



Brian E. Sturdivant, Fire Chief

CITY OF LANSING

BOARD OF FIRE COMMISSIONERS

120 E. SHIAWASSEE ST., LANSING MI 48933

(517) 483-4200 | LANSINGMI.GOV/FIRE



Andy Schor, Mayor

REGULAR MONTHLY MEETING AGENDA

WEDNESDAY, SEPTEMBER 13, | 5:30 PM |

EMERGENCY OPERATIONS CENTER | 815 MARSHAL ST. | LANSING MI

1. Call to Order – Establish Quorum

- 1.1. Present
- 1.2. Absent

2. Additions to Agenda

3. Approval of Minutes:

- 3.1. August 9, 2023

4. Public Comment – Agenda Items (Time Limit: 3 Minutes)

5. Review Communications

- 5.1. Tim Ness letter of appreciation

6. Comments from Chair

7. Presentations

8. Fire Administration Report – Chief Sturdivant

9. Old Business

10. New Business

- 10.1. LexiPol Policies: 1043 and attachments
- 10.2. Resolution honoring Mike Tobin on his retirement

11. Request for Commissioners to be Excused.

12. Commissioner Comments

13. Public Comment – On any matter- speakers must state their name and address (Time Limit: 3 minutes):

14. General Order

15. Adjournment

Fire Commissioners

1st Ward Barbara Lawrence – Vice-Chair
2nd Ward Jerrod LaRue
3rd Ward Kathleen Tobe
4th Ward Gina Nelson
At-Large Steve Purchase –Chair
At-Large Rodney Singleton
At-Large Charles Willis
At-Large Krishna Singh

Overfelt, Jules

From: Ness, Timothy
Sent: Monday, August 28, 2023 10:23 AM
To: LFD ALL PERSONNEL
Subject: Martin Street Collapse

Dear Firefighters, Tech Rescue Crews, and Metro Partners who responded to the Martin Street Collapse on the night of August 24th.

I wanted to take a moment to extend my gratitude and utmost appreciation for the dedication, professionalism, and courage displayed during this recent and highly stressful incident.

The coordinated efforts of all crews on scene was nothing short of remarkable showcasing your commitment to preserving life and ensuring the safety of the Lansing community. You all demonstrated true heroism in a low frequency high risk incident. This is an incident in which our technical rescue crews train regularly but hope will never occur.

Every member on scene played a key role from scene management to shuttling of equipment, to rehab, shoring operations, recovery and more. These synchronized efforts played a crucial role in managing a challenging and complex situation.

While the outcome was not what we had hoped for, your dedication to the task at hand, the respect shown for the victim and their family, and the support you provided to one another throughout the operation were truly commendable.

I want to personally express my gratitude to each of you for your sacrifices, both physical and emotional, in ensuring the safety and well-being of the Lansing community. Your selflessness and commitment to serving others are the cornerstones of what makes our department exceptional.

Once again, thank you for your dedication, bravery, and professionalism in the face of adversity. Your actions have not gone unnoticed.

With sincere appreciation,

Tim Ness Captain Lansing Fire Department

Sent from my iPhone

Discipline

1043.1 PURPOSE AND SCOPE

Agency Content

In order to maintain the highest levels of excellence, professionalism, and safety, all members of the Lansing Fire Department are required to conduct themselves in a highly self-disciplined matter. The Lansing Fire Department policies, City policies, and other applicable local, state, and federal laws establish standards for appropriate conduct. When conduct falls outside of these established standards, a consistent method of applying disciplinary action is required. A discipline policy identifies the responsibilities and procedure for administering the disciplinary process when a conduct violation occurs.

1043.1.1 DEFINITIONS

Agency Content

Corrective - discipline means the supervisor and member identify the deficiency and construct plan to correct it.

Progressive - discipline means discipline shall begin at lowest appropriate level based on violation and severity of violation and progress to appropriate level for subsequent violations.

Lawful - discipline means discipline does not violate City regulations, Union Contracts, Department policy, or the member's constitutional rights.

Supervisor - means a person authorized to initiate the disciplinary process.

Supervisory Discipline - A penalty imposed by Department officers to sanction those members under their direct command with the purpose of correcting minor deficiencies and maintaining discipline within the command of the officer imposing the discipline.

Administrative Discipline - A penalty that includes major infractions or repeated acts previously dealt with at the Supervisory level.

Verbal Warning (previously identified as written warning) - A verbal warning is a disciplinary measure where an employer speaks to an employee about an issue involving their behavior, conduct, or job performance.

Written Reprimand - A written form of communication which serves to advise an employee of poor performance, inappropriate behavior, or other policy violations, and it shall serve as a warning of more severe disciplinary action if the employee fails to take the appropriate corrective action.

1043.2 POLICY

Agency Content

- (a) All supervisors of the Lansing Fire Department shall administer employee discipline in a manner consistent with this guideline.

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- (b) Supervisors should approach intervention from the perspective that the employee desires to correct a deficiency, and the supervisor is there to assist in the corrective process.
- (c) Discipline shall be corrective, progressive, and lawful.
- (d) Discipline must be initiated in a timely manner.
- (e) Completion of the incident investigation and delivery of disciplinary action, if any, shall occur within 21 calendar days from date of process initiation.
 - 1. Any approved leave of employee (Vacation Leave, Personal Leave, Sick Leave) shall pause the timeline of discipline until the first day of the employee's return to work.
- (f) All disciplinary actions are subject to review by the Fire Chief or Assistant Fire Chief and the grievance process.
- (g) Disciplinary proceedings and the results thereof are confidential to the extent permitted by law. The supervisor is responsible for maintaining this confidentiality.
- (h) If the supervisor has reason to believe criminal conduct may be involved, he/she shall immediately report the incident to Fire Administration and shall consider the Garrity Rights of the employee before any investigative questioning continues (if applicable).
 - 1. The Fire Chief or designee will notify Human Resources and Office of City Attorney.
 - 2. Determination will be made pertaining to course of action and criminal investigation.
 - 3. If criminal investigation is deemed warranted, the appropriate agency shall conduct the investigation.
- (i) On occasion, there may be circumstances, which compel immediate administrative action prior to a full investigation of the facts, including but not limited to suspension with or without pay and termination. If in the best judgment of the Division Head or Battalion Chief, the allegations against an employee are such that there are serious concerns for the safety or effectiveness of Department personnel or operations, they may temporarily suspend an employee with pay, pending review by Administration.
- (j) Though the Lansing Fire Department will follow progressive discipline, depending upon the circumstances of the offense, disciplinary action may be imposed at any level of severity. A single serious offense, whether related or unrelated to prior behavior, could form the basis for imposing any level of disciplinary action, including termination.
- (k) Depending on the circumstances, one or more of the following kinds of disciplinary actions may be taken: verbal warning, written reprimand, suspension without pay, demotion, disciplinary probation, or dismissal. There are two levels of discipline within the LFD disciplinary system. For minor infractions, discipline is administered by the immediate supervisor in the form of a verbal warning or written reprimand and is considered supervisory discipline. For major infractions, or repeated acts previously dealt with at the supervisor level, discipline shall be administered by Fire Administration and is referred to as administrative discipline. There are three levels of

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discipline available at the Administrative Level -suspension, demotion and dismissal. If unclear about which category a given infraction should fall under, the supervisor shall consult the Assistant Chief of Administration, who shall make a determination.

- (l) The final decision concerning suspensions, demotions or dismissals shall be made by the Fire Chief. This will ensure the consistency of serious discipline administered throughout the Department.

1043.3 DISCIPLINARY PROCESS

Agency Content

- (a) Supervisor is made aware of a violation or deficiency performed by a member of the Lansing Fire Department.
- (b) Supervisor initiates the disciplinary process with the notification and inquiry phase to gather facts about the alleged violation or deficiency.
- (c) Supervisor provides notification to the employee verbally or in writing and documented when notified.
- (d) Supervisor completes the top section of the Disciplinary Action History Request form and submits it to Fire Administration prior to the end of the following business day.
 - 1. Fire Administration will provide response to requesting supervisor within two business days.
- (e) The Supervisor or appropriate designee will conduct a full incident inquiry to gather facts about the incident and determine if a violation or deficiency occurred.
 - 1. The Investigation party shall execute an incident inquiry (see VI. Investigation of facts) in order to gather facts through interviewing involved parties to obtain personal accounts and observations, reviewing policy, and reviewing applicable standards and laws.
 - 2. Lockers, desks, City computers, employee Email, computer files, city phones, etc. are the property of the City and may be searched by supervisors or others by direction of administration or Human Resources. Items found may be used in a disciplinary proceeding.
- (f) The supervisor or designated investigative party will determine the proper scope of the incident inquiry based on the nature and severity of the allegation and anticipated level of discipline.
- (g) The supervisor or designated investigative party will forward completed documentation and submit it to the Fire Chief or Assistant Fire Chief for review.
 - 1. Vehicle accidents must include the vehicle accident report and police report.
- (h) Based on the findings of the Incident Inquiry, the Supervisor will utilize the Discipline Guide Matrix to administer disciplinary action. Mitigating and Aggravating factors will be taken into consideration and the Supervisor can either escalate or down grade the level of discipline because of these factors.
- (i) The employee has the right to review the investigative report with Fire Administration.

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- (j) Questions concerning legal issues pertaining to disciplinary investigations shall be directed to fire administration.
- (k) No discipline is considered completed until final review by the Fire Chief. If the Fire Chief has not reviewed within the required timelines, the discipline will be considered completed.

1043.4 INVESTIGATION

Agency Content

- (a) Prior to applying disciplinary action, incidents shall be investigated to gain an accurate accounting of the facts. An investigation may include (but shall not be limited to) personal observations, review of existing policy, standards and law, and interviews with involved parties. Supervisors shall not make judgments until fact finding is complete.
- (b) Supervisor must complete and submit a Disciplinary Action History Request Form to Fire Administration prior to administration of disciplinary action. Fire Administration will provide response to the requesting supervisor within 2 business days.
- (c) The proper scope of an investigation shall be determined by the supervisor and will vary according to the nature and severity of the incident and the level of discipline anticipated. In all cases Fire Department Policies and Procedures and/or City Policies allegedly violated shall be clearly identified.
- (d) For accusations and complaints of misconduct, which may result in Administrative Level Discipline, a formal Investigative Report must be compiled. Responsibility for conducting a Formal Investigative Report shall be assigned by Fire Administration. The Investigative Report shall include the following information:
 - 1. A summary of the incident shall include: who, what, why, when and how.
 - 2. Employee work history.
 - 3. Specific guideline or rule violated.
 - 4. When applicable, a copy of the police report and/or vehicle accident report.
 - 5. Interviews notes. When necessary for determination of fact, interviews should be conducted with persons who may have pertinent information. Include date, time, location, name, rank, assignment, and detailed notes of the discussion.
 - 6. Conclusions. From the information gathered, determine responsibility. Mitigating and Aggravating circumstances may be discussed in this section.
 - 7. Recommendations. State the recommended disciplinary action.
 - 8. Attachments. Include all relevant documents.
- (e) The completed report shall be forwarded to Fire Administration. The investigative report is and for administrative use only. It is the responsibility of the involved supervisors to maintain confidentiality throughout the disciplinary process.

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1043.5 LEGAL CONSIDERATIONS

Agency Content

- (a) When conducting an interview relating to a disciplinary investigation, the supervisor shall consider the following legal issues:
 - 1. A member may be compelled by supervisors to answer questions that relate to his/her duties or fitness for duty.
 - 2. Failure of department members to cooperate completely and truthfully may itself form the basis for disciplinary action including discharge.
 - 3. A member has the right to union representation.
 - 4. Nothing in this policy shall be considered as requiring a waiver of a member's right to assert his or her privilege against compelled self-incrimination.
- (b) Representation
 - 1. Members of a bargaining unit have the right to union representation in disciplinary actions if they so choose.
 - 2. In the event a member requests not to have union representation, the request will be honored, the union will be so notified in writing, the union will receive a copy of the final discipline disposition, and the employee will sign a declination of union representation form.

1043.6 DOCUMENTATION

Agency Content

- (a) Documentation of the incident shall be placed in the employee's personnel file.
 - 1. On completion, the original documents shall be sent to Fire Administration for review and be placed in the employee's personnel file.
 - 2. Vehicle Accidents: Vehicle Accident Report and Police Report must be included.
- (b) The employee shall receive a copy of the disciplinary disposition.
- (c) All records of disciplinary action shall remain in the employee's file for the duration of his/her employment.
- (d) To remain consistent with City policy, there is a twenty-four (24) month statute of limitation regarding the use of old disciplinary action in a current case for the purpose for progressive discipline.
- (e) Signatures: All forms in the disciplinary process require signatures of the supervisor and the employee.
 - 1. The intent of the signature is to provide formal record the individual was present and received copies of the documentation.
 - 2. It does not necessarily signify agreement by the employee to the contents of the document.

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1043.7 ATTACHMENTS (TO BE ADDED)

Agency Content

Garrity Statement of Rights.pdf

Declination of Union Representation.pdf

Supervisory Discipline Form.pdf

Administrative Discipline Form.pdf

Discipline Guidance Matrix.pdf

Disciplinary Action History Request Form.pdf

Attachments

Garrity Statement of Rights.pdf

STATEMENT OF RIGHTS

You are hereby ordered to fully cooperate with the investigating official(s). Your failure to cooperate will create an objective and subjective fear of termination. You have the following rights and responsibilities during this investigation:

1. You have the right to be informed of the allegations involved.
2. You will be asked questions specifically directed and narrowly related to the performance of your official duties.
3. Statements made during any interviews may be used as evidence of misconduct or as the basis for seeking disciplinary action against you.
4. Any statements made by you during these interviews cannot be used against you in any subsequent criminal proceeding, nor can the fruits of any of your statements be used against you in any subsequent criminal proceeding.
5. If you so request, a person of your choice may be present to serve as a witness during the interviews.
6. If you refuse to answer questions relating to the performance of your official duties, you will be subject to dismissal.

ACKNOWLEDGEMENT: I have read and understand the above notification.

_____ Employee's Signature	_____ Date	_____ Time
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_____ Investigator's Signature	_____ Date	_____ Time
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_____ Investigator's Signature	_____ Date	_____ Time
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Declination of Union Representation.pdf



CITY OF LANSING | FIRE DEPARTMENT
ADMINISTRATION

120 E. SHIAWASSEE ST. | LANSING MI 48933

517-483-4200

LANSINGMI.GOV/FIRE

Brian E. Sturdivant, Fire Chief



Andy Schor, Mayor

Declination of Union Representation

Date: _____

Employee's Name (Printed): _____

I hereby decline union representation in this investigation or disciplinary matter as outlined in the IAFF Local 421 and City of Lansing Collective Bargaining Agreement. I understand that I may change my position and exercise my right to union representation at any time during the proceedings.

Employee Signature

Witness Signature

Witness Printed Name

Original- Disciplinary/Investigative Packet
Copy – IAFF Local 421

Supervisory Discipline Form.pdf

Supervisory Discipline

DATE: _____

SUPERVISOR NAME: _____ RANK: _____ DIVISION: _____

EMPLOYEE NAME: _____ RANK: _____ DIVISION: _____

UNION REPRESENTATIVE PRESENT: _____

☐ UNION REPRESENTATION DECLINED BY EMPLOYEE – ATTACH SIGNED DELINATION FORM

☐ VERBAL WARNING ☐ WRITTEN REPRIMAND

☐ INVESTIGATIVE REPORT ATTACHED

SPECIFIC POLICIES ALLEGEDLY VIOLATED:

SUPERVISOR'S RECOMMENDED ACTIONS:

DISPOSITION:

SUPERVISOR SIGNATURE

EMPLOYEE SIGNATURE

UNION REP. SIGNATURE

ASST.CHIEF/CHIEF REVIEW
SIGNATURE

The intent of the signature is to provide formal record the individual was present and received copies of the documentation. It does not necessarily signify agreement by the employee to the contents of the document.

Administrative Discipline Form.pdf

Administrative Discipline

DATE: _____

SUPERVISOR NAME: _____ RANK: _____ DIVISION: _____

EMPLOYEE NAME: _____ RANK: _____ DIVISION: _____

UNION REPRESENTATIVE PRESENT: _____

☐ UNION REPRESENTATION DECLINED BY EMPLOYEE - ATTACH SIGNED DECLINATION FORM

☐ INVESTIGATIVE REPORT ATTACHED

SPECIFIC POLICIES ALLEGEDLY VIOLATED:

DISPOSITION:

☐ SUSPENSION – WITHOUT PAY

☐ DEMOTION

☐ DISMISSAL

NOTES:

ASST. CHIEF/CHIEF SIGNATURE

EMPLOYEE SIGNATURE

UNION REP. SIGNATURE

The intent of the signature is to provide formal record the individual was present and received copies of the documentation. It does not necessarily signify agreement by the employee to the contents of the document.

Discipline Guidance Matrix.pdf

Discipline Guideline Matrix

The following disciplinary matrix is to be utilized as guidance determining the level of discipline when an offense occurs.

Mitigating and Aggravating circumstance should be considered when determining the level of discipline.

Fire Administration acknowledges these guidelines are not all encompassing. Any violation or offenses not directly listed below will be addressed based on the seriousness of the actions or offense and how said actions or offense reflect on the Department and the City.

GROUP I OFFENSES

The first group of offenses includes behaviors and job performances which are not severe in nature, but which require correction in the interest of maintaining a productive and well-managed work force. Generally, supervisors should attempt to address a first offense with a verbal warning and a second offense with a written reprimand.

First Offense - Verbal Warning or Written Reprimand

Second Offense - Written Reprimand, Suspension

Third Offense - Suspension, Demotion or Termination

Fourth Offense - Termination

- Tardiness.
- Inadequate or unsatisfactory job performance.
- Carelessness in the observance of departmental rules or disregard of common safety practices.
- Violation of City or Department IT policies.
- Failure to report any personal injury or equipment damage or loss immediately to one's supervisor.
- Inappropriate use (misuse) of sick leave, may include an established pattern.
- Grooming Violation
- Malicious use of profane language
- Horseplay - when such activity contributes to the ineffectiveness of the employee, the public, or another employee.
- Smoking/Tobacco use in unauthorized areas
- Participating in non-department related work/activities while on duty, which interferes with job duties.
- Violation of Chain of Command
- Damage and/or loss to City property and/or other property resulting from an avoidable incident.
- Failure to perform Duty of Office
- Unauthorized access and/or use of City facilities and/or equipment including, but not limited to, desks, offices, computers, buildings, lockers, etcetera.
- Issuing unauthorized correspondence to the public on Department letterhead.
- Violation of regulations, policies or procedures not otherwise specified in these guidelines.
- Vehicle Accident – Minor Damage with no injuries and no safety concerns

GROUP II OFFENSES

Second group offenses include behaviors and job performance problems which are severe, and which form a reasonable basis for more stringent initial disciplinary action.

First Offense - Written Reprimand, Suspension, Demotion or Termination

Second Offense - Suspension, Demotion, or Termination

Third Offense - Termination

- Absence without Authorized Leave (AWOL)
- Absence without authorized leave time or available leave balance
- Horseplay – when such activity contributes to the injury of the employee, the public, or another employee or damage to property occurs.
- Physical fighting, violence or threatening any person.
- Unauthorized distribution of any official City or Department written or printed materials of any description.
- Failure to report any mistreatment of a client, patient or any other individual.
- Falsification of records, such as, but not limited to, time and attendance records, employment status/ information, client records and travel records.
- Failure to report an accident in which the employee was involved.
- Conduct unbecoming of a public employee.
- Exhibiting discriminatory behavior, sexual harassment, or use of derogatory comments.
- Failure of a supervisor to take appropriate action on job performance problems or employee violations or offences.
- Threatening, extorting, coercing, or intimidating any City employee, employee representative, or citizen.
- Endangering health or safety of others or not providing for security of property or funds.
- Malicious destruction, abuse or unauthorized use of City property or equipment.
- Theft of City property, or property of any other individual.
- Any employee placed under arrest and/or charged with a misdemeanor (will be placed on Administrative Leave with pay until department disciplinary ruling)
- Any employee who is convicted, pleads nolo contendere, is placed on probation, receives a suspended sentence, or charges are adjudicated with decision other than innocent for any crime which is related to Job Performance or reflects unfavorable on the City.
- Any employee who is convicted, pleads nolo contendere, is placed on probation, receives a suspended sentence, or charges are adjudicated with decision other than innocent for any crime which is not related to Job Performance but reflects unfavorable on the City.
- Making false, discriminatory, or malicious statements concerning any employee, supervisor, the public, the City or its operations.
- Insubordination
- HIPPA Violation
- Vehicle Accident – Significant damage, avoidable, injury sustained, and/or significant safety concerns.

GROUP III OFFENSES

Third group offenses include behaviors and job performance problems of such a serious nature that a first occurrence normally warrants termination.

- Any employee placed under arrest and/or charged with a felony crime (will be placed on Administrative Leave without pay until department disciplinary ruling)
- Failure to report any arrest to include NTA (Notice to Appear) or loss of privileges within 24 hours of release from custody. The notification of arrest must be made personally by the employee to the Battalion Chief or Division Chief.
- False report either written or verbal during a formal department proceeding.
- Unauthorized possession or use of firearms, dangerous weapon, or explosive on duty.
- Physical fighting, violence or threatening any person causing injury.
- Unauthorized possession, use, under the influence, or distribution of intoxicants, such as, but not limited to, alcohol or drugs or possession of illegal or unauthorized paraphernalia.
- Unauthorized possession, theft or tampering of controlled substances assigned to LFD.
- Making false claims, misrepresentation, or withholding information in an attempt to obtain sickness or accident benefits, workers compensation, unemployment compensation benefits or other items or benefits of value.
- Disclosure of records, documents, or information which the employee knows or should have known to be confidential.
- In any matter:
 - the knowing falsification, concealment, or cover-up of a material fact, and/or
 - the knowing making of any false, fictitious, or fraudulent statement or representation, and/or
 - the making or using of any writing or document knowing the same to contain a false, fictitious, or fraudulent statement or entry.

Disciplinary Action History Request Form.pdf

Disciplinary Action History Request

Any supervisor initiating the disciplinary inquiry process shall complete this request form prior to administering discipline. The purpose of this request is to obtain relevant information regarding previous violations that inform the interventions taken in the current process.

Complete all fields below and submit to Fire Administration. Response shall be provided within two business days.

Employee's Name: _____

Date of Alleged Violation or Deficiency: _____

Brief Description of Alleged Violation or Deficiency:

To be completed by Fire Administration - All occurrences during previous 24 months including PIPs, EDFs, and Counseling Statements.

☐ No occurrences in previous 24 months

Date of Previous Violation or Deficiency: _____

Brief Description of Previous Violation or Deficiency:

Action Taken: _____

Date of Previous Violation or Deficiency from any Category: _____

Brief Description of Previous Violation or Deficiency:

Action Taken: _____

Date of Previous Violation or Deficiency: _____

Brief Description of Previous Violation or Deficiency:

Action Taken: _____

Requestor Signature: _____