

CHAPTER 9 – DISCIPLINARY (CORRECTIVE COUNSELING) PROCEDURES

9.1 Discipline Policy.

9.1.1 It is the policy of Cedar City to use positive measures in encouraging excellent work performance and behavior, and to use a process of progressive discipline to minimize and/or resolve employee performance or behavioral problems before more serious actions must be taken.

9.1.2 For discipline to be effective, the discipline must be presented to the employee soon after the improper action occurred. The goal of the disciplinary process is to: (1) give employees the opportunity to improve by identifying what specific actions they must take in order to meet performance and behavior standards; and (2) ensure that disciplinary procedures are applied uniformly and consistently, in accordance with City policies, ordinances and work rules.

9.1.3 Supervisors and employees should work together to carry out the goals and responsibilities of their department and the City. It is the responsibility of all employees to observe regulations necessary for the proper operation of City government functions. The Supervisor is responsible for the activities of his/her work group.

9.2 Grounds for Discipline.

9.2.1 ACTIONS WHICH MAY RESULT IN DISCIPLINE INCLUDE, BUT ARE NOT LIMITED TO:

- A. Any conduct which reflects negatively on the character of the employee or the City.
- B. Failure to meet reasonable work performance standards and requirements.
- C. Insubordination by refusing a superior's lawful order, verbal abuse of a superior or unwillingness to submit to proper authority.
- D. Willful or negligent disobedience of any law, ordinance, City rule, departmental regulation or policy.
- E. Indulging in offensive conduct or using offensive language toward an individual.
- F. Commission of criminal conduct, including conviction of a misdemeanor or felony while a City employee.

- G. Deliberate or careless conduct endangering the safety of the public or other employees.
- H. Inducing or attempting to induce any City employee to commit an unlawful act in violation of City regulations, official policy or departmental orders.
- I. Using, threatening or attempting to use personal or political influence in an effort to secure special consideration as a City employee.
- J. Incompetency and inefficiency in the performance of job duties resulting in two (2) consecutive unsatisfactory ratings on performance evaluations.
- K. Carelessness or negligence with City monies or property.
- L. Theft or intentional destruction of City property.
- M. Intentional falsification of personal records, time reports or other City records.
- N. Possession, used and/or being under the influence of alcoholic beverages or illegal drugs while on duty and/or using City equipment.
- O. Sleeping on duty unless authorized by a Department Head.
- P. Excessive absenteeism and/or tardiness.
- Q. Horseplay and related kinds of activities which create safety hazards.
- R. Disregard or violating a defined safety rule or practice.
- S. Smoking in posted or unauthorized areas.
- T. Failure to report to work without notifying the Department Head or his/her agent, unless it is impossible to give such notice.
- U. Inattentiveness to work, failing to start work at the designated time, quitting early or leaving the work premises without authorization.
- V. Vending, soliciting or collecting contributions on the City's time or premises without proper authorization.

- W. Abuse of sick leave privileges.
- X. Harassment or illegal discrimination in the work place.
- Y. Failure to report any injury or accident.
- Z. Fighting or attempting to provoke a fight on City premises.
- AA. Threatening, intimidating or assaulting a supervisor or other employees.
- BB. Unauthorized removal, falsification or alteration of City records or intentional release of confidential information.

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9.3 Process of Progressive Discipline.

9.3.1 The following outline describes the progressive discipline process, beginning with the verbal warning and progressing through alternative actions that increase in severity if the problem persists. The choice of alternative disciplinary actions will vary in accordance with the severity of the performance or behavior problem, and will not necessarily follow the sequence as outlined herein.

9.4 Verbal Warnings.

9.4.1 Whenever grounds for disciplinary action exist, and the supervisor determines that more severe action is not required, the supervisor should verbally communicate to the employee the observed deficiency and the corrective action which must be taken. Sufficient time for improvement should be given before more formal disciplinary action is taken. Record of the verbal warning shall be placed in the employee's personnel file.

9.5 Written Reprimand.

9.5.1 If the verbal warning fails to produce the desired results, the supervisor will provide a written reprimand to the employee. Such reprimand should be addressed to the employee and a signed copy should be delivered to the City Manager or designee for inclusion in the employee's personnel file.

9.5.2 It is the responsibility of the supervisor to insure that the written reprimand:

- A. Identify what occurred to warrant disciplinary action (including date(s) and

time(s));

- B. Identify what City policy, ordinance, or work rule has been violated;
- C. Identify what prior action has been taken with employee;
- D. Identify what the employee is directed to do to correct the situation, establishing goals and timetables for improvement performance/behavior; and
- E. Inform the employee that failure to improve will result in more serious disciplinary action.

9.5.3 Warnings and reprimands may be removed from an employee's file, as determined by the Department Head with concurrence of the City Manager or designee, after a period of two (2) years. It is the responsibility of the employee to request the file be purged.

9.5.4 Probation. An employee may be placed on probation as an additional disciplinary action. Typically probation would be accompanied by a written reprimand which would outline: deficiencies in behavior and/or performance; corrective action to be taken; and, a time certain when an evaluation with feedback would be provided. During probation, an employee would not be eligible for a merit increase. At the end of probation, if actions have been corrected by the employee, a merit increase may be given. There is no change to the employee's anniversary date.

9.6 Suspension.

9.6.1 This is a major disciplinary action. A Department Head, with the concurrence of the City Manager or designee may suspend without pay a permanent employee for up to, but not exceeding, fifteen (15) calendar days as a disciplinary measure. As an alternative to complete suspension from duties without pay, the employee may continue to perform his/her duties, but a temporary reduction in pay may be imposed. (See Procedure for Major Disciplinary Action.)

9.6.2 An employee may be placed on administrative leave when a serious violation has occurred and it is considered in the best interest of the City until appropriate action is taken.

9.6.3 Upon request of the employee, the record of suspension will be expunged upon sustained corrected behavior for a period of three (3) years, as determined by the City.

9.7 Demotion.

- 9.7.1 This is a major disciplinary action. Demotion is the removal of an employee from his/her present position to a lower classification. A Department Head may, with the concurrence of the City Manager or designee, demote or reduce in salary any permanent employee for disciplinary reasons. (See Procedure for Major Disciplinary Action.)
- 9.7.2 A record of demotion shall remain permanently in the employee's personnel file.

9.8 Termination.

- 9.8.1 This is a major disciplinary action. Termination is the permanent removal of an employee from employment service, for cause. The employee may be subject to dismissal by the Department Head with the concurrence of the City Manager or designee. (See Procedure for Major Disciplinary Action.) A copy of the Notice of Intent to Terminate shall be sent to the City Council.

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- 9.8.2 The employee may elect to resign in lieu of discharge, however the City retains the right to refuse the resignation.
- 9.8.3 A record of the discharge shall remain permanently in the employee's personnel file.

9.9 Procedure for Major Disciplinary Actions.

- 9.9.1 This procedure applies to all employees except hourly (temporary), seasonal, probationary or contract employees.
- 9.9.2 Prior to a major disciplinary action, a predetermination hearing will be conducted which requires:
 - A. Written notice of the charges against the employee;
 - B. An explanation of the employer's evidence against the employee; and
 - C. An opportunity for the employee to prepare and present his/her side of the situation. The hearing shall be conducted by the Department Head and a written record shall be provided to the City Manager or designee.

- 9.9.3 If, after the hearing, the decision is still made to suspend, demote or dismiss, the employee will receive written notice including:
- A. Notice of the proposed disciplinary action;
 - B. Date(s) disciplinary action will be effective;
 - C. Reasons for the disciplinary action and the specific grounds and facts upon which the action is taken; and
 - D. A reasonable time limit in which an employee may appeal the decision.
- 9.9.4 A written record of all proceedings shall be maintained in the employee's personnel file. Any employee desiring to review his/her personnel records must make written request to the City Recorder. All written requests shall be handled in accordance with Cedar City Ordinance, Chapter 1A.
- 9.9.5 Any regular employee subject to a major disciplinary action may appeal.