XV. DISCIPLINARY ACTIONS

Section 1. POLICY AND PURPOSE

It is the intent of the City of Oviedo to avoid most matters which necessitate disciplinary action through effective supervision and good employee-employer relations. To accomplish this objective, the City encourages, to the fullest degree, employee behavior which is positive and supportive of the goals of the City. The purpose of the rules outlined in this section and the disciplinary actions for violation of the rules is to ensure the rights of all employees and to secure cooperation and order in the workplace.

It is management's responsibility, from the Department Director to the first-line Supervisor, to ensure that all employees are informed of, and comply with, these policies.

The purpose of this section is to provide an effective supervisory tool which can modify inappropriate employee behavior, generating opportunities for success rather than failure, when supervision communicates consistently, and fairly applies reasonable work standards to employee behavior.

Disciplinary action should be taken when cause occurs. Generally, employee misconduct should be dealt with by use of a progression of disciplinary actions. However, in recognition of the fact that each instance differs in many respects from somewhat similar situations, each occurrence should be treated on an individual basis.

All disciplinary actions should be discussed with the employee involved in a private setting. It is the responsibility of the employee's supervisor to counsel the employee and outline steps to correct the performance and/or behavior. The employee must be made aware of the seriousness of violating rules, regulations, and procedures and the need to conduct himself/herself in a manner which does not discredit the City.

The Human Resources Director is responsible for monitoring all disciplinary actions in the City to ensure that appropriate and consistent action has been taken. Accordingly, supervisors are encouraged to confer with the Human Resources Director **prior** to issuing disciplinary action.

Section 2. RULES, VIOLATIONS, AND DISCIPLINARY ACTIONS

A. GENERAL INFORMATION

Causes for disciplinary action are divided into three categories: minor offenses, major offenses, and dismissal offenses. Disciplinary actions, depending upon the circumstances, may include, but are not limited to:

- counseling
- verbal reprimand
- written reprimand
- suspension
- termination

The disciplinary actions which follow are guidelines. It is understood that the guidelines are not all inclusive because circumstances may vary in individual cases. Consideration may be given to demotion and/or special probation depending upon the nature and circumstances of the issue and the employee's documented performance record. Management must give serious consideration to the nature of each offense and take appropriate disciplinary action. The examples listed below represent typical grounds for disciplinary actions leading up to and including dismissal, and are not intended to be all inclusive. Penalties for offenses not listed will be prescribed consistent with offenses of comparable gravity. Violations do not have to be identical in nature in order to proceed to the next level of progressive discipline. Any previous violation of policy, within a 24 month period of time is considered when determining the next step of disciplinary progression. Penalties for disciplinary offenses should normally fall within the suggested range; however, these ranges are merely guides and are not intended to limit the right of management to determine what constitutes an appropriate penalty. Depending on the nature of the offense, the past record of the employee, and/or extenuating circumstances, a more severe penalty, a lesser penalty, or a penalty outside of the range may be imposed. In the case of a dismissal offense, the minimum penalty for a first offense will be suspension without pay.

In making recommendations for discipline, the supervisor should consider the following:

- The seriousness and circumstances of the offense.
- The employee's past record and length of service, including past performance and any disciplinary actions.
- The lapse of time since the employee last received disciplinary action.
- The city and department practice in similar cases.
- Advance communication efforts made to advise the employee of the problem.
- Impact on the employee and implications for other employees.
- Available justification and objective documentation to support the action, given an appeal.
- Any extenuating circumstance which may exist.

B. MINOR OFFENSES

1. Poor housekeeping in work area.

2. Selling or soliciting, or distributing literature, on City property without prior authorization.

3. Failure to obtain approval prior to engaging in outside employment or business activity.

4. Failure (one time) to report absence from work in a timely manner to the immediate Supervisor/designee. (Call-in times in this rule may be adjusted in each work location to comply with operational requirements. Employees shall be informed by supervision of specific requirements.) Lack of a telephone in employee residence does not relieve employee of responsibility for notification.

5. Occasional and/or minor neglect, carelessness, or disregard of common/accepted safety practices.

6. Creating or contributing to unsafe or unsanitary conditions.

7. Any act of carelessness/negligence which results in a failure to complete assigned tasks or responsibilities in a timely and/or satisfactory manner.

8. Careless work habits or negligence which results in **minor** damage to equipment and/or tools or which results in waste of materials and/or supplies.

9. Occasional substandard work quality.

10. Loafing, neglect of duties, or otherwise wasting work time.

11. Use or possession of another employee's working equipment without the employee's consent.

12. Occasional unexcused tardiness.

13. Use of tobacco products in City buildings, on City property (including right-of-ways), or in City Vehicles after October 1, 2013.

14. Unauthorized removal of notices/signs from City bulletin boards.

C. RANGE OF DISCIPLINARY ACTIONS FOR MINOR OFFENSES

1.	First Offense -	Verbal reprimand up to written reprimand.
2.	Second Offense -	Written reprimand up to three days' suspension without pay.
3.	Third Offense -	Suspension without pay for up to five days.
4.	Fourth Offense -	Subject to discharge.

Note: An assessment may also be charged for equipment/vehicle damage in addition to penalties outlined above.

D. MAJOR OFFENSES

1. Leaving the job during working hours without permission from supervision.

2. Absence without approved leave or failure to report to work after leave has been disapproved, revoked, or canceled.

3. Hindrance of operations because of frequent or excessive absenteeism or tardiness; pattern of sick leave abuse (e.g., taking sick leave one day at a time as it accumulates; sick leave taken prior to or following other authorized days off work; etc.); inability/failure to provide requested medical verification for absence charged to sick leave. This does not include authorized Family and Medical Leave or other approved leave for medical reason.

4. Frequent or excessive absence from work, with or without medical verification, which impedes work flow, inhibits operations, and/or creates other operational impact.

5. Failure to report for overtime work without good reason after being scheduled to work.

6. Failure to report a personal injury, equipment damage, or vehicle accident immediately to supervision.

7. Careless use of City property, equipment, tools, or vehicle resulting in personal injury to a co-worker or a citizen, or resulting in other than minor damage to property owned by the City, another employee, or a citizen.

8. Excessive number of personal injury or vehicle accidents or an accident resulting in injury, due to carelessness, neglect, or disregard of safety practices.

9. Continued or deliberate violation of safety rules resulting in personal injury, lost time, and/or equipment/vehicle damage or refusal to use required safety equipment (e.g., seat belts, protective devices, etc.).

10. Abuse or misuse of the grievance procedure by filing unjustified or frivolous grievances.

11. Sleeping during working hours unless otherwise authorized, as in the Fire Department for certified personnel.

12. Malicious mischief, horseplay, wrestling, or other undesirable conduct in the workplace.

13. Loss of or damage to City tools, supplies, equipment, or property through carelessness or negligence.

14. Conduct which is considered disrespectful, or the use of insulting, abusive or obscene language to or about fellow employees or the public.

15. Smoking in an area designated as non-smoking because of safety considerations.

16. Operation of any City owned vehicle or equipment while under the influence of any legal drug/medicine which causes drowsiness or other physical or psychological impairment.

17. Personal use of the City's internet, e-mail, postal mail system, copier, electronic devices or other City equipment without Department Director approval.

18. Use of the City's internet, e-mail, postal mail system, copier, electronic devices or other City equipment to distribute non-work related material.

19. Violation of departmental rules, regulations, policies, or standard operating procedures, etc.

E. RANGE OF PENALTIES FOR MAJOR OFFENSES

1.	First Offense -	Written reprimand up to three days suspension without pay.
2.	Second Offense -	Suspension without pay for up to five days.
3.	Third Offense -	Subject to discharge.

Note: An assessment may also be charged for equipment/vehicle damage in addition to penalties outlined above.

F. DISMISSAL OFFENSES

Reasons for dismissal of an employee may include, but are not to be limited to, the following:

1. Fighting, threatening, intimidating, coercing or otherwise interfering with the rights of other people or other conduct detrimental to morale and discipline in the workplace.

2. Improper or unauthorized use or sale or misappropriation of City property, vehicles, and/or equipment for personal use, personal gain, or for any other reason.

3. Deliberate misuse, destruction, or damage to any City property or the property of another person.

4. Failure to return to work upon expiration of approved leave of absence.

5. Abandonment of position by being absent from duty for three consecutive work days without notification and/or proper authorization.

6. Insubordination by refusing to perform assigned work or to comply with an official and legal supervisory directive, or by demonstrating an antagonistic, disrespectful, or belligerent attitude toward management.

7. Violation of a safety rule, regulation, or policy resulting in someone's death or serious injury or which could have resulted in someone's death or serious injury.

8. Deliberate falsification of official reports, documents, records, correspondence pertaining to the City including, but not limited to, employment application and credentials, time sheet, travel expenses, accident reports, or other documents; or violation of any other public trust.

9. Commission or guilt of any felony crime or a misdemeanor involving immoral conduct.

10. Engaging in an illegal strike, work stoppage, slow-down, or acts of sabotage or vandalism.

11. Refusal to sign or execute an oath of citizenship, oath of loyalty, or any other form or document required by law or City regulations.

12. Display or use of firearms, explosives, or other weapons on City property or in a City vehicle, unless authorized by proper authority.

13. Bringing a weapon into any City vehicle at any time (even if an employee has a valid concealed weapons permit), excluding sworn police officers who carry weapons in connection with their official duties.

14. Carrying or possessing a weapon at any time while performing services on behalf of the City whether on or off City property, excluding sworn police officers who carry weapons in connection with their official duties.

15. The use, possession, or sale of narcotics or other illegal substances on or off City property.

16. Inability or unfitness to perform assigned duties due to gross or willful neglect, incompetence, or other reasons.

17. Failure to report to management or Human Resources for review and consideration any condition (including, but not limited to, a physical limitation, medication, communicable disease, etc.), which could pose a danger to the health of the employee, other employees, or the public in the course of the employee's duties.

18. Providing entrance or access to City facilities or property to unauthorized persons.

19. Concealment or removal of City property or the property of another employee without proper authorization or theft of City property or property of another person.

20. Demonstrated pattern of inefficiency or incompetence in the performance of assigned duties.

21. Making false claims or deliberate misrepresentations in an attempt to obtain sick leave or injury benefits, workers' compensation benefits, or any other benefits.

22. Threatening physical violence or striking another employee, supervisor, or a member of the public while on duty or on City premises.

23. Loss or suspension of a required license, certification, permit, or other credential required by an employee to perform the duties of his position.

24. Providing false information to any Supervisor or member of management, or lying under oath or lying in any official proceeding.

25. Deliberately falsifying racial or sexual harassment charges or "whistle-blower" claims.

26. Failure to cooperate in an official investigation related to work.

27. Conduct that raises obvious questions as to the employee's ability to maintain public trust.

28. Racial Harassment - Any unwelcome verbal comments or physical acts of a racial nature which interfere with an employee's ability to perform his duties or which creates an offensive working environment.

29. Sexual Harassment - Any unwelcome verbal or physical conduct of a sexual nature that interferes with an employee's ability to perform his duties or which creates an offensive or hostile working environment, or any act of sexual harassment toward a member of the public.

30. Use of obscene or sexually explicit language or gestures directed at any customer/citizen of the City or another employee.

31. Possession, use, consumption of, or being under the influence of intoxicating beverages while on official duty.

32. Reporting for duty under the influence of intoxicating beverages, non-prescribed drugs, or illegal controlled substances.

33. Testing positive for illegal drugs or alcohol during any test administered pursuant to City procedures and rules.

34. Solicitation or acceptance of any gift, gratuity, or other form of compensation of any value by an employee that is based on any understanding that the performance/ non-performance of any duties or responsibilities associated with employment by the City, or any official action or judgment of the employee, would be influenced by such gift, gratuity, or other form of compensation.

35. Gambling on City property or while on duty.

36. Creating, receiving or distributing offensive or disruptive materials through the City's internet, e-mail, postal mail system, copier, electronic devices or other City equipment.

37. Uploading or downloading copyrighted material, trade secrets, proprietary information, music or videos using the City's electronic devices.

38. Personal use of the City's internet, e-mail, postal mail, copier, electronic devices or other City equipment which is so frequent that it interferes with productivity of the employee or co-workers.

39. Conduct unbecoming an employee which may not be specifically set forth in these regulations.

40. Any other incidents or series of incidents which, when considered on their merit, are equal in gravity to the established dismissal offenses.

G. DISCIPLINARY ACTION FOR DISMISSAL OFFENSES

An employee who is determined to have committed a dismissal offense shall be subject to dismissal. If it is determined that a lesser penalty is appropriate, the disciplinary action shall not be less than a suspension without pay.

Section 3. LAW VIOLATION CHARGES

Any employee charged with and/or arrested for any crime shall notify his Supervisor/ Department Director within twenty-four hours of the arrest, or as soon as practical, regarding the charges and his availability for work status.

When an employee is formally charged with criminal conduct which is job-related and/or which is not job-related but affects the public's trust and confidence in the employee and/or City government, supervision will render a preliminary determination to either:

1. Allow the employee to continue to perform duties pending the outcome of the departmental investigation and final administrative determination; or

2. Reassign the employee to other, less sensitive duties pending the outcome of the departmental investigation and final administrative determination; or

3. Suspend the employee without pay pending the outcome of the departmental investigation and final administrative determination; or

4. Suspend the employee with pay pending the outcome of the departmental investigation and final administrative determination.

In making the preliminary determination, the following factors will be considered:

1. The nature, weight, basis, and character of the criminal charges against the employee;

2. Any explanation offered by the employee;

3. Employee's willingness to undergo voluntary drug testing at employee's expense at a facility designated by the City at intervals specified by the City, in the case of arrests related to the possession, use, or sale of illegal drugs;

4. Employee's willingness to enroll in Employee Assistance Program (EAP) if deemed necessary by the City;

5. The extent to which the criminal charges, alleged conduct, and surrounding circumstances may affect the public's trust and confidence in the employee and in the City government;

6. The extent to which the criminal charges, alleged conduct, and surrounding circumstances may affect the employee's ability to carry out his duties and responsibilities effectively;

7. The employee's documented work record and past performance;

8. The interest of the City and/or other operational considerations determined by the City.

Following the preliminary determination, supervision will conduct a comprehensive investigation to determine what, if any, disciplinary action is appropriate. Although this investigation will be more thorough than the preliminary determination, it is not intended to establish the employee's guilt or innocence of the formal criminal charges. Any disciplinary action taken will take into consideration the same factors as were used in making the preliminary determination, and will not be dependent upon the outcome of the criminal charges through the legal system.

The City may terminate an employee based on unavailability for work due to continued incarceration. If the City’s decision is to allow the employee to continue to work pending the outcome of the criminal charges, the employee will be advised in writing that he is responsible for notifying supervision within forty-eight hours of any change in status, required court appearance or attorney appointments (chargeable to vacation, personal, or administrative leave if available, or will be unpaid); and that the City reserves the right to take additional disciplinary action, including dismissal depending on the outcome of the criminal charges.

Once resolution of the criminal charges has occurred, the following rules shall apply: a verdict of guilty; a plea of guilty; a plea of nolo contendere (no contest); or an adjudication of guilt after trial; or any other plea or adjudication based upon any admission of guilt to any charges shall be "prima facie" evidence of grounds for discharge. It shall be at the sole discretion of the City to consider continued employment based on the overall employment record and the circumstances of the outcome of the charges.

A verdict of "not guilty" or "charges dropped/dismissed" shall not mean that an employee will not be disciplined or discharged. The Department Director and Human Resources Director may proceed with disciplinary action if a violation of City policy occurred, irrespective of the court's disposition.

A determination shall be made regarding eligibility for back pay, based on the disposition of the legal proceeding, for employees who were suspended without pay pending the outcome of the charges.

Section 4. COMPLAINTS AGAINST EMPLOYEES

If an external (non-criminal charge) complaint is made against a City employee, the supervisor, in conjunction with the Human Resources Director, will evaluate the nature of the charge/allegation and the interest of the City, and may take the following action:

- suspension with pay;
- suspension without pay;
- administrative or other duty besides the employee's regular duties; or
- transfer to another assignment/work site.

In such cases, no additional disciplinary action (i.e., suspension without pay) will be considered until the conclusion of the investigation when the circumstances/validity of the complaint is fully ascertained. Any manager may relieve an employee from a position, with pay, for a period not to exceed thirty (30) calendar days, pending completion and final disposition of the investigation. Extension of the 30 days may be authorized with the City Manager's approval.

Section 5. POLICE OFFICERS' BILL OF RIGHTS AND FIREFIGHTERS' BILL OF RIGHTS

In cases in which a sworn law enforcement officer, other than the Chief of Police, is under investigation and subject to interrogation for reasons which could lead to disciplinary action, demotion, or dismissal, the provisions of the Police Officers' Bill of Rights (Florida Statutes, Section 112.532) shall apply.

Whenever a certified Fire Fighter, including the Fire Chief, is subjected to interrogation for a formal investigation or formal administrative proceeding, such interrogation shall be conducted in accordance with the provisions of the Fire Fighters' Bill of Rights, as outlined in Florida Statutes, Section 112.82.

Section 6. PRE-DETERMINATION AND NAME-CLEARING HEARINGS

A. PURPOSE AND SCOPE

A **pre-determination hearing** is provided, upon request, to all non-probationary employees (except Department Directors who may be dismissed or disciplined with or without cause and with or without notice) who are believed to have committed offenses that may result in discharge or suspension. This hearing provides a non-probationary employee the opportunity to present information in his behalf regarding the circumstances which led to the recommendation for dismissal/suspension.

In addition to a pre-determination hearing, a non-probationary employee may request a **"name-clearing" hearing** to present information for the purpose of "clearing his name." In the event that a probationary employee or a Department Director is terminated for any reason other than the interest of the City, the probationary employee or Department Director may request a "name-clearing" hearing to present information for the purpose of "clearing his name."

B. NOTICE OF RIGHT TO REQUEST A HEARING

Upon awareness that a non-probationary (other than Department Directors) employee's actions may require suspension or termination, based upon the gravity of the offenses believed to have occurred, the employee will be advised in writing of the specific charges and of his right to request a pre-determination/name-clearing hearing within five work days (Monday through Friday). If the employee does not request a hearing within five work days, the Department Director, in conjunction with the Human Resources Director, will make a determination as to whether or not a suspension or termination is warranted based on the nature of the offenses and information obtained by any investigation conducted.

Depending upon the circumstances and gravity of the allegations, an employee may be relieved from duty, with or without pay, pending an investigation and pre-determination hearing, if deemed to be in the best interest of the City.

If an employee waives his right to a pre-determination hearing, it shall not affect his right to file an appeal through the grievance procedures outlined in this manual or in an applicable collective bargaining agreement.

C. CONDUCTING THE HEARING

The pre-determination/name-clearing hearing will be scheduled within five work days after receipt of the employee's request and will be conducted by the Department Director/designee. The hearing may be tape recorded. The following procedure will apply during the hearing:

- confirmation that the employee has a copy of the charges.
- explanation of the charges and that dismissal/suspension is recommended.
- opportunity for the employee to offer any contrary evidence, explanation, names of witnesses that may have further information for the Department Director's consideration, and/or comments in his behalf.
- asking employee whether or not he has had the opportunity for a fair hearing and has been afforded the necessary time to present information in his behalf with respect to the charges.
- allowing the employee to make a verbal statement, or submit a written statement, for the purpose of clearing his name.

At the conclusion of the pre-determination hearing, the employee will be advised that a written decision specifying the disciplinary action will issued within a specified time frame.

If the decision is to terminate the employee, a termination letter, including information regarding final pay, insurance continuation, etc., will be prepared.

Section 7. ACCIDENTS AND LOSS/DAMAGE TO CITY PROPERTY

A. NOTIFICATION OF OCCURRENCE

An employee involved in an accident with a City owned or leased vehicle, or involved in the loss and/or damage to City property, shall notify his immediate supervisor as soon as possible after the occurrence.

B. INITIATING AN INVESTIGATION

1. The employee's immediate supervisor shall be responsible for initiating the investigation under the following circumstances:

a. Accidents involving City owned or leased vehicles when employee negligence may be a factor.

b. Lost or damaged City equipment under the control of an employee when negligence may be a factor.

2. All accidents of City owned or leased vehicles will be investigated by the appropriate law enforcement agency for completion of a vehicle accident report.

3. Supervisors are responsible for investigating inquiries for accidents and loss/damage of City property. They must render a recommendation of whether the charge is founded or unfounded and whether it is chargeable or non-chargeable on the investigation form.

4. Supervisors should meet with the employee and review the investigation report as well as the recommended discipline and assessment. This meeting is an opportunity for the employee to provide any additional information that he wants the supervisor to consider before a disciplinary action is issued.

5. Disciplinary actions and assessments should be issued to the employee by the supervisor using the Disciplinary Action form.

6. Disciplinary actions involving suspension or monetary assessments require concurrence by the Department Director and Human Resources Director prior to being presented to the employee.

C. ACCIDENT REVIEW BOARD (ARB)

1. The Accident Review Board is a group of employees assigned by the City Manager to review any accident or loss/damage investigation with damages valuing over $1000.

2. The ARB is comprised of three employees from different departments throughout the City and it is chaired by the Risk/Benefit Coordinator.

3. The ARB meets as necessary to review the circumstances of the accident or loss/damage and make recommendations of possible steps that could be taken to prevent future occurrences.

D. DETERMINING CHARGEABLE OR NON-CHARGEABLE FOR LOSS/DAMAGE TO CITY PROPERTY

The criteria for establishing a chargeable or non-chargeable classification for lost or damaged property are the presence or absence of negligence of the violation of City regulations, procedures and rules, or other written directives on the part of the employee toward the care of equipment under his control.

The absence of a state or municipal traffic law violation does not necessarily preclude a finding of chargeable in cases involving damage to City vehicles.

E. REIMBURSEMENT OF NON-CHARGEABLE OCCURRENCE

Should the occurrence be non-chargeable, but the item was covered either by the employee's insurance or the item was the responsibility of a commercial establishment; the employee should file a claim with his insurance company or with the commercial establishment. Any reimbursement received from the employee's insurance should be forwarded to the City Manager's office.

F. DAMAGED OR LOST PROPERTY FORM

1. When the supervisor determines the employee was not negligent or not responsible for the lost and/or damaged equipment, the supervisor may complete a Damaged/Lost Property Form and forward copies to his immediate supervisor, the Department Director and the Human Resources Director.

2. Replacement of a lost or damaged item of personally issued equipment when there is no negligence may be authorized by the employee's supervisor.

3. When the employee is without negligence or otherwise responsible for personally owned property that is damaged or lost on duty, there is a fifty dollar ($50.00) limit of payment by the City on items to be replaced except prescription eye glasses and lenses. In the case of prescription eye glasses and contact lenses, the full repair cost or replacement cost (up to a maximum of $300.00), whichever is less, will be reimbursed to the employee. A receipt for the original glasses or contact lenses will be required before reimbursement.

4. When the supervisor determines the employee was negligent or responsible for the lost/damaged equipment, the supervisor shall assess the employee for repair/replacement of the property or equipment using the assessment provisions below.

G. ASSESSMENT GUIDELINES:

1. The supervisor shall include an estimated repair cost in his investigative report. Damage to City vehicles, leased or owned, should be taken or towed to the City's Fleet Division for damage estimates. All other damage to equipment or vehicles (not City owned) including damage to citizen's vehicles, will require an estimated repair cost provided by the person owning the equipment/vehicle in accordance with City purchasing policy and procedures.

2. The percentage of employee responsibility shall be as follows:

a. If the accident in which the damage occurs is the first chargeable accident for the employee within a two year

period, the percentage shall be 25% of the amount of damage, not to exceed $75.00.

b. If the accident in which the damage occurs is a second accident for the employee within a two year period, the percentage assessed shall be 50% of the amount of damage, not to exceed $250.00.

c. accident in which the damage occurs is a third chargeable accident for the employee within a three year period, the percentage assessed shall be 75% of the amount of damage, not to exceed $400.00.

3. In order for an assessment to be waived, a written outline of extenuating circumstances must be submitted to the Department Director and Human Resources Director for approval.

H. ASSESSMENT PAYMENT PROCESS

1. After the affected employee signs the Disciplinary Action form, the supervisor will deliver a copy of the Investigation Report, the Disciplinary Action form and the police report (if applicable) to the Human Resources Department for the employee file.

2. The affected employee shall write a memorandum to the Finance Department and make arrangements for payment of the assessment.

3. After arrangements have been made with Finance to make the payment, the employee is given a receipt outlining the payment schedule. A copy of the receipt should be forwarded to the Human Resources Department for the employee file.

I. APPEALS FOR VEHICLE ACCIDENTS AND LOSS/DAMAGE TO CITY PROPERTY

1. An employee may appeal an assessment by notifying the office of the City Manger in writing within five working days of signing the Disciplinary Action form. The City Manager or his designee will review the appeal and forward his decision to the employee.

2. A copy of the appeal to the City Manager and his response should be forwarded to the Human Resources Department for the employee's personnel file.

Section 8. DISCIPLINE AND DISMISSAL NOTICES

A. DISCIPLINARY ACTION NOTICE FOR REPRIMAND/ SUSPENSION

When an employee is reprimanded or suspended, the written Disciplinary Action Notice must provide the following information:

- specific charge of misconduct with reference to a violation of City or departmental rules, regulations, or policies, or a supervisory order and date of offense(s).

- brief narrative description of offense and imposition of disciplinary action.

- reference to previous disciplinary actions if relevant to the reason for the current disciplinary action.

- warning regarding employee's failure to take corrective action will subject him to further disciplinary action, including dismissal.

- reference to the employee's right to grievance/appeal.

- the signature of the Supervisor, Department Director, and/or Human Resources Director (required for a suspension) and date that the disciplinary action notice is issued .

- employee's signature and date to acknowledge receipt of the document. The employee's signature does not imply agreement and refusal to sign should be noted and witnessed.

B. NOTICE OF DISMISSAL FOR A PROBATIONARY EMPLOYEE

1. A probationary employee may be terminated at any time during the probationary period for the good of the City without the right to a pre-determination hearing or to a post-termination appeal. **Approval of the Department Head and concurrence of the Human Resources Director must be obtained prior to taking such action.**

2. The employee will receive a written Disciplinary Action Notice that his probationary employment is terminated. The termination letter will include information regarding final pay, insurance continuation, etc.

C. NOTICE OF DISMISSAL FOR A DEPARTMENT DIRECTOR

1. A Department Director may be terminated at any time during his/her employment for the good of the City. Department Directors may be terminated with or without notice, with or without cause, and without the right to a pre-determination hearing or to a post-termination appeal. However, if a Department Director is

terminated for any reason other than the interest of the City, he will be allowed to request a name-clearing hearing.

2. The Department Director will receive a written notice that his employment is terminated. The termination letter will include information regarding final pay, insurance continuation, etc. Additionally, the termination letter will include the Department Director's right to request a “name-clearing” hearing within five work days of receipt of the termination letter, in applicable cases.

The purpose of the “name-clearing” is solely to allow the terminated Department Director to submit to the City Manager an oral or written statement to "clear his name." This name-clearing hearing does not constitute a post-termination appeal.

D. NOTICE OF DISMISSAL FOR A REGULAR STATUS EMPLOYEE

1. A regular status employee may be discharged for cause after he has been given the opportunity for a pre-determination hearing, as outlined above. **Approval of the Department Head and concurrence of the Human Resources Director must be obtained prior to taking such action.** Records of counseling sessions, documentation, and correspondence shall be provided to the Human Resources Director for inclusion in the employee’s personnel file.

2. The City may discharge any employee in the best interest of the City.

The supervisor will normally notify the employee in writing of the charges brought against him and that he is on a no-pay or paid suspension pending possible discharge. The final decision regarding the violation shall be furnished to the employee in writing, including his right of appeal.

3. Upon receiving written notice of discharge, the employee may file a grievance with the City Manager within five working days of receipt of the discharge letter.

4. Employees who are discharged shall not receive payment for any accrued leave benefits.