

Discipline Policy

- 1.0 POLICY STATEMENT:** This policy establishes the administrative process for employee discipline. Two levels of discipline are created: Level 1 Discipline (“Minor Discipline”), which involves oral or written warning, and suspension without pay up to and including five (5) scheduled working days; and Level 2 Discipline (“Major Discipline”), which involves suspensions greater than those listed in Level 1; demotion in pay grade or rank, reduction in pay, or dismissal from employment.

Assistant City Managers (ACM) and Department Directors, in consultation with the Human Resources Director, are granted authority, by the City Manager, to administer Level 1 Discipline. Assistant City Managers or Department Directors, in consultation with the Human Resources Director, shall recommend Level 2 Discipline to the City Manager.

For the purpose of this policy, “employee” includes full-time, part-time and temporary employees.

- 2.0 PROCEDURES:** An ACM or Department Director shall investigate all events to determine disciplinary action. Investigations may be delegated to the appropriate supervisory staff as deemed appropriate by an ACM or the Department Director. As part of the investigative process, the employee may be required to submit a written statement explaining the events under investigation. At the conclusion of the investigation, the ACM or the Department Director, in consultation with the Human Resources Director, shall determine if the reported offense is unfounded or if a Level 1 or 2 Discipline process is warranted and should be initiated. A progressive discipline process is not required.

2.1 An employee’s action(s) if dangerous, threatening or detrimental to the City’s interest may result in the employee’s immediate removal from the workplace by an ACM or Department Director. In this circumstance, the Human Resources Director shall be contacted without delay and consulted.

2.1.1 A determination shall be made if the employee is to be suspended with or without pay.

2.1.2 An immediate suspension without pay shall not occur without consultation with and approval by the City Manager.

2.2 The following are activities, for illustrative purposes only, that may be considered for disciplinary action up to and including dismissal from employment:

- a) Abuse or sale of prescription medication;
- b) Acts that would endanger the lives, property or safety of others;
- c) Careless, negligent or improper use of city property or equipment;
- d) Conduct detrimental to the interest or reputation of the City.
- e) Damage, destruction, theft or unauthorized use of city property;
- f) Failure to obtain or maintain current license or certificate or other qualification required by law or rule as a condition of continued employment;
- g) Falsifying or providing misleading information either written on city forms, documents, etc. or verbally;
- h) Gross misconduct or conduct unbecoming of an employee in the city service;
- i) Illegal possession, sale or manufacture of alcohol or drugs;
- j) Improper use of sick leave;
- k) Inefficiency or incompetency in the performance of duties;
- l) Less than candid, less than truthful, or less than forthright statements;
- m) Misappropriation of city funds, property or equipment;
- n) Participation in any action that would in any way disrupt or disturb the normal operation of the city;
- o) Pattern of failure to report to work at the assigned time and place;
- p) Political activity while on duty or in a city uniform;
- q) Refusal to accept work assignment(s) or insubordination;
- r) Reporting to work under the influence of alcohol or drugs that prevents the employee from safely performing the essential functions of the job;
- s) Sleeping or failure to remain alert during work hours;
- t) Unsatisfactory working relations with the public and/or fellow employees;
- u) Violation of city policy.

Level 1 Discipline

2.3 Assistant City Managers and Department Directors are authorized to discipline employees with an oral or written warning as considered appropriate. The authority to issue oral or written warnings can be delegated to appropriate supervisory personnel as determined by an ACM or Department Director. Such warnings will describe the employee's conduct or behavior and the violation of policy or expectation.

- 2.3.1 Oral warnings, if documented and signed by the employee, and written warnings shall be copied to the Human Resources Director and placed in the employee's personnel file. Employees should sign documented warnings to acknowledge receipt.
- 2.4 Following the investigation, an ACM or Department Director shall meet with the employee regarding the reported offense. The Human Resources Director may be present for the meeting.
 - 2.4.1 The employee may decline, in writing, to participate in the meeting. If so, the employee will thereafter be notified of the disciplinary action, if any, by written correspondence.
- 2.5 Assistant City Managers and Department Directors are authorized to implement Level 1. Discipline, including suspension without pay up to and including five (5) scheduled working days, after consultation with the Human Resources Director.
- 2.6 A personnel action form and supporting documentation shall be submitted to the City Manager for his/her signature acknowledging and confirming the disciplinary action.

Level 2 Discipline

- 2.7 An ACM or Department Director shall assess the severity of the event, in consultation with the Human Resources Director, to determine if the employee's action rises to Level 2 Discipline.
- 2.8 Level 2 Discipline involves suspension without pay greater than five (5) scheduled working days; demotion in pay grade or rank; reduction in pay; or dismissal from employment.
- 2.9 Upon completing the investigative procedures as described in 2.0, an ACM or Department Director, with the advice and assistance of the Human Resources Director, shall prepare a written description of the reported offenses(s).
- 2.10 The ACM or Department Director and Human Resources Director shall hold a meeting with the employee, and other personnel as deemed appropriate, to discuss the matter under investigation. The employee will receive information sufficient to serve as notice of the reported offense(s). The meeting will provide the

employee an opportunity to be heard and to provide any explanation or extenuating circumstances regarding the offense(s) under review. The employee

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may provide a written statement or an additional written statement presenting his/her explanation of events during the meeting.

2.10.1 If the employee declines to provide a written statement, the employee shall acknowledge such refusal in writing and a summary of the employee's explanation, if known, shall be prepared by the Human Resources Director and included in the investigative material. If the employee fails to attend the scheduled meeting, such failure to attend shall be noted in the investigative report.

2.11 Following the meeting as described in 2.10, an ACM or Department Director, with the advice and assistance of the Human Resources Director, will make a written recommendation of the appropriate disciplinary action to the City Manager to include copies of the employee's written statement or prepared summary and all investigative materials.

2.12 The City Manager, upon receipt of the written disciplinary recommendation, will effectuate any disciplinary action through a signed personnel action form. The City Manager's decision will be final.

2.13 Upon receipt of the City Manager's decision, the ACM and/or Department Director and Human Resources Director will communicate the decision to the employee by either meeting with the employee or by written correspondence.

3.0 RESPONSIBILITY: The ACM and Department Director are responsible to comply with the provisions of this policy. The Human Resources Director is responsible for the communication and facilitation of this policy.

APPROVED:

M. Denis Peterson
City Manager

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