WEST NORRITON TOWNSHIP POLICE DEPARTMENT

Subject: Terms of Employment		Policy # 5.1.9
Accreditation N/A		
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By Authority Of: Chief A. Dale Mabry	Signature:	

5.1.9 TERMS OF EMPLOYMENT

A PURPOSE

The purpose of these regulations is to provide a basis for the orderly and disciplined performance of duty. Their publication will promote a surer knowledge of what is expected of personnel generally and of all ranks and assignments specifically. This should result in a greater degree of self- assurance in all positions. In relationships between the ranks it should be our individual aim to continuously build mutual respect and confidence which is so essential to our type of operation.

B. INTRODUCTION

The Police Department is responsible for the protection of life and property in the township of West Norriton, the prevention of crime and apprehension of offenders, the preservation of peace, and compliance with the law. To achieve these objectives, each member of the police Department must perform his duties faithfully, with honesty and sound judgment.

Police work calls for constant contact with the public. The dignity and respect so important to this contact depends on the practice of rules of good taste and courtesy.

Every officer knows, or should know, that his uniform gives him no right to indulge in abusive oratory or display personal vindictiveness. He can be courteous to everyone without exception and still be firm and sincere in his efforts to enforce the law. There is strength in calmness and the officer should maintain composure despite trying conditions.

Courtesy among the police officers is indispensable to discipline. Respect for superior officers should not be confined to obedience on duty but should extend to all occasions.

An officer on duty should maintain a pleasant and courteous attitude. Many requests may be received that may seem trivial and unnecessary, but they should be treated with the same courtesy as important ones.

C. TERMS OF EMPLOYMENT DEFINED – GENERAL

1. Loyalty - to the township, the department and to associates is an important factor in departmental morale and efficiency. Members and employees shall maintain a

loyalty to the township, to the department and their associates as is consistent with law and personal ethics and professional standards.

2. Department Employees - whether on duty or off duty shall be governed by the ordinary and reasonable rules of good conduct and behavior and shall not commit any act tending to bring reproach or discredit upon the department.

3. Cooperation between Ranks and Units - is essential to effective law enforcement. Therefore, all members are strictly charged with establishing and maintaining a high spirit of cooperation within the department.

4. Cooperation with Other Agencies - Officers shall cooperate with all law enforcement agencies, other township departments and public service organizations and shall give aid and information as such organizations may be entitled to receive, consistent with departmental orders.

5. Standard of Conduct - Members and employees shall avoid all conduct in their private and professional lives which will or may tend to bring the department or themselves into disrepute.

6. General Responsibilities - Members of the department shall at all times preserve the public peace, prevent crime, detect and arrest violators of the law, protect life and property and enforce all federal, state, local laws and ordinances within department jurisdiction.

7. Assistance - All members are required to take appropriate police action toward aiding a fellow peace officer exposed to danger or in a situation where danger might be impending.

8. Knowledge of Laws and Regulations - Every member is required to establish and maintain a working knowledge of laws and ordinances in force in the township, the rules and policies of the department and the orders of the department and divisions thereof. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule or policy in question.

9. Questions Regarding Assignment - Members and employees in doubt as to the nature or detail of their assignment shall seek such information from their supervisors by going through the chain of command.

10. Manner of Issuing Orders - Orders, from superior to subordinate shall be in clear understandable language, civil in tone and issued in pursuit of departmental business.

11. Obedience to Unlawful Orders - Obedience to an unlawful order is never a defense for an unlawful action; therefore, no member or employee is required to obey any order which is contrary to federal or state law or local ordinance.

Responsibility for refusal to obey rests with the member. He shall be strictly required to justify his action.

12. Conflicting Orders - Upon receipt of an order conflicting with any previous order or instruction, the member affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed first. Countermanding or conflicting orders will be issued only when reasonably necessary for the good of the department.

13. Reports and Appeals - Unlawful, Unjust, Improper Orders - A member or employee receiving an unlawful, unjust or improper order, shall, at first opportunity, report in writing to the Chief of Police through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Extra departmental action regarding such an appeal shall be conducted through the office of the Chief of Police.

14. Residence - Each member of the department is required to report his respective place of residence to the Chief of Police, to be properly indexed. Any change of address shall be reported by the individual member within a twenty-four hour period.

15. Telephone - All departmental members are required to subscribe to telephone service at their respective place of residence, so that they may be contacted readily. The respective telephone number (listed or unlisted) shall be recorded with the Chief of Police.

16. Roll Call - Unless otherwise directed, members and employees shall report to daily roll call at the time and place specified, properly uniformed and equipped. They shall give careful attention to orders and instructions avoiding unnecessary talking or movement.

17. Physical Fitness for Duty - All members of the department shall maintain good physical condition so they can handle the strenuous physical contacts often required of a law enforcement officer.

18. Break Periods - Coffee breaks will be limited to 15 minutes. No more than one officer will be off duty at a time, unless authorized. Breaks are to be taken in the officer's assigned zone.

19. Loitering in Department Areas - Members and employees off duty and not on any official standby shall not loiter in department areas.

20. Registering Equipment with the Department - Members are required to register with the department the description and serial numbers of all personal police equipment they own or carry.

21. Orders - All general orders, rules and regulations, coming from the Chief of Police at any time in the future, will be considered a part of this manual in their entirety.

22. Performance - Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the West Norriton Police Department. Incompetence may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; absence without leave; or unnecessary absence from the assigned patrol zone or other assigned duty during the employee's tour of duty. In addition to other indications of unsatisfactory performance is a written record of repeated infractions of the rules, regulations, directives, etc.

23. Conduct of Employees While Suspended - While under suspension, police employees of the West Norriton Township Police Department shall not wear the uniform or part of the uniform and shall be deprived of all police powers and privileges and shall not be permitted to represent themselves as employees of the West Norriton Township Police Department.

24. Return of Equipment - In the event of an order of suspension or dismissal, unless otherwise excepted in writing by the Chief of Police, the officer so charged shall return to the department all township equipment including badge and weapon. Such township equipment and property shall be retained by the department during the period of any suspension.

25. Private Use of Department Address - Members and employees shall not use the department as a mailing address for private purposes. The department address shall not be used on any motor vehicle registration or operator's license.

26. Military Courtesy - When meeting in public, officers shall conform to normal courtesy standards and refer to each other by rank.

27. National Colors and Anthem - Uniformed members will render full military honors to the National Colors and Anthem at appropriate times. Members and employees in civilian dress shall render proper civilian honors to the National Colors and Anthem at appropriate times.

28. Operator's License - All members must have a valid Pennsylvania driver's license.

29. Strikes and Labor Disputes - Employees shall maintain complete neutrality during any labor-management dispute. Under no circumstances shall the

township police department be made subservient to any one group involved. Neither labor nor management will be furnished with assistance which exceeds the legal authority or ability of this department. Demands for added protection or non-interference in strike tactics shall be weighed against the directives of the courts and the police function.

30. Surrender of Department Property - Members and employees are required to surrender all department property in their possession upon termination from the service. Failure to return non-expendable items may cause the person to be required to reimburse the department for the fair market value of the article(s).

31. Public Appearance Requests - All requests for public speeches, demonstrations, etc. will be routed to the Chief of Police for approval and processing. Members and employees directly approached for this purpose shall suggest that the party submit his request to Chief of Police.

D. TERMS OF EMPLOYMENT DEFINED - CONDUCT

1. Conduct Toward Superior and Subordinate Officers and Associates - Members and employees shall treat superior officers, subordinates, elected officials, other township employees and associates with respect. They shall be courteous and civil at all times in their relationships with one another. When meeting in public, officers shall conform to normal courtesy standards and refer to each other by rank.

2. Canvasses any member of the Board of Commissioners, any official of the Commonwealth, County, Township or the public with regard to any matter concerning the department without authority from the Chief of Police.

3. Criticism of Orders - Members and employees shall not publicly criticize instructions or orders they have received.

4. Insubordination - Failure or deliberate refusal of any member or employee to obey lawful orders given by a superior officer shall be insubordination. Ridiculing a superior officer or his orders, whether in or out of his presence, is also insubordination.

5. Consumption of Intoxicants - Members and employees shall not consume intoxicants while off duty to the extent that evidence of such consumption is evident when reporting for duty, or to the extent that ability to perform duty is impaired. Members shall not consume intoxicants while on duty unless necessary in the performance of a police task and then only with the specific permission of a commanding officer and never in uniform.

6. Intoxicants on Departmental Premises - Members and employees shall not bring into or keep any intoxicating liquor on departmental premises except:

   a. When necessary in the performance of a police task.

b. Packaged goods for temporary storage in locker spaces when the seals are unbroken.
c. Liquor brought into departmental premises in the furtherance of a police task shall be properly identified and stored according to current policy.

7. Soliciting - No department member shall be allowed to solicit funds or a contribution of any kind by mail, telephone, letter, or in person, without obtaining the necessary approval from the Chief of Police, where there is any direct or indirect connection between the solicitation and their departmental membership or employment.

8. Acceptance of Gifts - Each member of the department is forbidden to receive or accept a reward or present of any kind, directly or indirectly, in connection with any official duty or act, without first having been granted the approval of the Chief of Police.

9. Other Transactions - Every member and employee is prohibited from buying and selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to his attention or which arose out of his departmental employment except as may be specifically authorized by the Chief of Police.

10. Debts (incurring and payment) - No employee shall borrow any money or otherwise become indebted to any other employee. Employees shall not solicit other employees to co-sign or endorse any promissory note or other loan. No employee shall offer to act as a co-signer or endorser of any promissory note or other loan for another employee. Employees shall pay all just debts and legal liabilities they incur.

11. Gambling - Employees shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty while acting under proper and specific orders from a superior officer.

12. Use of Drugs - Employees shall not use any controlled substance, narcotics or hallucinogens except when prescribed in the treatment of employees by a physician or dentist. When controlled substance, narcotics or hallucinogens are prescribed, employees shall notify the Chief of Police or his designee.

13. Association - Members and employees shall not associate or consort with known criminals, person of ill repute or bad character, except when necessary in the performance of duty, and then only under the direction of the Chief of Police.

14. Wearing the Uniform - Uniforms shall be kept neat, clean and well pressed at all times. While wearing the uniform, members shall maintain a military bearing avoiding mannerisms such as slouching, shuffling and hands-in-the-pockets. The uniform cap shall be worn whenever out of doors, unless otherwise directed by competent authority.

15. Manner of Dress on Duty - Normally members will wear the duty uniform on a tour of duty; however, commanding officers may prescribe other clothing as required by the nature of the duty to which a particular member is assigned.

16. Civilian Clothing - Manner of Dress - Male members and employees permitted to wear civilian clothing during a tour of duty shall wear either a business suit or sport coat and slacks. A dress type shirt with tie shall be worn. Commanding officers may prescribe other types of clothing when necessary to meet a particular police objective. Female members and employees permitted to wear civilian clothing shall conform to standards normally worn by office personnel in private business firms, unless otherwise directed. All articles of clothing shall be of a conservative nature.

17. Off-Duty Equipment - Off-duty members are not required to carry their revolver or other equipment but may do so at their option provided that they have qualified with the weapon.

18. Discharge of Firearm - Members shall never display firearms unnecessarily or draw them in any public place except for inspection or official use. Members are required to report any deliberate or accidental discharge of firearms (except routine target practice). This report is to be made according to current departmental procedures.

19. Notices - Members and employees shall not mark, alter or deface any posted notice of the department. Notices or announcements shall not be posted on bulletin boards without permission of a commanding officer. No notices of derogatory nature will be posted at any time.

20. Manuals Maintenance - All members and employees issued manuals are responsible for their maintenance and will make appropriate changes or inserts as they arise.

21. Department Vehicle Use - Members shall not use any departmental vehicle without the permission of the commanding officer. Department vehicles shall not be used for personal business without prior approval.

22. Transporting Citizens - Citizens will be transported in departmental vehicles only when necessary to accomplish a police purpose. Such transportation will be done in conformance with departmental policy or at the direction of a commanding officer or immediate supervisor.

23. Publicity - Members and employees shall not seek personal publicity in the course of their employment.

24. Cooperation with the Press - Officers shall extend full cooperation to members of the press consistent with departmental orders, provided the successful investigation or prosecution of a police case is not thereby jeopardized. Any situation which

involves a question or relationship with the press and which cannot be satisfactorily resolved by the officer shall be referred to a superior officer.

25. Commercial Testimonials - Members and employees shall not permit their names or photographs to be used to endorse any product or service which is in any way connected with law enforcement without the permission of the Chief of Police, nor shall they allow their names or photographs to be used in any commercial testimonial which alludes to their position or employment with this department.

26. Outside Employment - Prior to engaging in any outside business or employment, the member or employee shall submit a written request for permission to do so to the Chief of Police via channels. Request will be subject to departmental policy.

27. Membership in Organizations - Except for the Armed Forces Reserve components, members and employees shall not affiliate themselves with any organization or group, the constitution or by-laws of which in any way exacts prior consideration or which would prevent its members from rendering proper and efficient service to the department.

28. Subversive Organizations - No member or employee shall knowingly become a member or connected with any subversive organization, except when necessary in the performance of duty and then only under the direction of the Chief of Police.

29. Political Activity - Employees **shall be permitted** when off-duty and out of uniform to: Register and vote in political election; express opinions privately on political issues and candidates; sign political petitions; hold membership in a political party; attend, without participation, partisan political functions; attend meetings sponsored by non-partisan organization such as service functions; attend meetings sponsored by non-partisan organization such as service clubs; League of Women Voters, etc.; participate in public affairs (non-partisan) relating to such matters as bond issues, constitutional amendments, general public welfare, to the extent that such endeavors do not impair the neutral and efficient performance of official duties or create real or apparent conflicts of interest; attend activities affecting working conditions of members or employees, accept unsolicited political literature, make financial contributions to political organizations.

30. Political Activity - Employees **are prohibited** from: Using their official capacity in an attempt to influence, interfere with or affect the results of an election; assuming active roles in the management or organization of partisan political clubs, campaigns or parties; serving as officers of partisan political parties or clubs; becoming partisan candidates or campaigning for an elective public office; soliciting votes in support of or in opposition to any partisan candidates; serving as delegates to a political party convention; endorsing or opposing a partisan candidate for public office in a political advertisement, broadcast, or campaign literature; organizing, selling tickets to or actively participating in a fund-raising function for a partisan political party or candidate; addressing political gatherings

in support of or in opposition to a partisan candidate; engaging in prohibited partisan activities on the federal, state, county or municipal level.

31. Conduct Toward the Public - Members and employees shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, avoiding harsh, violent, profane or insolent language and always remain calm regardless of provocation to do otherwise. Upon request they are required to supply their names and badge numbers in a gentlemanly manner. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the department.

32. Impartial Attitude - All members, while charged with vigorous and unrelenting enforcement of the law, must remain completely impartial toward all persons coming to the attention of the department. Violations of the law are against the people of the state and not against the individual officer. All citizens are guaranteed equal protection under law. Exhibiting partiality for or against a person because of race, creed or influence is conduct unbecoming an officer. Similarly, unwarranted interference in the private business of others when not in the interest of justice is conduct unbecoming an officer.

33. Communications, Correspondence Restrictions - Members and employees shall not use department letterheads for private correspondence or send correspondence out of the department over their signature without the expressed permission of the Chief of Police.

34. Forwarding Communications to Higher Commands - Any member or employee receiving a written communication for transmission to a higher command shall in every case forward such communication. A member receiving a communication from a subordinate directed to a higher command shall endorse it indicating approval, disapproval or acknowledgment.

35. Radio Discipline - All members of the department operating the police radio either from a mobile unit or the communications section shall strictly observe regulations for such operation as set forth in departmental orders and by the Federal Communications Commission.

36. Security of Departmental Business - Members and employees shall not reveal police information outside the department except as provided elsewhere in this manual or as required by law or competent authority. Specifically, information contained in police records, other information ordinarily accessible only to members and employees, and the names of informants, complainants, witnesses and other persons known to the police are considered confidential. Silence shall be employed to safeguard confidential information. Violation of the security of this type of information reflects gross misconduct.

37. Compromising Criminal Cases - Members and employees shall not interfere with the proper administration of criminal justice. They shall not attempt to interrupt legal process except where a manifest injustice might otherwise occur, nor participate in, or be concerned with any activity which might interfere with the process of law. Except in the interest of justice, they shall not attempt to have any traffic citation or notice to appear reduced, voided or stricken from the calendar. Any member or employee having knowledge of such action and failing to inform his superior officer thereof shall be subject to charges.

38. Testifying for the Defendant - Any member or employee subpoenaed to testify for the defense in any trial or hearing, or against the township or department in any hearing or trail shall notify his commander upon receipt of the subpoena. He shall also notify the governmental attorney. No member or employee shall voluntarily appear, give testimony, assist or provide information of any type for the defense in any trail or hearing, or against the township or department in any hearing or trail unless prior written approval is obtained from the Chief of Police.

39. Civil Action Court Appearances - Subpoenas - A member or employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Members and employees will accept all subpoenas legally served. If the subpoena arises out of a department employment, or if the member or employee is informed that he is a party to a civil action arising out of department employment, he shall immediately notify his commanding officer and the governmental attorney of the service or notification and of the testimony he is prepared to give. Members and employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with current directives.

40. Civil Depositions and Affidavits - Members and employees shall confer with their commanding officer before being interviewed or giving a deposition or affidavit on a civil case. If the commanding officer determines that the case is of importance to the township, he shall inform the Chief of Police before the deposition or affidavit is given.

41. Civil Cases - Members shall not serve civil process or assist in civil cases except as required by law or where they may be personally involved. They shall enter into civil disputes only while performing their police duties, to prevent or abate a breach of the peace or crime.

42. Acting as Bailer is Prohibited - Members and employees cannot act as bailers for any person in custody except relatives, and in no case where any fee, gratuity or reward is solicited or accepted.

43. Exiting Police Vehicle - Whenever an officer exits his police vehicle, he will first obtain permission from his supervisor and then notify communications,

giving them the location. He shall also have in his possession a portable radio, and be in proper uniform and carrying standard issued equipment.

44. Responding to Calls - Members of the department shall respond without delay to all calls for police assistance from citizens or other members. Emergency calls take precedence; however, all calls shall be answered as soon as possible consistent with normal safety precautions and vehicle laws. Failure to answer a call for police assistance promptly, without justification, is misconduct. Except under the most extraordinary circumstances, or when otherwise directed by competent authority, no member shall fail to answer any call directed to him.

45. Meals - Officers shall be permitted to suspend patrol or other assigned duty, subject to immediate call at all times, for the purpose of having meals during their tours of duty, but only for such period of time, and place, as established by departmental procedures. Officers are not permitted to have meals or other breaks in the bar areas of restaurants which serve or sell alcoholic beverages. Members shall not abuse time allowed for meals, i.e., 30 minutes.

E. TERMS OF EMPLOYMENT DEFINED – NEGLECT OF DUTY

1. Reporting for Duty - Members of the department shall be punctual in reporting for duty at the time and place designated by their superior officers. Failure to report promptly at the time directed will be deemed inefficiency and made the subject of charges.

2. Absence from Duty - Every member or employee who fails to appear for duty at the time, date and place specified and for so doing without the consent of competent authority is "absence without leave." Such absences must be reported in writing through the chain of command to the Chief of Police. Any such absence without leave for a period of five working days will automatically act as a resignation on the part of such member or employee.

3. Reporting - Members and employees shall promptly submit such reports as are required by the performance of their duties or by competent authority.

4. Availability when On-Duty - Members on duty shall not conceal themselves except for some police purpose. They shall be immediately and readily available to the public during duty hours.

5. Officer Business - Members having business that demands their return to the township building during their tour of duty shall conduct their business and return to patrol duties as soon as possible.

6. Sleeping on Duty - Employees shall remain awake on duty. If unable to do so, they shall report to their shift supervisor who shall determine the proper course of action. In any event, documentation of the employee sleeping on duty shall be

made by the shift supervisor to the Chief of Police or his designee in the form of a memorandum before the completion of the tour of duty. In the event that the shift supervisor is the employee who was found to be sleeping on duty, the responsibility for the documentation is that of the next senior officer.

7. Labor Activities - Employees shall have the right to join labor organizations, but nothing shall compel the township police department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law. Employees shall not engage in any strike. "Strike" includes the converted failure to report for duty, willful absence from one's position, unauthorized holidays, the stoppage of work or the abstinence in whole or in part from the fully, faithful and proper performance of the duties of employment for the purposes of inducing, influencing or coercing a change in conditions, compensations, rights, privileges or obligations of employment.

8. Uniforms and Equipment - All members of the department shall maintain in good order a regulation uniform. All articles of uniform and equipment shall conform to the department regulations, and be maintained in good order.

9. Damaged-Inoperative Property or Equipment - Members and employees shall immediately report to their commanding officer on designated forms any loss of or damage to departmental property assigned to or used by them. The immediate superior will be notified of any defects or hazardous conditions existing in any department equipment or property.

10. Care of Department Buildings - Members and employees shall not mar, mark or deface any surface in any departmental building. No material shall be affixed in any way to any wall in departmental buildings without specific authorization from a commanding officer.

11. Reporting Accidents - Accidents involving township personnel, property and/or equipment must be reported immediately to the immediate supervisor.

12. Sick Leave - Officers will follow department sick leave policy and all sickness or illness must be reported by a member at least two hours prior to the time he is due to report for duty. Once having reported off sick, the member shall keep the department advised daily as to his status and expected return to duty.

13. Fictitious Illness or Injury Reports - Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the police department as to the condition of his health.

14. Medical and Psychological Examinations, Tests, Photographs and Lineups - Upon the order of the Chief of Police or his designee, employees shall submit to any medical, psychological, ballistics, chemical or other test. All procedures

carried out shall be specifically directed and narrowly related to a particular investigation being conducted by the police department.

15. Court Appearances - Attendance at a court or quasi-judicial hearing as required by subpoena is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court officer. When appearing in court, either the duty uniform or clothing conforming to standards imposed on officers working in plain clothes shall be worn. Weapons will not be displayed unless wearing the uniform. Members shall present a neat and clean appearance, avoiding any mannerism which might imply disrespect to the court, such as gum chewing and smoking.

16. Testimony - Members of the Department of Police, when required to give testimony, or make any official deposition or statement, shall clearly and truthfully state all information, as personally known, in respect to the matter of inquiry. This testimony shall be given without fear or favor, and with no desire or design to influence the end result.

17. Refusal to Testify - Any member or employee appearing as a witness before any competent investigative body, a judicial tribunal, a hearing board, a person authorized to take testimony, who invokes his constitutional privilege and refuses to testify shall be subject to disciplinary action.

18. Departmental Investigations - Testifying - Members or employees shall be required to answer questions by or render material and relevant statements to a competent authority in a departmental personnel investigation when so directed.

19. Performance of Duty - All members and employees shall perform their duties as required or directed by law, departmental rule and procedure, policy or order, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed obeying Federal and State ordinances and Department policies and procedures.

20. Relief - All members and employees are to remain at their assignment and on duty until properly relieved by another member or employee or until dismissed by competent authority.

21. Unlawful Orders - No command or supervisory officer shall knowingly issue any order which is in violation of any law or ordinance or departmental rules.

22. If an officer disobeys, or without good and sufficient cause, omits or neglects to carry out any lawful order, rule, or regulation of the department, written or otherwise, shall be subject to disciplinary action.