

Title: <b>Guidelines for Progressive Employee Discipline</b>		
Category: Human Resources		
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## 1) SCOPE

This administrative directive provides guidelines for City supervisors to follow to ensure the disciplinary process is performed in a fair and consistent manner. The process of progressive discipline is not intended as a punishment for an employee, but to assist the employee to overcome performance problems and satisfy job expectations.

## 2) PROGRESSIVE DISCIPLINE STEPS

The following section provides information on each of the steps typically used in the progressive discipline process. The supervisor should use reasonable judgment to decide what step or combination of steps, up to and including termination, should be used to address the issue(s). Supervisors should work with their Director, the Director of Finance and Administration, or the City Manager when determining the level of discipline, if any, which may be required. A disciplinary step or steps may be skipped if justified.

- a. **Counseling** – Provides an opportunity for the supervisor and the employee to informally discuss work-related problems and concerns. The supervisor should document a counseling session with a memo to the supervisor's employee desk file. Periodic Employee Development Discussions held between the supervisor and the employee provide a good opportunity to discuss and document problematic issues. The counseling session is designed to help the employee:
  - Recognize the mistake or deficiency.
  - Accept the standard that is required.
  - Clarify expectations and standards.
  - Understand the consequences of failing to meet the standard.
- b. **1<sup>st</sup> Written Warning** – Used to get the attention of the employee while the situation is still correctable. The 1<sup>st</sup> Written Warning may or may not be preceded by a Counseling session, depending on the type of violation. The primary purpose of this step is to alleviate any misunderstandings and to clarify the direction for necessary and successful correction of the problem.
- c. **2<sup>nd</sup> Written Warning** – Utilized when prior Counseling sessions and/or the 1<sup>st</sup> Written Warning have not resulted in satisfactory changes of behavior.

- d. **Final Written Warning** – May be used when the employee has not responded to counseling or written reprimands or commits a more serious rule violation that warrants suspension without pay for a first offense. Any offense of a similar nature occurring within three (3) years will constitute grounds for dismissal. All Final Written Warnings are subject to review and approval by the City Manager in advance.

**Suspension Without Pay** – Final written warnings may, or may not, be accompanied by a suspension without pay. A suspension without pay may be made for an appropriate period of up to thirty (30) days. An employee sent home as the result of a suspension during the first half of his or her shift is entitled to pay for half the scheduled shift. An employee cannot use vacation or comp time during a suspension lasting less than three (3) working days. An employee may use vacation or comp time for any days beyond the initial three (3) working days.

- e. **Termination** – If all previous steps of the disciplinary process have been unsuccessful, the employee may be terminated from employment. Certain violations may warrant immediate termination. Because of the severity in the loss of one's job and the probability that taking such an action will result in a grievance, appeal, or possibly legal action, it is important that employee dismissals not be done in haste and only after a thorough investigation. At minimum, the investigation should provide assurances that:
- The employee did, in fact, commit the act and substantial evidence of guilt is available.
  - The employee was aware, or should have been aware of the consequences of the act.
  - The employee's entire work record, good and bad, has been considered.
  - The same rules are applied uniformly to all employees.
  - The credible witnesses provide essentially the same story.
  - The penalty of dismissal is reasonably related to the seriousness of the offense.

Before terminating an employee for unsatisfactory job performance, the following should be considered:

- Has the supervisor fully explained to the employee what he or she is supposed to do and pointed out how the work is to be done? Is there no possibility of a misunderstanding on these two points between the supervisor and the employee?
- Are the requirements for this employee the same as for those for other workers in similar jobs? Do these requirements compare favorably with those established by other supervisors for similar tasks? Are the requirements reasonable?
- Can the supervisor clearly show that a serious attempt has been made to train the employee in the skills and knowledge required by the job? Has the employee had adequate time to develop the necessary skills after training?
- Has the supervisor discussed the employee's performance with him/her? Does the employee actually know that his/her performance is below that

required of the job? Has the supervisor told the employee exactly what improvements must be made in order to meet job requirements?

- Has the supervisor followed established procedures by notifying the employee in writing of his/her unsatisfactory performance, and what needs to be done to bring the work up to satisfactory levels? Was the employee advised of the length of time the supervisor was allowing to bring the work up to a satisfactory level? Has the supervisor explained what satisfactory work is? Are copies of all such notices in the employee's official personnel file? Was the employee required to sign each notice and given a copy?
- Will the City's action withstand scrutiny from others, specifically a court of law?

### **3) SUSPENSION WITH PAY PENDING INVESTIGATION**

Suspension with pay may be used in situations where the employee may need to be removed from the work place before an investigation can be conducted. Examples may include sexual harassment, disorderly conduct, or other situations where the employee presents a potential threat to other employees. The supervisor should get the approval of the City Manager prior to sending the employee home, unless there is an immediate need to remove the employee from the work place. A suspension with pay pending an investigation is imposed with the understanding that a final decision relative to the appropriate disciplinary action will be made after the investigation.

### **4) WRITTEN WARNING REQUIREMENTS**

Whenever possible, the Employee Discipline Form included within this Initiative should be utilized when conducting a written warning. Other forms may be utilized if they incorporate the following:

- a. The name of the employee receiving the warning, the date of the infraction, and the date the warning was formally communicated to the employee.
- b. The type of offense. Examples include: tardiness/leaving early, absenteeism, violation of City policies or safety rules, substandard work, rudeness to customers or coworkers.
- c. The nature of the problem, cite the work standard, rule or policy governing the situation, and prior disciplinary action taken for the same offense. Details should be based upon facts and information of record as opposed to hearsay and unfounded conclusions.
- d. The disciplinary action taken and what corrective action is expected.
- e. The signature of the employee, supervisor, and witness involved in the discussion.

All completed written warning forms must be immediately hand-delivered to the Human Resource Office and placed in the employee's personnel file.

## 5) ROLES AND RESPONSIBILITIES

City employees are responsible for being aware of and abiding by City and departmental standards and expectations regarding behavior, conduct, and performance. Employees should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Supervisors are responsible for the following:

- a. Knowing the standards and rules.
- b. Making sure all employees in their department understand the rules of conduct that govern their behavior and expectations of performance.
- c. Implementing reasonable work standards.
- d. Being aware of employee misconduct and employee performance deficiencies within their department.
- e. Applying appropriate corrective discipline by addressing offenses immediately through counseling or written reprimand, depending on the severity of the violation.
- f. Documenting counseling sessions with employees and maintaining a confidential file for each.
- g. Utilizing another supervisor or Director as a witness when conducting disciplinary discussions.
- h. Utilizing the Employee Discipline Form for all non-counseling disciplinary actions and expeditiously submitting completed forms to the Human Resources office.
- i. Seeking pre-approval from the City Manager for disciplinary actions requiring suspension or termination.
- j. IMMEDIATELY notifying the Division Director and City Manager if any of the following violations occur:
  - Allegations of abuse, harassment, or any other inappropriate conduct with employees, vendors or customers.
  - Assault or any other type of workplace violence.
  - Possession or under the influence of alcohol or illegal narcotics while at work.

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- a. Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- b. Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- c. Directing a subordinate to violate a policy or directive, acquiescing to such a violation or exhibiting indifference to such a violation.
- d. Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

The City Manager must approve all requests for suspension or termination.