

A. INTRODUCTION

This section defines the processes by which the City may take disciplinary actions, up to and including discharge. This section also explains that Civil Service employees have certain appeal rights, known as the Grievance Procedure.

1. Refer to Section B, Disciplinary Actions which defines the type of disciplinary action which may be taken by the City.
2. Refer to Section C, "Skelly" Procedures which defines a "Skelly" proceeding which is only used for the discharge or suspension of a Civil Service employee who has satisfactorily completed the probationary period for his or her current position. Part-time, temporary, probationary Civil Service, and full-time non-Civil Service employees are not entitled to a "Skelly" proceeding.
3. Refer to Section D, "Lubey" Procedures which defines a "Lubey" proceeding, which is used

only for the discharge of part-time, temporary, probationary Civil Service, or full-time non-Civil Service employees where the discharge will foreclose future employment.

4. Refer to Section E, Grievance Procedure which defines the Grievance Procedure, which is available to Civil Service employees only. The grievance procedure is a complaint mechanism for Civil Service employees who have complaints regarding the personnel practices and working conditions of the City, including but not limited to disciplinary actions taken against them.

B. DISCIPLINARY ACTIONS

Disciplinary actions as defined below apply only to part-time, temporary, Civil Service, and full-time non-Civil Service employees as defined in these policies. Only Civil Service employees may use the grievance procedure to appeal disciplinary actions.

Disciplinary actions are defined as actions by management directed to the modification or cessation of employee conduct which is contrary to the best interests of the City and the public service. Discipline is taken in response to acts or a failure to act on the part of the employee. Discipline does not include demotions, pay reductions, and layoffs resulting from service modifications, general cost reduction programs, or organizational changes.

The following procedures shall be followed when, in the judgement of the Department Head, an employee has committed an act or omission that justified the disciplinary action indicated. Except for written warnings/reprimands, the Department Head or his/her designee shall advise employees of contemplated disciplinary actions in writing and allow the employee an opportunity to respond to such charges prior to taking action. When life, or employee safety, is endangered, or the self-control of an employee is questionable, a supervisor shall take immediate action to

reduce or eliminate the danger or to establish control. In case of an emergency, an employee shall have all of the rights set forth herein, except the right to receive prior written notice of proposed disciplinary action. The Human Resources Director must be contacted immediately.

The following outline describes the progressive discipline process, beginning with informal counseling (which occurs when a potential problem is first identified) 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 problem, past disciplinary actions involving the employee, and the employee's tenure, and will not necessarily follow the sequence as outlined herein.

1. COUNSELING:

Although counseling is not part of the formal disciplinary action process, counseling is any informal discussion with an employee designed to assist the employee in clarifying and remedying the problem. Usually the immediate supervisor counsels the employee to resolve the problem in its early stage.

2. VERBAL AND WRITTEN REPRIMANDS:

A verbal reprimand is one involving verbal direction on performance or conduct deficiencies, usually by the employee's immediate supervisor. Written reprimands are written notifications of performance or conduct deficiencies and may only be authorized by the employee's department head or the City Administrator.

3. SUSPENSIONS:

A suspension is an involuntary leave of absence without pay. The length of the suspension depends upon the severity of the offense and other factors, such as the employee's prior performance record. Suspensions may only be imposed by department heads with the approval of the City Administrator. Temporary salary reduction of 5% may be used in lieu of suspension without pay at the discretion of the department head with the approval of the City Administrator.

4. SALARY REDUCTION:

A salary reduction is a reduction in pay from the employee's current step within the pay range to any lower step within the same pay range for the employee's classification. Salary reductions may only be imposed by department heads with the approval of the City Administrator.

5. DEMOTION:

A demotion is an involuntary reduction from one classification to another classification with a lower salary range. Demotions may only be imposed by department heads with the approval of the City Administrator.

6. DISMISSAL:

A dismissal is discharge from the City service. Dismissal may only be imposed by department heads with the approval of the City Administrator.

Discipline may be imposed for violation of any provisions of these policies or any actions or failures to act which are contrary to the best interests of the City, the public, or the City's employees.

In a list of this type, it is impossible to foresee all of the various conditions, situations, and actions which could be subject to rules. Therefore, this list is not to be construed as preventing the City from disciplining or discharging an employee for doing or failing to do something which reasonably calls for discipline or discharge, although not specifically listed herein.

The grounds for such disciplinary action shall be limited to incompetence, inefficiency, dishonesty,

misconduct, insubordination, or failure to observe departmental or City rules and regulations.

These disciplinary actions apply only to part-time, temporary, Civil Service, and full-time non-Civil Service personnel as defined in these policies.

Only Civil Service employees may appeal disciplinary actions through the City grievance procedure. Part-time, temporary, and full-time non-Civil Service employees may appeal disciplinary actions to the City Administrator only as provided in Section 1 and 2 of the Grievance Procedure. However, this does not alter their employment status to be anything other than at-will. The City Administrator's decision under Section E will be final.

7. PAID ADMINISTRATIVE LEAVE

With the approval of the City Administrator, any full-time Civil Service or non-Civil Service employee who is being terminated may be placed on a paid administrative leave for up to eighty (80) hours pending an actual termination of employment.

Paid Administrative leave is granted in pending termination cases where there is a risk of greater liability to the City and/or the employee due to potential self-

inflicted injuries, injuries to other persons or damage to
City property.