or as suspensions only.
 - b. Sergeants may impose discipline up to and including suspensions of fifteen (15) days. Such discipline should be administered by the initiating supervisor and forwarded through the chain of command to the respective Bureau Director's Office.
 - c. Captains may impose discipline up to and including suspensions of thirty (30) days. The Captain administering such discipline will forward all applicable reports to the respective Bureau Director's Office.
 - d. Majors may impose discipline up to and including suspensions of forty-five (45) days. The Major administering such discipline will forward applicable reports to the respective Bureau Director's Office.
4. Re-training - Sometimes the employee's misconduct will be the type that can be easily corrected through re-training.
 5. Any recommendation that an employee should receive remedial training will be sent, in writing, to the appropriate Bureau Director for approval.
 6. Professional Assistance (EAP) - Some employees with physical or psychological problems will benefit most from professional help.
 7. Demotions are the sole responsibility of the Chief of Police.
 8. Only the Chief of Police, or a Deputy Chief, have the authority to terminate any employee.

VII. DISCIPLINARY ACTION

- A. Discipline will be meted out within the confines of established practices, rules and regulations or general orders.
- B. In all cases of emergency disciplinary action, the supervisor initiating such action will be deemed to be acting under authority granted by the Chief.
- C. Employees will be informed of the decision regarding their case in writing from the appropriate Commander or Supervisor.
- D. Suspensions and grievances related to suspensions will conform to the Memorandum of Understanding in effect at the time of the recommended discipline.
- E. Employees who are not affected by the Memorandum of Understanding will be governed by the Departments civilian rules and regulations and the discipline and grievance section of the Human Resource Guide.

VIII. DEPARTMENTAL INVESTIGATIONS

- A. When an employee is charged with an administrative rule violation they shall be required to make a statement of their account of the incident to the Internal Affairs Unit.
- B. When an employee is charged with an offense that has been designated a criminal matter, the employee is entitled to his/her rights as set out in their Memorandum of Understanding, Human Resource Guide, General Orders of this Department and the United States Constitution.
- C. All parties involved in an investigation of a complaint against an employee, regardless of the origin of the complaint, are required to execute written or verbal transcribed statements to the investigating officer. The investigating officer(s) will then collate the statements and reports and present them to the Chief of Police or his designate. This report will be limited to a discussion of the facts of the case. From this report, the Chief will make one (1) of the following determinations.
 - 1. Unfounded - The investigation indicates the act or acts did not occur or did not involve police personnel.
 - 2. Exonerated - The act(s) did occur but were justified, lawful, and proper.
 - 3. Not sustained - The investigation fails to discover sufficient evidence to clearly prove or disprove the allegation made in the complaint.
 - 4. Sustained - The investigation disclosed sufficient information to clearly prove the allegation made in the complaint.
 - 5. Not Involved - The investigation establishes that the individual employee who is the subject of the complaint was not involved in the alleged incident.
 - 6. Policy Failure - The act did occur and was found to be consistent with or in the absence of governing policy. The investigation revealed that the policy itself requires revision or that a new policy be implemented.

IX. COMPLAINTS AGAINST SUPERVISORS AND THE CHIEF OF POLICE

- A. Complaints made by subordinate employees against any supervisor, other than the Chief of Police, will be made in writing and forwarded to their Bureau Director. The report must contain all supporting facts as to the allegation.
- B. Any complaint against the Bureau Director will be made in writing and forwarded directly to the Chief of Police.
- C. Any complaint against the Chief must be made in a signed, written report, to the County Administrator. The report must contain all relevant supporting facts as to the allegation.

X. DISMISSALS AND DEMOTIONS

- A. When any employee's misconduct results in dismissal or demotion, the following information will be provided to the employee in writing:
 - 1. A statement citing the reason for dismissal or demotion.
 - 2. The effective date of the dismissal or demotion.

- 3. A statement of the status of fringe and retirement benefits after dismissal.
- 4. A statement as to the content of the employee's employment record relating to the dismissal or demotion.
- 5. The employee will be made aware of his/her right to appeal this dismissal or demotion, as provided by in their Memorandum of Understanding. Personnel whose relationship with the Unified Government is not governed by a Memorandum of Understanding will be made aware of their rights as outlined in the Human Resource Guide.

- B. This procedure does not apply to probationary officers or other probationary employees.

XI. DISCIPLINARY ACTION RECORDS

- A. Written records regarding discipline of an employee shall be kept in their personnel file, located in the Chief's Office.
- B. Counseling forms shall remain in the employee's personnel jacket for a period of one (1) year.
- C. Records of negative discipline, as defined in section VII E of this order, will be considered a permanent record.
- D. All discipline and grievances will follow the guidelines of the Memorandum of Understandings of the employees involved.

XII. GRIEVANCE PROCEDURES

- A. References needed for grievances.
 - 1. Sworn Probationary Officers. Refer to Memorandum of Understanding between the City of Kansas City, Kansas and Fraternal Order of Police Loge #4, Article 5: Probationary Officers.
 - 2. Patrol Officers, Detectives and Sergeants. Refer to Memorandum of Understanding between City of Kansas City, Kansas and Fraternal Order of Police Lodge #4, Article 15: Grievance Procedure.
 - 3. Maintenance, Clerical and Technical Personnel. Refer to Memorandum of Agreement between the city of Kansas City, Kansas and Local No. 3475 of Kansas State Council No. 64, Article 12, Grievance Procedure.
 - 4. Lead Dispatchers, Police Dispatchers, and Call Takers within the Public Safety Communications Unit. Refer to Memorandum of Understanding between the City of Kansas City, Kansas and Local 2, The United Food & Commercial Workers International Union, AFL-CIO, Article XI: Grievances
 - 5. Sworn Supervisors and Non-Sworn Personnel not covered by a Memorandum of Understanding shall refer to Human Resources Guide and the Departments civilian rules and regulations.
- B. When grievances cannot be adjusted orally, the written steps of the grievance should include:
 - 1. Significant times, dates and actions taken relative to the grievances.
 - 2. A written statement of the grievance and the facts upon which it is based.

3. A written allegation of the specific wrongful act and harm done.
 4. A written statement of the remedy as adjustment sought.
- C. When responding to a written grievance, the following procedure should be used:
1. Acknowledge receipt by noting time, date and person receiving the grievance.
 2. Analyze the facts or allegations.
 3. Affirm or deny, in writing, the allegations in the grievance.
 4. Identify the remedy or adjustment, if any, to be made.
- D. The final responsibility for all grievances rests with the Chief of Police.

XIII. GRIEVANCE RECORDS

- A. It is important to maintain grievance records due to the valuable information that they may provide, through review and analysis, for correcting a possible deficiency in the system.
- B. A copy of all grievances recorded in writing shall be forwarded to the Chief's Office.
- C. An annual analysis of grievances will be completed by the Internal Affairs commander. A written report of this analysis will be forwarded to the Chief of Police, noting any trends in filed grievances and recommending steps that should be taken to minimize the causes of such grievances in the future. This report will be due the first Monday in February.