

# **CITY OF COMMERCE ADMINISTRATIVE POLICIES**

## **DISCIPLINARY ACTION**

### **1.0 PURPOSE**

To establish policies and procedures related to disciplinary action for City employees.

### **2.0 POLICY**

- 2.1 It will be the policy of the City to administer discipline fairly, reasonably, and impartially.
- 2.2 Employees and the City are best served when discipline is administered to correct actions rather than to punish.
- 2.3 All disciplinary actions involving suspensions without pay or termination require concurrence of the Director of Administrative Services and the Department Head before being administered.

### **3.0 PROCEDURE**

- 3.1 The employment of City employees will be based on reasonable standards of job performance and personal and professional conduct.
- 3.2 Failure or refusal to meet these standards will constitute reason for disciplinary action including oral or written reprimand, suspension, demotion and dismissal.
- 3.3 Disciplinary action is not primarily intended to be punitive, but rather to maintain the efficiency and integrity of City service.
- 3.4 The nature and severity of the offense and the employee's prior record will be considered.
- 3.5 In any major disciplinary action, the pertinent information will be reviewed with the employee specifying the following:
  - A. The cause for discipline.
  - B. The specific reasons supporting the cause.
  - C. The discipline to be imposed.
  - D. The effective date.
  - E. The right of the employee to be heard.
- 3.6 Employees may be disciplined for areas detailed in the Policy on EMPLOYEE

CONDUCT, also see STANDARDS OF CONDUCT AND DISCIPLINE.

3.7 The degree of discipline administered will depend on the severity of the infraction and will be in accordance with any applicable City policies and procedures as well as local, state, or federal laws and regulations.

3.8 It is the responsibility of each supervisor and Department Head to evaluate thoroughly the circumstances and facts as objectively as possible and then apply the most suitable form of discipline.

3.9 Types of disciplinary action may include:

A. Oral Warning

1. This type of discipline should be applied to infractions of a relatively minor degree or in situations where the employee's performance needs to be discussed.
2. The oral warning should be given in private.
3. Supervisors would inform the employee that the supervisor is issuing an oral warning, that the employee is being given an opportunity to correct the condition, and if the condition is not corrected, the person will be subject to more severe disciplinary action.
4. A notation that an oral warning was given should be made in the employee's personnel file.

B. Written Warning/Reprimand

1. This notice will be issued in the event the employee continues to disregard an oral warning or if the infraction is severe enough to warrant a written reprimand in the employee's personnel file.
2. Written warning/reprimand notices must be issued within ten (10) days after the occurrence of the violation claimed by the supervisor.
3. The warning/reprimand will state the nature of the infraction in detail and what corrective action must be taken by the employee to avoid further discipline as outlined in C, D, and F.
4. A copy of the written warning/reprimand is to be handed to the employee at the time of the discussion of the discipline.
5. The employee will sign the written warning to acknowledge receipt.
6. A copy, signed by the employee, will be placed in the employee's personnel file.
7. If the employee refuses to sign the acknowledgment, then the supervisor and one other witness will note on the reprimand that the employee received a copy thereof and refused to sign it.

C. Suspension With Pay

1. An employee of the City will be suspended with pay and benefits pending investigation of allegations of misconduct, when the nature of the allegation compromises the ability of the employee to perform his/her duties. Such suspension is not a disciplinary action and may not be appealed.
2. Employees who are to be terminated will be suspended with pay until the appeal process is completed and a final decision made.

**D. Suspension Without Pay**

1. An employee will be suspended without pay when the offense is of a serious enough nature, usually sufficient for discharge, but when circumstances related to an employee's overall performance would not warrant immediate discharge. The suspension will begin after the appeal process is completed and a final decision reached.
2. The length of suspension should not normally exceed fifteen (15) work days.
3. An employee will be suspended without pay when he/she is under investigation for a crime or is awaiting a hearing or trial in a criminal matter.
4. If the investigation or legal proceedings clear the employee, he/she will be eligible to resume work, if a position for which he/she is qualified is available.

**E. Demotion**

1. Demotion may be used in those instances where an employee has been promoted to a position where they are unwilling or unable to perform the responsibilities of that position.
2. Demotion is not to be used as a substitute for dismissal, when dismissal is warranted.

**F. Discharge**

1. Immediate removal of an employee from the job site pending review for discharge may be warranted in instances involving serious insubordination, theft, serious illegal or destructive acts while on the job, or other substantial reasons deemed appropriate by the City Manager. The employee will be on leave with pay until the appeal process is completed and a final decision made.
2. An employee may also be discharged after repeated offenses of a less serious nature if the offenses have been documented by the supervisor and appropriate behavioral changes have not resulted from previous progressive disciplinary action.
3. Probationary employees may be terminated at any time without the right of appeal.

4. Notification of dismissal in writing will be provided the probationary employee and a copy filed in his/her personnel file.
5. Dismissals of probationary employees also require the concurrence of the Department Head and the City Manager.

3.10 The original copy of the disciplinary action is to be signed by the employee and the supervisor and placed in the employee's personnel file with a copy given to the employee.

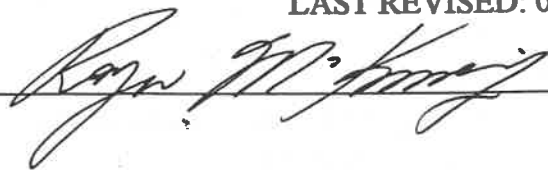
#### 4.0 APPEALS

4.1 See the procedure in the Administrative Policies on GRIEVANCE PROCESS.

EFFECTIVE: 06-01-97

LAST REVISED: 09-20-94

CITY MANAGER APPROVAL:



A handwritten signature in cursive script, appearing to read "Ray M. King", is written over a horizontal line.

Discipladp