

SUBJECT: DISCIPLINARY ACTIONS

I. PURPOSE

The purpose of this procedure is to provide guidance in the types of actions for which an employee can be disciplined and the disciplinary measures that may be used in accordance with City Code 20-9; Personnel Rules XII and XIII. The City reserves the right to discipline or discharge employee=s at its sole discretion. This procedure creates no contractual rights.

II. SCOPE

This procedure is applicable to all City departments. Where any section, subsection, sentence, clause, or phrase of these procedures is found inconsistent with either properly negotiated and ratified memorandums of understanding or with any state or federal law, the terms of such agreements or laws, shall prevail.

III. AMENDMENT

The City Administrator may amend this procedure as required.

IV. DEFINITIONS

CORRECTIVE ACTION - An attempt by supervisors to deal with minor deviations from standards of conduct or performance before they become serious in nature and begin to hamper both unit and individual effectiveness.

A. **COUNSELING:** A discussion or interaction between a supervisor and an employee which may clarify standards and expectations, evaluate the employee=s strengths and weaknesses, seek information, or solve problems. It may involve direction or explanation of policies, procedures, rules or practices or offer guidance on performance or behavior.

Ideally, counseling will resolve the problem early and avoid the need for discipline.

The counseling interview should:

- * Discuss the requirements of employee=s job;
- * Help the employee to decide how s/he can correct the problem and avoid repetition of the action;
- * Focus on behavior, rather than on person;
- * Make observations rather than inferences;

- * Focus on behavior related to specific and recent situations;
- * Share ideas and information, rather than giving advise;
- * Set us a plan for improvement with the employee;
- * Include, in the plan, commitments by both the employee and the supervisor the steps to be taken to bring about the desired improvement, and time limits for accomplishing goals and reevaluation.

The counseling interview should be noted in the supervisor=s calender or diary with the time, date and content of the counseling. A confirming counseling interview memo to the employee can also be proposed. This memo is not placed in the employee=s personnel file.

B. **DISCIPLINE:** A means of regulating the orderly conduct of City business through the use of interpersonal and administrative techniques aimed at restoring productive levels of employee conduct or performance.

C. **DISCIPLINARY ACTION:** An action taken by the City against an employee which communicates a deviation from professional standards of conduct or performance and which outlines a corresponding admonition or penalty.

1. Oral Reprimand: The oral reprimand verbally notifies the employee that his/her performance or behavior must be improved. Oral reprimands are typically given by supervisors when counseling has failed to produce the desired changes.

This oral reprimand defines the areas in which improvement is required, sets up goals leading to this improvement, and informs the employee that failure to improve will result in more serious action.

Although the supervisor makes a note of the date, time, and content of the oral reprimand in a log or documentation notebook, or sends a confirming memo to the employee, no record is placed in the employee=s permanent personnel file unless subsequent action is taken. See Sample Oral Reprimand - Appendix C.

2. Written Reprimand: A formal notice to an employee that further disciplinary action will be taken unless his/her behavior or performance improves, a copy of which is placed in the employee=s official personnel file.

The content of the written reprimand is essentially the same as that of the oral reprimand. The employee is advised, in writing, of the consequences of failing to improve his/her performance. It should contain the following:

- a. What occurred?

- b. The date and time of the event which is the cause of the reprimand.
 - c. What rule, policy, or contract provision has been broken or violated by the employee? Be specific and spell out the entire rule, etc.
 - d. What the employee is directed to do to correct the situation. Avoid general statements; be very specific. See Sample Notice of Written Reprimand in Appendix D.
3. Suspension: The temporary removal of an employee from his/her duties without pay for up to thirty (30) calendar days per year. Suspension is instituted after consultation with department management and the Personnel Department. Suspensions are normally taken in cases involving serious misconduct or chronic behavior problems. See sample Notice of Intent to Suspend and Notice to Suspend in Appendices E and F.
- Under current Fair Labor Standards Act interpretation, exempt supervisors and managers may not be subject to disciplinary suspension of one week or less, unless the suspension results from a major violation of safety policies.
4. Reduction-in-pay: Placing the employee in a lower salary step within the employee=s current pay range, indefinitely or for a specified period of time.
5. Demotion: The removal of an employee from one position to one of a lower paying classification. An involuntary demotion may be used when the employee is no longer able or willing to perform the duties of the position, but may still function effectively at a lower level. Failure to meet the requirements of promotional probation is not considered a disciplinary demotion.
6. Discharge: The removal of an employee from the service of the City when management has determined that the employee has been given every reasonable opportunity to reach the standards of conduct or performance required by the City and has clearly failed to do so; or has committed a singular offense for which no other measure is appropriate. See sample Notice of Intent to Terminate and Notice of Termination in Appendices E & F.
7. Resignation: An alternative to disciplinary action: Sometimes an employee may offer to resign instead of facing disciplinary action. By doing so, the employee loses the right to appeal. However, the inquiries from future employers regarding the reason for leaving will be answered (in most cases) by the simple statement that the employee resigned. No employee can be compelled to resign; resignation must be entirely voluntary.

- D. OFFENSE - An act, a series of acts, or a lack of performance of required acts, which deviate from established standards of conduct or performance by employees of the City. Examples of offenses might include:
1. Attendance: Violations of attendance policies which may range from tardiness to abandonment of a position and which are deemed to be excessive and abusive.
 2. Dishonesty: Acts which demonstrate an employee's intent to steal or misuse City funds or property, to deliberately defraud the City or the intentional giving of false information in the performance of one's duties with the City. This would include the giving of false information during a disciplinary procedure or investigation.
 3. Misconduct: Acts not normally of an illegal nature, but which:
 - a. violate City policies, procedures, practices, rules, or regulations; or
 - b. reflect negatively upon the City; or
 - c. may restrict or inhibit an employee's ability to perform an assigned task.
- E. PROGRESSIVE DISCIPLINE - A system of discipline which communicates and positively reinforces reasonable standards of conduct and performance to employees as a means of:
1. minimizing deviation from such standards;
 2. reducing the need for the imposition of increasingly severe disciplinary actions.
- F. SEVERITY - The significance of an offense in relationship to the contemplated disciplinary or corrective action.
1. Minor: A deviation from standards of conduct or performance which may result in diminished employee effectiveness and can be corrected by informal means.
 2. Serious: A deviation from standards of conduct or performance which warrants disciplinary action after corrective action has failed to achieve the desired results, or which by the nature of the offense dictates formal disciplinary action.
 3. Major: A continued deviation from standards of conduct or performance which dictates official disciplinary action and which may result in a permanent entry on an employment record or a loss of compensation for a designated period of time.

4. Intolerable: A continued and/or substantial deviation from standards of conduct or performance which requires extreme and sometimes immediate disciplinary action resulting in loss of position or removal from the service of the City.
- G. STANDARDS OF PERFORMANCE OR CONDUCT - Measures against which employees are evaluated and which form the basis for disciplinary or corrective action.
 1. May be formalized policies, procedures, rules, and regulations or legal orders of the City.
 2. May be informal practices which through time have been established as guidelines for performance or conduct.
- H. UNSATISFACTORY PERFORMANCE - A demonstrated inability or unwillingness by an employee to do required work in a satisfactory manner or to follow directions which results in decreased unit performance or effectiveness.

V. GUIDELINES

A. A Guide to Progressive Discipline

As a practical guide to progressive discipline, reasonable judgment and rational criteria must govern. Tardiness may be a nuisance in one work unit and a critical operational deficiency in another. One tardiness may be considered minor, while a prolonged series of tardiness may be sufficient grounds for termination. In determining the adequacy of performance, for instance, it is critical to determine whether it is the employee's unwillingness or inability to perform which dictates the proper course of action. With this in mind, the following guidelines should prove useful to supervisors and managers in developing ground rules for constructive discipline.

1. Employee Development: Constructive discipline is an element of employee development. As such, it is important to reinforce employee strengths as well as point out weaknesses. A disciplinary program which is truly constructive encourages supervisors to praise their subordinates when justified, not merely to reprimand them when necessary. Letting employees know that they have done a job well provides strong incentive for them to continue that high level of performance.
2. Communication: The need for employees to know what rules, policies, standards, etc., they are accountable for, and why they exist is so obvious that it is often taken for granted. While the temptation is to assume that all regulations are known and understood, the interests of neither the employee nor the City are served when management overlooks its obligations to communicate its regulations. If a supervisor cannot prove that an employee had notice, including constructive notice by publication of a rule or regulation

which the employee has alleged to have violated, then any discipline which may be imposed could be overturned by a reviewing authority. Supervisors are encouraged to reduce all essential rules to writing and have their employees sign a form acknowledging: 1) the receipt of a copy of those rules, and 2) the duty of the employee to be familiar with them and adhere to them.

3. Investigation: As soon as the need for corrective action becomes apparent in any given situation, a full investigation should be made. So that the problem may be completely understood, all of the necessary and pertinent facts should be gathered in a private meeting as quickly as possible. If the employee requests, s/he may have a representative at the meeting for the purpose of advising the employee. The employee should have an opportunity to fully tell his/her side of the story. All other sources of information should be investigated. Every effort should be made to verify the facts in the case.
4. Appropriateness of Action: Should it become necessary to take formal disciplinary action, that action should be appropriate for the offense. An inappropriate or over-reactive management response to an infraction of a rule can easily create doubts about the fairness of a disciplinary program. Action should be taken only after consideration of:
 - a. Nature and seriousness of the offense, its relation to the employee's duties, whether it was intentional, technical or inadvertent, malicious, for gain, or frequently repeated;
 - b. Employee's job level, type of employment, contacts with the public, and prominence of position;
 - c. Employee's past disciplinary records;
 - d. Employee's past work record, including length of service, performance, ability to get along with fellow workers, dependability;
 - e. Effect of offense on the employee's ability to perform and on the supervisor's confidence in that ability;
 - f. Consistency of penalty in like cases;
 - g. Consistency of penalty with any applicable City table of penalties (see Appendix B);
 - h. Notoriety of offense or impact on agency reputation;
 - i. Clarity with which employee was notified of rules that were violated;
 - j. Potential for employee's rehabilitation;
 - k. Mitigating circumstances, such as harassment, or provocation;
 - l. Adequacy and effectiveness of alternative sanctions to deter such future conduct by employee or others.

In most cases it is advisable to begin progressive discipline with the least severe responses, moving to more serious ones, if required. In some situations, it may be necessary to bypass intermediate actions in favor of suspension or discharge. These cases are infrequent, however, so prudent judgment must be exercised. In order for disciplinary action to be upheld upon review, the supervisor should be prepared to prove 1) a violation of the relevant rule by any other similarly situated employee (to the one being disciplined) would result in discipline being administered, and 2) the severity of the discipline in this case is consistent with the discipline administered in other similar cases.

5. Corrective Climate: A climate of constructive discipline can only be created when actions are taken with an intention of correcting behavior instead of punishing the employee. This requires that the employee understand what and when adjustments need to be made in his or her behavior and for what reasons, the rewards for doing so, and the consequences of failing to comply. Firm, yet patient handling of rule violations, rather than abusive treatment, is much more likely to produce desired results.

Building a sound disciplinary program is the result of communicating realistic expectations, supplying all essential information, removing obstacles to achievement, and providing necessary feedback. As management demonstrates an interest in this communicative process, a change in the behavior of employees will become evident. In such an atmosphere, it is common for the peer group to exert social pressure on repeated offenders so as to modify their conduct and thereby reducing the need for formal disciplinary action.

B. Characteristics of a Disciplinary Action

When discipline is contemplated, it is important the management's action reflect the following characteristics:

1. The Action Should Be Taken Quickly: The more quickly the action follows the offense, the more likely it is that the employee will associate the discipline with the offense rather than with the person imposing the discipline. For example, if an employee is observed arriving late for work, the supervisor should mention it at once, rather than waiting for a more "opportune" time. Delaying this action only leads employees to believe supervisors are not dealing honestly with them.
2. The Action Should Be Expected: Disciplinary actions taken without clear warning are almost always considered unfair by employees and are likely to arouse their resentment. It is important to communicate personally with employees before the need for formal action arises. Managers and supervisors who effectively communicate their concern regarding

adherence to rules will have a much easier time enforcing them. This is particularly true when dealing with a new rule or when enforcement practices of an old regulations have changed. This communication can pay significant dividends by reducing the number of disciplinary action which must be taken.

3. Discipline Should Be Consistent: Double standards are no more appropriate for discipline than they are for other activities. Accusations of favoritism are likely to arise if one employee is disciplined for an offense and another is not. This is not to imply that all employees must receive exactly the same response to similar breaches of discipline. Certainly, the nature of the response may be influenced by extenuating circumstances such as work history, previous offenses, etc. Good judgment in this area is critical. Fairness to employees requires, however, a response to all disciplinary infractions. Arbitrarily enforcing departmental rules is a practice that will ultimately lead to a breakdown of the disciplinary system. The consistent and uniform application of discipline reinforces the notion that employees are responsible for the consequences of their own actions.
4. Discipline Should Be Impartial and Impersonal: Discipline is most effective and constructive when individuals feel that their own behavior in a particular circumstance is the only thing being criticized rather than their total personality. When discussing disciplinary infractions with employees, it is important to focus only on the errant behavior. This assures that the actions taken do not communicate more than is intended.

Disciplining an employee without a showing of guilt or hostility may be difficult, particularly when a manager or a supervisor feels that an employee's actions are a direct challenge to authority.

Application of these four concepts, however, will minimize this problem.

VI. PROCEDURE

A. Standards of Performance or Conduct

Within the scope of employee standards there is room for judgment and flexibility. There is also a wide variety of employee/management expectations about conduct and performance. Thus, the task for determining a relationship between an employee's deficiencies and the appropriate disciplinary action may seem to be difficult. This is primarily due to a lack of a reliable formula that will match a specific offense to a particular disciplinary action.

Difficult though it may seem, an understanding of a few basic

principles will assist greatly in arriving at a solution to this dilemma. The factor of human judgment is clearly personal and subjective. City policy, on the other hand, is a composite derived from several sources. Thus, a system for the administration of discipline must be based upon logic, reason, and equity. Said another way, "the punishment must fit the crime."

B. Progressive Discipline Plan (PDP)

An aid toward a sound discipline program is the AProgressive Discipline Plan (PDP)@ (see Appendix A). The PDP provides a point of reference for determining the severity of an offense. The "Suggested Guide to Disciplinary Action" (see Appendix B) offers a management strategy for correcting a performance or behavioral problem. Professional judgment will, of course, be required in order to properly implement the suggested plan. The PDP is only a guide and is not all inclusive. It does offer, however, a flexible framework from which to make objective and consistent disciplinary decisions.

C. Documentation

Maintaining accurate records is one of the most important features in establishing an effective disciplinary program. The specific facts concerning events which are not written down tend to become clouded with time. Unassisted memory cannot possibly retain all the significant performance or behavioral characteristics of each employee over a period of time. When counseling, it is far more convincing to discuss concrete instances of poor performance or misbehavior than to generalize vaguely about the need to improve. Documentation is a valuable reference for this purpose.

Documentation is simply a written record of unusual or exceptional employee action or behavior, both favorable and unfavorable. Recording superior performance is as important to developing a constructive discipline climate as is the need for documenting substandard behavior. The value of this information is not only that it records individual incidents but it may also indicate trends or patterns in an employee's behavior that might not have been immediately apparent. The gradual improvement or deterioration of an employee's performance which might normally go unnoticed would be illustrated through a review of past performance records. For this reason, it is important to view accumulated documentation as a total picture of employee performance and not as a series of individual unrelated incidents. Supervisory notes normally recorded in personal logs may be used expressly for that purpose. For example:

1. The date, time, and location of incidents.
2. The performance of behavior exhibited by the employee.
3. The consequences of that action or behavior on the employee's total work performance and/or the operation of the unit.

4. The response of the supervisor to the employee's action or behavior.
5. The employee's reaction to the supervisor's attempt to modify or correct such behavior.

Maintaining an accurate record of employee performance provides management with the factual information needed to support formal disciplinary action when required and to identify and recognize exceptional employees in their organization.

D. Records

Suspensions, demotions, reductions-in-pay, and discharges should be reviewed by the Personnel Department and City Attorney's Office prior to being issued. A copy of all written disciplinary action shall be forwarded to the Personnel Department to be placed in the employee's official file (confirmation of oral reprimands are not placed in the employee's personnel file). No written documentation shall be placed in an employee's file without the employee's knowledge.

E. Appeals

Any non-probationary employee who is suspended, reduced in pay, demoted, or discharged shall have the right to appeal pursuant to Personnel Rules XIV and XV. However, if the employee is covered by a Memorandum of Understanding (AMOU) which provides a grievance procedure which includes disciplinary action, the employee must utilize that procedure rather than grieve/appeal under Personnel Rules XIV and XV.

VII. THE "SKELLY" PRE-ACTION PROCEDURE

As a result of Court decisions, public agencies must comply with certain minimal due process procedures before taking serious disciplinary action against their "tenured" employees. These procedures require that:

- A. The employee receive a preliminary written notice of the proposed action stating the date it is intended to become effective and the specific grounds and particular facts upon which the action will be taken. See Appendix E.
- B. The employee be provided with any known written materials, reports or documents upon which the action is based.
- C. The employee be accorded the right to respond either orally, in writing, or both to the proposed charges.
- D. Not all Employees are affected
 1. Ordinarily, procedural due process requirements apply only to permanent employees who, under the agency's local law,

may not be dismissed or disciplined except for good cause.

2. Thus, normally, probationary and "exempt" ("at will") employees, who may under the agency's rules be terminated for any or no cause, are not legally entitled to such pre-action due process procedures (nor to a subsequent post action evidentiary hearing).
 - a. If the agency discloses the reason(s) for the discharge of probationary or exempt employees, the employee may be legally entitled to due process procedures where the reason(s) is/are such that the employee's reputation is stigmatized, and the employee denies the validity of the reason(s).
 - b. Peace Officers, from beginning probationary officer through police chief, are under State law entitled to an administrative appeal of all punitive actions, beginning with written reprimands.

E. Disciplinary Action Must Be Significant Punitive Action

1. Such actions normally involve discharges, demotions and lengthy suspensions.
2. Actions such as reprimands, improvement needed performance evaluations and failure to attain or retain licenses required as a condition of the job may be administered according to established agency practices.

F. Short Suspensions Are Partially Exempt

1. Greater flexibility may be accorded in implementing short suspensions of less than five (5) days. In some cases, the action may be immediately implemented so long as the "Skelly" procedure is then promptly followed. Clarify with the Personnel Department in advance.

G. Written Notice Is Required

1. An employee must receive advance written notice of the proposed action. The notice must:
 - a. State the date the proposed action will be effective and the specific grounds and particular facts upon which the action is taken.
 - b. Inform the employee of his right to respond to the proposed action and of his right to receive a copy of the written materials alleged to support the action.

H. Employees Must Be Allowed A Reasonable Time To Respond

1. Time to respond is fixed by management and must be "reasonable" under all the circumstances.

PROGRESSIVE DISCIPLINE PLAN (PDP)

<u>Option</u>	<u>Occurrence</u>	<u>Action</u>	<u>Severity</u>
<u>A.</u>	First	Counseling	
	Second	Oral Reprimand/ Written Reprimand	
	Third	Written Reprimand/ Suspension	MINOR OFFENSES
	Fourth	Reduction/ Dismissal	
* * * * *			
<u>B.</u>	First	Oral Reprimand/ Written Reprimand	
	Second	Written Reprimand/ Suspension	SERIOUS OFFENSES
	Third	Suspension/ Pay Reduction/ Dismissal	
	Fourth	Dismissal	
* * * * *			
<u>C.</u>	First	Written Reprimand/ Suspension	MAJOR OFFENSES
	Second	Suspension/ Pay Reduction/ Dismissal	
* * * * *			
<u>D.</u>	First	Dismissal	INTOLERABLE

NOTE: An inability rather than an unwillingness to perform satisfactorily may require modification of the above suggested steps.

A SUGGESTED GUIDE TO DISCIPLINARY ACTION

<u>MINOR</u>	<u>OPTION</u>
1. Tardiness	A
2. Unexcused Absence - Leaving jobsite without permission	A
3. Excessive Absence - Exceeds norms (for operating unit or department)	A
4. Excessive Sick Leave - Exceeds norms (for operating unit or department)	A
5. Horseplay	A
6. Wasting Time - engaging in unauthorized personal activities while on City time	A
7. Disobedience - Failure to comply with posted rules	A
8. Marginal Performance	A/B
9. Other - Any other offense which is considered minor in nature	A
 <u>SERIOUS</u>	
1. Chronic Absence - Patterns of absence well in excess of established norms	B
2. Chronic Sick Leave - Patterns of Monday, Friday and day preceding Holiday sickness	B
3. Unexcused Absence - unauthorized leave from position	B
4. Misappropriation (0-\$10) - Theft of City property of nominal value	B
5. Misuse of City property	B
6. Gambling on City property	B
7. Conducting personal business during work hours	B
8. Sleeping on the job	B
9. Unsafe Act - Failing to work safely; endangering self or others	B

SERIOUS (con=t)

- | | | |
|-----|---------------------------------------------------------------------------------------------------------------|-----|
| 10. | Poor Performance | B/C |
| 11. | Improper customer service/public relations | B |
| 12. | Failing to work safely; failing to follow safety rules and procedures; endangering self or others | B/C |
| 13. | Failing to report an accident | B |
| 14. | Threatening a violent act | B/C |
| 15. | Neglect; willful damage or waste of public property | B/C |
| 16. | Improper use, release or removal of information such as City records or sensitive or confidential information | B/C |
| 17. | Other - Any other offense which is considered serious in nature | B |

MAJOR

- | | | |
|----|-----------------------------------------------------------------------------------------------------------------------|-----|
| 1. | Misappropriation (\$10-\$100) - Theft of City property of moderate value | C |
| 2. | Illegal Use of Sick Leave - Usage for other than its intended purpose | C |
| 3. | Falsification or material omission of Personnel Records, Time Reports, Employment Application, or other City Records | C\D |
| 4. | Possession or, use of, or under the influence of Alcohol or controlled substances while on duty or reporting for duty | C/D |
| 5. | Destruction of City Property | C |
| 6. | Refusal to obey instructions or to perform work as directed by a supervisor or other proper authority | C |
| 7. | Dishonesty | C |

MAJOR (con=t)

- | | | |
|-----|----------------------------------------------------------------------------------------------------|-----|
| 8. | Using threatening or abusive language toward a supervisor or other proper authority | B/C |
| 9. | Unauthorized use of City supplies or equipment for purposes other than City business | C |
| 10. | Unsafe operation of a City vehicle, resulting in property damage of \$1,000 or more | C |
| 11. | Sexual/racial harassment | C/D |
| 12. | Unsatisfactory Performance - Consistent performance levels substantially below satisfactory limits | C/D |
| 13. | Other - Any other offense which is considered major in nature | C/D |

INTOLERABLE

- | | | |
|----|---------------------------------------------------------------------------------------------------------------------------------------------|---|
| 1. | Abandonment - Unauthorized absence from the job for a period of three days or longer | D |
| 2. | Misappropriation (\$100+) - Theft or City property of substantial value | D |
| 3. | Bribery | D |
| 4. | Willful Conflict of Interest | D |
| 5. | Sale or Distribution of controlled substances on the job | D |
| 6. | Physical assault | D |
| 7. | Unauthorized carrying, possession, or use of firearms, explosives or any lethal weapons while on the job, on City time, or on City premises | D |
| 8. | Other - Any other offense which is considered intolerable in nature | D |

SAMPLE MEMORANDUM CONFIRMING ORAL REPRIMAND

(To provide both supervisor and employee with a permanent record of a specific violation. **This does not become a part of the employee's permanent personnel file.**)

DATE:

TO: (Employee)

FROM: (Supervisor or Manager)

SUBJECT: Confirmation of Oral Reprimand

This memo will confirm our conversation of (date), during which you received a verbal reprimand for (state the offense in a brief and concise manner).

(Note: Provide background information of the specific incident(s); state what you discussed with the employee and what the employee has agreed to do to correct the situation. If time limits have been agreed to for certain actions, make sure they are included. Make sure you state what the possible negative and positive consequences are if the action is not corrected.)

SAMPLE WRITTEN REPRIMAND

(The purpose of a written reprimand is to make a permanent record of a specific violation of behavior. A copy of the written reprimand is forwarded to the Personnel Department for retention in the employee=s permanent personnel file. The original memo should go to the employee, and the supervisor should retain a copy for his or her files.)

DATE:

TO: (Employee)

FROM: (Supervisor/Manager)

SUBJECT: WRITTEN REPRIMAND

Date:

(Start out by stating, in a brief and concise manner, those events that have led up to the written reprimand. Example:

As you will recall, on (date), I talked to you regarding (situation). We again discussed this on (date).

(Be sure to include specific situations with dates and times.)

As a result of the above situation(s), this memo shall serve as a written reprimand, a copy of which will be placed in your permanent personnel file.

(Identify the specific expectations you have for the employee to change.)

(Depending on the nature of the situation, you may want to use one of the following, where appropriate.)

Further actions of this nature could result in further disciplinary action up to, and including, dismissal.

OR

Failure to correct this situation by (date), could result in further disciplinary action up to, and including, dismissal.

Should you wish to discuss this situation further, please arrange a meeting with me.

(In accordance with the (Bargaining Group) Memorandum of Understanding, Article _____, you have the right to grieve this action.

SAMPLE NOTICE OF INTENT TO TERMINATE (OR SUSPEND OR DEMOTE)

(To inform employee of intended disciplinary action prior to taking such action.)

DATE:

TO: (Employee)

FROM: (Supervisor/Manager)

SUBJECT: Notice of Intent to Terminate (Suspend or Demote)

This is to advise you that I am proposing that you be terminated (*suspended or demoted*) from your job of (*job title*), effective at the end of your regular work shift on (*date -- at least 5 working days from date of letter given employee*).

The action is proposed to be taken for the following listed grounds:
(List all applicable rules or ordinance numbers).

1. Violation of Personnel Rule X, Section 3 - Sick Leave.
2. Violation of (Bargaining Unit) Memorandum of Understanding, Article 15-5 - Notification of Sick Leave@
3. Personnel Procedure Chapter 26, ADisciplinary Action@, Appendix B, - AChronic Sick Leave@ and AUnexcused Absence@.

The above grounds are based on the following acts or omissions:
(Set forth clearly and specifically all of the details, dates, places, and events which give rise to the action).

As you will recall, on (*date*) (*list all previous oral reprimands, written reprimands, and suspensions relevant to this disciplinary action*).

Copies of all documents, your personnel file, and other material which support the proposed action are available in the (*location*) for your review upon request during regular office hours.

If you believe this action is not appropriate, you have the right to respond to me either orally or in writing by (*date -- at least 5 working days from date letter is delivered to the employee*). Your response will be considered before final action is taken.

If you wish to respond orally, please contact (*person's name*) so that a specific time can be set for your oral response. Written responses must be sent to (*person=s name*) at (*address*).

SAMPLE NOTICE OF TERMINATION (OR SUSPENSION OR DEMOTION)

(To inform employee of disciplinary action finalized after the Skelly pre-action notice and right to respond by the employee.)

DATE:

TO: (Employee)

FROM: (Supervisor/Manager)

SUBJECT: Notice of Termination (*Suspension or Demotion*)

After carefully considering your oral (*or written*) response on (*date*) to the Notice of Intent to Terminate letter dated (*date*), I have decided that it is appropriate to proceed with the action terminating you from your job of (*job title*) effective at the end of your regular work shift on (*date*).

This action is based on the following listed grounds:

(List all applicable rules or ordinance provisions; essentially, you may duplicate the provisions of the Notice of Intent letter).

1. Violation of Personnel Rule X, Section 3 - Sick Leave.
2. Violation of (Bargaining Unit) Memorandum of Understanding, Article 15-5 - Notification of Sick Leave@
3. Personnel Procedure Chapter 26, ADisciplinary Action@, Appendix B, - AChronic Sick Leave@ and AUnexcused Absence@.

The above grounds are based on the following acts or omissions:

(Set forth clearly and specifically all of the details, dates, places, and events which give rise to the action; essentially, you may duplicate the provisions of the Notice of Intent letter).

This action is being taken because the following prior disciplinary actions proved ineffective: *(List all previous oral reprimands, written reprimands, and suspensions relevant to this disciplinary action; essentially you may duplicate the provisions of the Notice of Intent letter).*

In accordance with the (Bargaining Group) Memorandum of Understanding, Article _____, you have the right to file a grievance within 5 working days if you wish to grieve this matter.