

EMPLOYEE DISCIPLINE

(1) General Policy- The purpose of disciplinary action is to correct deficiencies in employee performance, to seek improvement to meet appropriate standards, and/or to correct for violation of City policies. The disciplinary process outlined below has been established to provide general guidelines for a fair method for disciplining employees. Performance appraisals, performance improvement plans, and non-punitive constructive disciplinary actions which are designed to assist an employee to improve his/her performance are excluded from the procedural rights specified in this Section. Employees who have completed their probationary status and are not at-will, shall only be disciplined with cause.

Probationary and at-will employees are subject to discipline up to, and including termination, without cause. Any discipline of probationary or at-will employees, other than verbal warnings from a supervisor, shall be approved by Human Resources before being provided to the employee.

(2) Grounds for Disciplinary Action- Good cause for disciplinary action exists not only when there has been an improper act or omission by an employee in the employee's official capacity, but when any conduct by an employee brings discredit to the City, affects the employee's ability to perform his/her duties, causes other employees not to be able to perform their duties, or involves any improper use of the employee's position for personal advantage or the advantage of others. Good cause may include non-disciplinary reasons such as, the employee's unwillingness or inability, due to mental or physical disability, to perform the duties of the position for an indefinite period. The type of disciplinary action shall depend on the seriousness of the offense and the relevant employment history of the employee. Causes for disciplinary action against an employee may include, but shall not be limited to, the following:

- Violation of any of City personnel rules and regulations, department rules and regulations, City policies, ordinances or resolutions;
- Inefficiency, incompetence, inattention to, carelessness, or negligence in the performance of duties;
- Misstatements or omissions of fact in completion of the employment application or to secure appointment to a position with the City;
- Dishonesty or furnishing knowingly false information in the course of the employee's duties and responsibilities; Falsifying any City document or record
- Concealing information or failing to properly report an accident or incident under the purview of any state statute or City resolution or regulation;
- Disobedience to proper authority, refusal or failure to perform assigned work, to comply with a lawful order, or to accept a reasonable and proper assignment from an authorized supervisor;
- Discourteous or offensive treatment of the public or other employees;
- Abusive or intemperate language toward or in the presence of others in the work place;
- Intimidation or interference with the rights of any employee;
- Drunkenness or use of intoxicating liquors, narcotics, or any other drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee on the job or which precludes the employee from properly performing the function and duties of any position under classified service;
- Conviction of a felony or other criminal offense, or a violation of a federal, state, or local law which negatively impacts the employee's ability to perform his/her job or brings discredit to the City while employed by the City;
- Failure to report to work when so ordered without legitimate reason or failure to report an inability to work due to illness or other reason.
- Failure to receive prior approval for any paid or unpaid absence, failure to report after leave of absence has expired or after a requested leave of absence has been disapproved, revoked, or

cancelled, or any unauthorized absence from work, feigning of sickness or injury, or otherwise deceiving a supervisor as to their condition or ability to perform the duties of the position, or the falsification of any documentation submitted to justify an absence;

- Excessive absenteeism or tardiness;
- Sleeping on the job, except as specifically authorized for twenty-four (24) hour duty personnel;
- Working overtime without authorization;
- Any unlawful act of discrimination or any act of harassment based on race, color, national origin, religion, sex, handicap, age, creed or veteran status;
- Unsafe behavior in relation to himself/herself, other employees, the public, or City property in the performance of duties and responsibilities; willful or deliberate misuse, abuse or damage of City equipment or property; violation of safety rules or practices;
- Theft or sabotage of City property;
- Working at outside employment while on medical leave, industrial accident leave, or Family and Medical Leave without prior authorization;
- Failure to obtain and/or maintain minimum qualifications for a position, including licenses or certificates;
- Use or attempted use of political influence in securing a promotion, leave of absence, transfer, or an increase in pay;
- Acceptance of bribes, kickbacks or a fee, gift, or other item in the course of performing the duties and responsibilities of their position, if the gift is given in hope of receiving a favor or preferred treatment, or if the gift is given after receipt of the favor or preferred treatment, or if the gift exceeds \$50.00.
- Fighting, assault and/or battery
- Any other improper conduct or performance of such severity as to constitute cause for disciplinary action.

(3) **Types of Discipline-** Any authorized supervisory employee may propose disciplinary action for cause against an employee under his/her supervision in accordance with the procedures outlined in this policy. In general, the City shall adhere to the principles of progressive discipline.

(4) **Counseling-** Counseling is not considered formal discipline. The two types of counseling are defined below.

- a. **Verbal Counseling:** An opportunity to communicate in a non-punitive fashion that a problem is perceived regarding job performance, that the supervisor is available to help solve it and a recommendation to improve. The employee's immediate supervisor is responsible for verbal counselings, and although the verbal counseling is not documented in the employee's personnel file, the supervisor must document the incident date and the nature of the verbal warning for future reference. This action is not appealable.
- b. **Documented Counseling:** To communicate to the employee in writing that a repeat action may result in discipline. A copy of this counseling is given to the employee and one copy is filed in the supervisor's working file until the employee's next performance evaluation, where such counseling may be noted. This action is not appealable.

(5) **Administrative Leave.** Administrative leave is paid temporary separation for disciplinary purposes where the cause may be sufficiently grave for termination, or until such time as an investigation has been made and appropriate discipline is determined. An employee may be put on administrative leave at the discretion of the supervisor with approval of the City Manager. In the best interest of tax payer dollars, administrative leave may be made with pay for a period not to exceed ten

(10) business days unless longer time is needed to complete an investigation. A written statement specifying the reasons for such action shall be furnished to the employee and a copy filed with Human Resources.

(6) **Formal Disciplinary Actions.** The following formal disciplinary actions require a written notice outlining in detail, as applicable, why the employee received the discipline, the effective date of the discipline, the improvement required, the method of measurement of that improvement, the time in which the improvement must manifest itself and the consequences of non-correction. This written notice shall be approved by Human Resources prior to being provided to the employee. After being provided to the employee, the written notice shall be signed by both the supervisor and employee as acknowledgment of receipt. A copy of the written notice and the Department Head's final decision, if applicable, shall be given to the employee and to Human Resources to be filed in the employee's personnel file.

a. Written Reprimand: A written communication to the employee that an offense has been committed. This action can be discussed with the Department Head or his/her designee if requested by the employee. The Department Head or his/her designee may uphold or modify the reprimand. This action is not appealable.

b. Short-Term Suspension Without Pay: A suspension without pay for forty (40) hours or less may be imposed by the Department Head or his/her designee for disciplinary purposes. The employee's opportunity to respond to the charges will be accomplished at the time the suspension is imposed. The Department Head or his/her designee may uphold or modify the short-term suspension based on the employee's response. This action is not appealable.

c. Long-Term Suspension Without Pay: A suspension without pay for forty (40) hours or more may be imposed by the Department Head or his/her designee for disciplinary purposes. The employee's opportunity to respond to the charges will be accomplished at the time the notice of suspension is provided or an employee may, within five (5) days of his/her receipt of notice of discipline, request a meeting with the Department Head or his/her designee or provide a written response. The Department Head or his/her designee may uphold or modify the long-term suspension based on the employee's response. This action is appealable to the Merit Board.

d. Demotion: A demotion is a significant disciplinary action and may be used for more serious incidents or repetitions of improper performance or misconduct. A demotion may be imposed by the Department Head or his/her designee for disciplinary purposes if the employee is qualified for the lower class. The employee's opportunity to respond to the charges will be accomplished at the time the demotion is imposed or an employee may, within five (5) days of his/her receipt of notice of discipline, request a meeting with the Department Head or his/her designee or provide a written response. The Department Head or his/her designee may uphold or modify the demotion based on employee's response. This action is appealable to the Merit Board.

e. Dismissal for Cause: The final step in the progressive disciplinary process after repetitions of improper performance or misconduct or when the seriousness of the offense dictates overriding the progressive disciplinary process. A termination may be imposed by the Department Head or his/her designee for disciplinary purposes. The employee's opportunity to respond to the charges will be accomplished at the time the written statement is provided or an employee may, within five (5) days of his/her receipt of notice of discipline, request a meeting with the Department Head or his/her designee or provide a written response. The Department Head or his/her designee may uphold or modify the termination based on employee's response.

This action is appealable to the Merit Board.

(7) Although one or more of these steps may be taken in connection with a particular employee, no formal order or system is necessary. The City reserves the right to deviate from this policy when it feels that circumstances warrant such a deviation. The severity of the action depends on the nature of the offense and an employee's record, and may range from verbal counseling to immediate dismissal.

(8) An employee serving an initial probationary period may be discharged without application of the disciplinary process and with no rights of appeal.