



SECTION 7 - DISCIPLINE

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ARTICLE 7-101	SCOPE AND PURPOSE
ARTICLE 7-102	REASONS FOR DISCIPLINARY ACTION
ARTICLE 7-103	TYPES OF DISCIPLINARY ACTION
ARTICLE 7-104	IMPLEMENTATION OF DISCIPLINARY ACTION
ARTICLE 7-105	APPEAL PROCESS

7-101 SCOPE AND PURPOSE

The purpose of this policy is to provide the process for how the City Administrator, Department Directors, and supervisors shall implement disciplinary action. Further, it outlines the process by which employees may request review by the City Administrator regarding disciplinary action imposed upon them.

All city employees are expected and required to meet acceptable performance standards and otherwise conduct themselves in an appropriate manner during the course of their employment.

7-102 REASONS FOR DISCIPLINARY ACTION

The following may be reason for disciplinary action, but it should be understood that this is not a complete list and other conduct may be subject to disciplinary action up to and including immediate termination.

- a) Any violation of the Personnel or Administrative Policies and Rules of the City of Gardner, or any department or division policies, procedures, rules or regulations.
- b) Commission of a criminal act and the subsequent finding of guilt by a court of law when the criminal act directly affects the employee's ability to perform the duties of his or her position; or directly relates to the duties and responsibilities of the position.
- c) Being in the possession of or drinking alcoholic or cereal malt beverages, being intoxicated or being in the possession of or using or being under the influence of illegal drugs while on duty or while on public property during the work day, including meal breaks.
- d) Refusing to work when called back for an emergency by the Department Director or supervisor or failing to appear when scheduled for emergency work.
- e) Exhibiting offensive conduct or using offensive or inappropriate language toward the public, City officials, or other employees.

- f)** Insubordination or violation of any lawful and reasonable official regulation made by the employee's supervisor.
- g)** Inducing, or attempting to induce, any City official or employee to commit an illegal act or to act in violation of any lawful and reasonable departmental or official regulation, or to participate therein.
- h)** Willfully or corruptly deceiving or obstructing any person in respect to that person's right to take part in any examination for admission or promotion in the City service.
- i)** Furnishing special or confidential information for the purpose of either improving or injuring the prospects or chances of a person tested or to be appointed.
- j)** Failure to follow prescribed safety procedures including failure to notify the supervisor or Department Director of unsafe working conditions, or engaging in unsafe acts.
- k)** Damaging City property either intentionally or as a result of negligence.
- l)** Taking leave without authority, failure to notify supervisor of intended absence, walking off the job without permission, tardiness, excessive absenteeism, or any absence in excess of two consecutive days not specifically covered by authorization or excused by the employee's supervisor.
- m)** Violation of the Ethics and Conduct Policy set forth herein which includes, but is not limited to, solicitation or receipt from any person of, or participation in, any fee, gift or other valuable thing that is given in the hope or expectation of receiving a favor or better treatment than that given to other persons.
- n)** Knowingly falsifying information on a job application or other required personnel forms, or other City document.
- o)** Unauthorized possession of firearms or other weapons on the job.
- p)** Engaging in physical fighting with a supervisor, co-worker, or citizen.
- q)** Harassing, molesting, or bothering other employees or any action or omission of action to the extent the employees are unable to complete their assigned tasks, or the effective operation of City services is impaired.
- r)** Engaging in activities which disrupt or interfere with the regular work activities of a section, division, or department including failing to report for duty or not to work at usual capabilities in performance of normal duties.
- s)** Using official position with the City government or using City equipment without authorization for personal purposes or activities.

- t)** Using information obtained as an employee of the City to advance personal, financial, or other private interests.
- u)** Writing a personal check for payment to the City for which there are insufficient funds in the employee's bank account.
- v)** Stealing City funds or property or removing City funds or property without authority.
- w)** Theft or any criminal act.
- x)** A traffic violation.
- y)** Theft of City funds or property.
- z)** Commission or omission of acts by an employee which makes the taking of a disciplinary action necessary or desirable for the efficient conduct of the business of the City or for the best interest of the City government.
- aa)** Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of city employment, or failure to obtain or renew any necessary or required license or certification.
- bb)** Any act which reflects negatively upon the City.
- cc)** Any act of inappropriate discrimination by an employee of the City of Gardner.
- dd)** Failure to cooperate with other employees, citizens or other members of the public in a professional, courteous, and polite manner.
- ee)** Allowing a personal relationship with a co-worker, contractor, or customer to interfere with the satisfactory performance of job duties.
- ff)** Unsatisfactory performance of job duties and responsibilities.
- gg)** Abuse of leave time or claiming leave time under false pretenses.
- hh)** Falsifying any City record or other City document.
- ii)** Sleeping on the job.
- jj)** Having sex or performing sexual acts while on duty or on City property.
- kk)** Any type of fraud, including that which benefits the City.
- ll)** Witnessing another employee violating the law while on duty and/or on City property and not reporting the violation to a supervisor, Department Director, or City Administrator.

mm) Violating any lawful or reasonable order, rule or regulation.

7-103 TYPES OF DISCIPLINARY ACTION

103.1 VERBAL WARNING

A verbal warning is an oral reprimand given by the employee's supervisor. All verbal warnings shall be documented in writing.

103.2 WRITTEN REPRIMAND

A written reprimand is a written notification of the employee's unsatisfactory performance or other violation of the Personnel Policies, Administrative Policies and Procedures, and/or other City or departmental policies.

103.3 SPECIAL PROBATION

A special probation is a period of a specified length of time during which the employee is required to fulfill a set of conditions to improve work performance or on-the-job behavior. Failure to meet the special probationary requirement will result in additional disciplinary action up to and including termination. An employee may be placed on special probation in conjunction with another form of disciplinary action as defined in this section. An employee is not eligible for any performance salary increase during a special probation. The notice of special probation will state the length of time for the probation and when the employee will be eligible for the next performance increase.

103.4 SUSPENSION

A suspension is the removal of an employee from the workplace for a specified period of time with or without pay. The length of suspension will reflect the severity of the employee's misconduct.

103.5 DEMOTION

A demotion is a placement of an employee into a lower job classification as a result of disciplinary action.

103.6 TERMINATION

A termination is the permanent removal of an employee from the City's employment.

7-104 IMPLEMENTATION OF DISCIPLINARY ACTION

Disciplinary action should occur in a timely fashion.

The disciplinary action taken should correspond to the degree of the violation, the situation and context in which the violation occurred, the impact on the organization, the employee's past

work performance and disciplinary history, and the expected effect of such actions on the future job performance of the employee.

The City Administrator and the Department Directors shall have responsibility for all disciplinary action but may delegate this authority to supervisors. Supervisors' authority with regard to implementing disciplinary action should be guided by department policy. Department Directors and supervisors are required to consult with Human Resources prior to the implementation of disciplinary action.

In all cases of disciplinary action, the supervisor shall meet with the employee to discuss the reasons for the action and explain, in full, the disciplinary action taken.

In all cases of disciplinary action, a written notice of the action, signed by the Department Director or supervisor stating the reasons for such action will be given to the employee. The employee shall sign an acknowledgment of receipt. The employee's signature does not necessarily indicate agreement. A copy of the written notice and original acknowledgment shall be provided to the Human Resources Manager for inclusion in the employee's personnel file.

In cases of suspension, demotion, or termination, the notice of disciplinary action shall contain information explaining the employee's right to appeal the action and a form that allows the employee to waive their right to that appeal.

7-105 APPEAL PROCESS

The appeal process is available to all full and part-time employees, except sworn officers of the Public Safety Department. Sworn officers of the Public Safety Department shall abide by specific policies and procedures related to discipline and review as set out departmentally.

An eligible employee may request a review of the disciplinary action before the City Administrator in cases of suspension, demotion, and termination.

The employee must submit a written request for a review to the City Administrator within seven (7) calendar days of the date they are notified of the disciplinary action. The request shall include the issues in question and what relief is sought. The City Administrator shall arrange a hearing within two (2) weeks of receipt of the written request. This time can be extended for reasonable cause.

A hearing will be held offering the opportunity for the employee and the supervisor to present the facts and considerations surrounding the disciplinary action.

- a) The Human Resources Manager will serve as an impartial facilitator of the review process. Responsibilities shall include establishing a fair and reasonable schedule, approving in advance and coordinating any witnesses, and providing documentation for the hearing. The judgment of the Human Resources Manager is final with regard to review protocol.
- b) No legal counsel will be allowed to represent either party at the hearing.

- c) The City Administrator may interview the employee, supervisor, Department Director, or any other parties involved prior to making a decision.

At the conclusion of the review process, the City Administrator shall render a decision to uphold, overturn, or modify the disciplinary action imposed. The decision shall be put in writing and a copy provided to the employee, the Department Director, and filed in the employee's personnel file. The decision of the City Administrator is final.