

New Berlin Police Department Directives Manual		Directive Title: Disciplinary Systems			
Issue Date: 01/23/15	Published Date: 10/19/20	Next Review Date: 10/01/23	Total Pages: Page 1 of 5	Directive Number: 4201	WILEAG Standards: 4.2.1, 4.2.2, 4.2.3, 4.2.4

Purpose

This directive establishes the disciplinary system the department will follow when dealing with personnel complaints initiated either by a citizen or internally by another employee.

Policy

The department is committed to thoroughly, fairly, and impartially investigating all personnel complaints. In addition, the department is committed to the fair administration of discipline or corrective action that is taken pursuant to a sustained personnel complaint. The department will follow the disciplinary procedures outlined in this directive for both sworn and civilian employees.

Definitions

Administrative Leave: A paid leave that is not disciplinary in nature. Administrative leave is used to protect the employee, the department and the public, allowing the department to fully investigate personnel complaints. Employees placed on Administrative Leave will notify their Shift/Division Commander of their whereabouts and will be available to return to full duty. Any supervisor has the authority to place an employee on Administrative Leave. The relieving supervisor will immediately notify the Chief of Police that he/she has placed an employee on Administrative Leave and provide the Chief with the circumstances of the event. The relieving supervisor will notify the employee that the Chief of Police will contact him/her in the near future to set up a meeting. At that time, the Chief of Police will determine the continued duty status of the employee during the investigation.

Counseling: A consultation between a supervisor and subordinate employee. Counseling is not considered discipline. The goal of counseling is to provide guidance to the employee to correct a minor deficiency in performance. If the guidance from the counseling is not followed future deficiencies may lead to formal discipline. Counseling may also be used for very minor rule violations. A counseling notice will be documented. The counseling notice can be included in the employee’s performance evaluation.

Documented Verbal Warning: A verbal warning for a performance deficiency/rule violation that is documented in written format to ensure an appropriate record is maintained. Documented verbal warnings will be issued to the employee, and a copy will be placed and permanently retained in the employee’s personnel file. A shift commander can issue a documented verbal warning with the approval of the Chief of Police. A Documented Verbal Warning is the lowest level of discipline.

Written Warning: A warning for a performance deficiency/rule violation issued by the Chief of Police. A written warning is more serious than a documented verbal warning. The employee will receive a written notice of the performance deficiency/rule violation that has prompted the written warning. A copy of the written warning will be placed and permanently retained in the employee’s personnel file.

Suspension: A loss of duty time and pay. The employee will receive a written order of suspension detailing the performance deficiency/rule violation that the employee committed, the length of the suspension and the date that the

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suspension will begin and end. A copy of the order of suspension will be placed and permanently retained in the employee's personnel file.

Demotion: A reduction in position or rank.

Dismissal: Discharge or termination of employment.

Administration of Discipline

Sworn employees: All forms of discipline for sworn employees will be administered in accordance with this directive and State Statute Chapters [164](#) and [62.13\(5\)\(em\)](#).

Demotion, demotion and suspension or dismissals of sworn employees, with the exception of Probationary Police Officers, are actions reserved for the Police and Fire Commission.

Civilian Employees: All forms of discipline for civilian employees will be administered in accordance with department directives and the City of New Berlin Discipline and Grievance Procedure.

Employee Appeal of Discipline

Sworn employees: Sworn employees will receive written notice of any disciplinary action. The written notice will contain information relating to the sworn employee's right to appeal any of the following forms of discipline to the Police and Fire Commission or circuit court as provided under [62.13\(5\)\(em\)](#):

- Suspension
- Suspension and demotion
- Demotion
- Dismissal

Civilian employees: Civilian employees will receive written notice of any disciplinary action. The written notice will contain information relating to how the civilian employee may appeal discipline as outlined in the City of New Berlin General Administrative Policy entitled ["Discipline and Grievance Procedure."](#)

Criteria for Discipline

Documented Verbal Warning: A documented verbal warning may be used for minor performance deficiencies, procedural complaints and minor complaints. A documented verbal warning is a more serious form of discipline than is counseling. Supervisors will follow the guidelines established in [Directive 1901](#) when investigating allegations of misconduct that may result in a documented verbal warning.

Shift/Division Commanders may issue documented verbal warnings by order of the Chief of Police. If a Shift/Division Commander issues a documented verbal warning, the Shift/Division Commander will provide the employee with written notification of the reason for the documented verbal warning and what the employee should do differently to avoid

New Berlin Police Department Directives Manual		Directive Title: Disciplinary Systems			
Issue Date: 01/23/15	Published Date: 10/19/20	Next Review Date: 10/01/23	Total Pages: Page 3 of 5	Directive Number: 4201	WILEAG Standards: 4.2.1, 4.2.2, 4.2.3, 4.2.4

further discipline. The written notice of a documented verbal warning will contain a specific warning that continuation of the behavior that resulted in the documented verbal warning may result in further discipline, up to and including dismissal.

Written Warning: A written warning may be used for minor performance deficiencies, procedural complaints and minor complaints. A written warning is a more serious form of discipline than a documented verbal warning. Supervisors will follow the guidelines established in **directive 1901** when investigating allegations of misconduct that may result in a written warning.

Only the Chief of Police may issue a written warning. If the Chief of Police issues a written warning, the Chief of Police will provide the employee with written notification of the reason for the written warning and what the employee should do differently to avoid further discipline. The notice of a written warning will contain a specific warning that continuation of the behavior that resulted in the written warning may result in further discipline, up to and including dismissal.

Suspension: Suspension may be used for continued performance deficiencies, procedural complaints, and minor complaints. Suspension may also be used for serious complaints of misconduct. Supervisors will follow the guidelines established in **directive 1901** when investigating allegations of misconduct that may result in a suspension.

Only the Chief of Police may issue a suspension to a civilian employee of the department. The Chief of Police or the Police and Fire Commission may issue a suspension to a sworn employee.

If the Chief of Police or the Police and Fire Commission suspend an employee, the Chief of Police or the Police and Fire Commission will provide the suspended employee with written notification of the reason for the suspension, length of the suspension, beginning and end date of the suspension and what the employee should do differently to avoid further discipline. The written notice of suspension will contain a specific warning that continuation of the behavior that resulted in the suspension may result in further discipline, up to and including dismissal. In the case of sworn members, the written notice of suspension will inform the employee of his/her right to appeal the suspension and request a hearing before the Police and Fire Commission.

Demotion: Demotion may be used for serious complaints of misconduct. Supervisors will follow the guidelines established in **directive 1901** when investigating allegations of misconduct that may result in a demotion.

The Chief of Police may demote a civilian employee of the department. The Police and Fire Commission may demote a sworn member of the department if it is determined there is just cause to sustain the charges filed against the employee.

If the Chief of Police or the Police and Fire Commission demote an employee, the Chief of Police or the Police and Fire Commission will provide the demoted employee with written notification of the reason for the demotion, beginning date of the demotion and what the employee should do differently to avoid further discipline. The written notice of demotion will contain a specific warning that continuation of the behavior that resulted in the demotion may result in

New Berlin Police Department Directives Manual		Directive Title: Disciplinary Systems			
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further discipline, up to and including dismissal. In the case of sworn members, the written notice of demotion will inform the employee of his/her right to appeal the demotion to circuit court.

Suspension and Demotion: A combination of suspension and demotion will only be used for serious complaints of misconduct. Supervisors will follow the guidelines established in **directive 1901** when investigating allegations of misconduct that may result in suspension and demotion.

The Chief of Police may suspend and demote a civilian employee of the department. The Police and Fire Commission may suspend and demote a sworn member of the department if it is determined there is just cause to sustain the charges filed against the sworn member of the department.

If the Chief of Police or the Police and Fire Commission suspend and demote an employee, the Chief of Police or the Police and Fire Commission will provide the suspended and demoted employee with written notification of the reason for the suspension and demotion, beginning and end date of the suspension, beginning date of the demotion and what the employee should do differently to avoid further discipline. The written notice of suspension and demotion will contain a specific warning that continuation of the behavior that resulted in the suspension and demotion may result in further discipline, up to and including dismissal. In the case of sworn members, the written notice of suspension and demotion will inform the employee of his/her right to appeal the demotion to circuit court.

Dismissal: Dismissal will only be used for serious complaints of misconduct.

Only the Chief of Police may dismiss a civilian employee of the department. Only the Police and Fire Commission may dismiss a sworn member of the department if it is determined there is just cause to sustain the charges filed against the sworn member of the department.

If the Chief of Police or the Police and Fire Commission dismiss an employee, the Chief of Police or the Police and Fire Commission will provide the employee with written notification of dismissal. The written notice of dismissal will include the reason for dismissal and the effective date of the dismissal. In the case of non-probationary sworn members, the written notice of dismissal will inform the employee of his/her right to appeal the dismissal to circuit court.

The Chief of Police does not need approval of the Police and Fire Commission to dismiss a Probationary Officer.

Disciplinary Records

The written notice of any disciplinary action will be maintained in the individual employee personnel file. Personnel files are only accessible by the Chief of Police, Deputy Chief of Police, and Administrative Services Manager. Employees may request to the Chief of Police to view their personnel file twice a year. Employees desiring to view their personnel file will set up an appointment with the Chief of Police.

The investigative records of all disciplinary cases will be maintained in a locked cabinet or in a secured electronic format by the Administration Division. Only the Chief of Police, Deputy Chief of Police, and Administrative Services Manager will have access to that cabinet.

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The Administrative Services Manager will maintain an index of discipline, by violation type, in a locked cabinet. Authorized supervisors and command personnel may access this file when conducting a disciplinary investigation.

By Order of: 
 Jeffrey Hingiss _____ Chief of Police

Dimensions: 4.2.1.1 / 4.2.1.2 / 4.2.1.3 / 4.2.3.1 / 4.2.3.2