

ARTICLE 7. DISCIPLINARY ACTIONS

Section

HR-7-01. General

HR-7-02. Disciplinary Action

HR-7-03. Suspension

HR-7-04. Demotion

HR-7-05. Discharge

Purpose: To list examples of offenses that may require disciplinary action.

HR-7-01. General

- F. Purpose. The city shall apply any disciplinary action as a corrective measure to bring acceptable behavior and shall not use it as a punitive measure. The discipline shall be reasonable, applied fairly and consistently, and in a timely manner to all employees for similar offenses.
- G. Examples of Offenses. The City cannot articulate all of the potential offenses for which discipline might be required. However, the City can provide a list of examples. They include:
 - 1. Insubordination
 - 2. Tardiness
 - 3. Absenteeism
 - 4. Absence without approved leave
 - a. Unreported absence of 3 working days or more is a voluntary resignation unless the leave is later approved under FMLA leave.
 - b. Leaving work site during working hours for non-business reasons
 - a. Unreported absences
 - c. Unapproved absence when request for leave is denied
 - d. Any absence without approved leave
 - 5. Falsification of application for employment.
 - 6. Disorderly, indecent, or immoral conduct, including but not limited to, inciting others or participating in riots, fights, or brawls, horseplay, and scuffling at the work site
 - 7. Stealing
 - 8. Possession of fire arms or weapons unless authorized by the City and provided as a working tool
 - 9. Threatening an employee or an employee's family member
 - 10. Use of violence or the threat to use violence against any person while at the work site.
 - 11. Knowingly endangering the life of other employees
 - 13. Committing unsafe acts due to gross negligence with or without intent to harm others, self or property
 - 41. Smoking at the work premises where prohibited
 - 42. Intentionally providing or producing false records, timesheets, and material information on employment application
 - 43. Willfully and purposely damaging or abusing city property or equipment
 - 44. Using company property for personal use or removing equipment or city property from the work site without authorization
 - 45. Leaving the work area without authorization
 - 46. Possessing, selling, or being under the influence of alcohol while at work

20. Possessing, selling, consuming or being under the influence of illegal drugs on or off work
47. Failure to pass an illegal drug screening or refusal to take an illegal drug screening
48. Conviction of a felony, certain misdemeanors or crime involving moral turpitude
49. Poor job performance
50. Harassment to others
51. Use of abusive, profane or disrespectful language to others
52. Willful interference to restrict city business or to encourage other employees to restrict city activities
53. Any action on or off the job to intentionally bring discredit to City service
54. Violation of any of these rules, including but not limited to violation of the standards of conduct as set forth in HR-05-01.

Purpose: To define disciplinary measures.

HR-7-02. Disciplinary action.

- A. General. Nothing in these rules should indicate that a disciplinary step must be taken before another disciplinary step. An employee may receive one or more disciplinary actions that may range from counseling to discharge without going through the rest of the disciplinary steps. Any one and all steps in the following disciplinary actions may be taken or skipped. Some possible disciplinary actions are:
4. Counseling
 5. Written warning
 6. Written letter of reprimand
 7. Suspension with pay
 8. Reduction in pay, in lieu of suspension without pay
 9. Suspension without pay
 10. Disciplinary probation
 11. Demotion
 12. Discharge
- B. Grievance. An employee has no appeal or grievance rights with respect to the order in which the disciplinary actions were taken or to the number of disciplinary steps applied. The employee may file a timely grievance with respect to the manner in which discipline was applied and with respect to the offense for which discipline was applied. An employee may have appeal rights for a suspension without pay, demotion, or discharge.

Purpose: To provide for the authority to suspend an employee.

HR-7-03. Suspension

- H. Authority. A Department Head may suspend with pay a subordinate employee reporting directly to the supervisor for up to one day until Human Resources is notified. Human Resources may suspend an employee with or without pay for up to 5 days as a result of disciplinary action, or to conduct an investigation. The City Administrator may suspend any employee with or without pay for more than 5 days for cause and may also suspend an employee under administrative leave (suspension with pay) to conduct an internal investigation or to await the results of an external investigation involving a crime, preceding a discharge, or for other reasons that in the discretion of the City Administrator are in the best interest of the city.
- I. Notice. Human Resources shall provide the employee with a written statement of the reasons for the suspension. The statement shall specify the period of suspension and the employee's appeal rights, if any.
- J. Limitation. Except as otherwise provided by statute or rule, suspensions without pay shall not exceed a total of 60 working days during any 12-month period. The 12-month period begins with the first day of the first suspension.
- K. Appeals. A regular status employee may file an appeal within 10 calendar days of a suspension without pay for more than 5 days.

Purpose: To define conditions for demotion.

HR-7-04. Demotion

- L. Authority. A permanent status employee may be demoted for cause to any permanent position, provided the employee meets the minimum qualifications for such class or pay grade.
- M. Notice. Prior to the effective date of the demotion, a written notice containing specific reasons for the demotion and the employee's right of appeal shall be provided to the employee.
- N. Probation. Except as otherwise provided in these rules, a demoted employee shall not be required to serve a probationary period in the position to which demoted.

Purpose: To establish authority to discharge an employee.

HR-7-05. Discharge

- O. Authority. Human Resources may discharge a regular-status employee for cause and may discharge an employee in original probation, a temporary, seasonal, part-time or emergency employee for no reason or for any reason.
- P. Notice.
 - 55. Regular-status employees. Prior to the effective date of the discharge of a regular-status employee, Human Resources shall give notice to the employee of the intention to terminate the employment as specified in HR-8-04. A termination letter shall be sent to the employee by mail or hand delivered from Human Resources and shall contain the reason or reasons for the discharge, effective date of the discharge, and appeal rights.
 - 56. Other employees. Human Resources shall notify original probationary employees, temporary, seasonal, part-time and emergency employees of the termination of employment and may or may not state a reason for the termination. There are no appeal rights, grievance, or review options.