

DISCIPLINE & SEPARATION

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A. DEFINITIONS

1. Cause - Actions or events which constitute a violation of Tooele City policies, procedures, and regulations.
2. Discipline / Disciplinary Action - Administrative steps taken by Tooele City to address violations of Tooele City policies, procedures, and regulations.
3. Dismissal - Separation from employment which is initiated by Tooele City Corporation.
4. Resignation - Separation from employment which is initiated by the employee.
5. Separation / Separate - Generic term used to describe a change of employment status from active to inactive, including dismissal and resignation.

B. POLICY

1. It is the responsibility of each employee to observe those policies, procedures, and regulations necessary for the proper operation of city government functions. In no specific order, the administrative actions appropriate to address violations of those policies, procedures, and regulations include verbal warning, written reprimand, suspension for up to 80 hours with or without pay, demotion or reduction in salary, indications on annual and other performance evaluations, corrective actions plans, probationary periods, other reasonable actions deemed appropriate and approved by the Mayor, and/or dismissal.

C. DISCIPLINARY ACTION

1. Whenever cause for disciplinary action exists, the supervisor and/or department head shall be responsible for implementation of such action. Notification of the action should be documented by the supervisor and/or department head, delivered to the subject employee for a signature of acknowledgment of receipt, and returned the signed document to the Director of Human Resources, together with any supplementary information, for inclusion in the employee=s personnel file. Disciplinary actions and related documents shall remain in the employee=s file indefinitely. However, an employee who has not received any disciplinary action within three years of receiving the original discipline may petition the employee grievance appeal board for expungement from the employee=s personnel file. An employee who is subject to disciplinary action may appeal through the Tooele City Grievance Procedure, herein, except that employees may not grieve disciplinary action imposed during their orientation period or for cause arising during their orientation period. Supervisors/department heads are encouraged to also complete a computerized entry on the electronic performance evaluation program (i.e. a

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Significant Incident Record) to document that a formal disciplinary action was given.

D. VOLUNTARY RESIGNATION & REINSTATEMENT IF REHIRED

1. Employees who resign from their employment with the City are encouraged to provide their supervisor with written notice fourteen (14) calendar days prior to their last day of work. Notice of resignation should be submitted both to the Director of Human Resources and to the employee's supervisor. Employees who comply with this requirement may also arrange to have their final paycheck available at the close of their last day of work.
2. Employees who are rehired within twelve (12) months of their separation date shall receive credit for prior service (not including the break in service time) and shall receive reinstatement of sick leave benefits forfeited at the time of separation. Employees who are rehired after twelve (12) months of their separation date shall not be entitled to any reinstatement of prior service or benefits except for those specific benefits required by law.

E. DISMISSAL OF EMPLOYEES WHO HAVE NOT COMPLETED THEIR ORIENTATION PERIOD

1. Employees who have not successfully completed their orientation period may be dismissed from employment at any time. The dismissing supervisor or department head shall document the circumstances of the dismissal and provide that documentation to the Director of Human Resources. Employees who have not completed their orientation period may not appeal a dismissal through the Tooele City Grievance Procedure, herein.

F. DISMISSAL OF REGULAR EMPLOYEES

1. Employees are not subject to dismissal except for cause, reduction in force, or lack of funds. A regular employee may grieve an involuntary dismissal through the Tooele City Grievance Procedure, herein.
2. Due Process - Prior to deciding if a regular employee is to be dismissed for cause, the employee shall be given due process and an opportunity to respond to the allegations against the employee.
3. Grounds for Immediate Dismissal - The following includes, but is not a limitation to, examples of offenses which may result in immediate dismissal:
 - a. Refusal to comply with the lawful instruction of a supervisor or department head, or authorized designee, unless such instruction is injurious to the

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- employee=s or the general public=s health or safety;
- b. Insubordination, which shall mean disobedience to the lawful instructions of a supervisor or department head, including refusing or failing to submit to, or challenging, the authority of a supervisor or department head;
- c. Conviction of: any felony, any sexual crime, or any crime involving violence (i.e. domestic abuse, assault, etc.) or dishonesty (i.e. theft, forgery, etc.);
- d. Indulging in offensive conduct or using threatening, obscene, or demeaning language toward the public, City officers, or employees;
- e. Intentional or knowing reckless or negligent conduct which endangers the health or safety of the employee, other employees, or the general public;
- f. Inducing or attempting to induce any employee in the service of the City to commit an unlawful act in violation of City policies, procedures, or regulations;

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- g. Using, threatening, or attempting to use personal or political influence in an effort to secure special consideration as a City employee;
 - h. In competency and inefficiency in the performance of job duties resulting formal documented disciplinary action;
 - i. Recklessness (when a person knows or should have known that an action would cause a certain result) or negligence (when a person disregards the potential risks of committing an action) with City monies or property;
 - j. Theft or intentional destruction of City property;
 - k. Intentional or knowing falsification of personnel records, time reports, or other City records;
 - l. Sleeping while on duty except as provided for in official City regulations;
 - m. Failure to obtain or loss of - any certification, license, or other qualification necessary to perform the job, as specified by the job description, other than for reasons of permanent or temporary disability. Any certification, license or other necessary qualification lost due to a temporary disability must be regained within a reasonable time, as determined by the supervisor or department head, upon the disability being removed;
 - n. Violation of City policies, procedures, or regulations;
 - o. Other reasons deemed valid by the Mayor to disrupt the workforce or discredit the city.
4. Grounds for Dismissal Following Two Notices - If an employee receives two written notices for the same or different offenses of the following list within a twelve month period, the employee may be dismissed at the time of issuance of the second notice:
- a. Excessive absenteeism and/or tardiness;
 - b. Horseplay and related kinds of activity which create safety hazards;
 - c. Violating a safety rule or practice;
 - d. Smoking in posted or unauthorized areas;
 - e. Failing to report to work without notifying the department head/supervisor or management, unless it is impossible to give such notice;
 - f. Inattentiveness to work, failing to start work at the designated time, quitting work early or leaving the work premises without authorization from the department head/supervisor or mayor;
 - g. Vending, soliciting, or collecting contributions on the City=s time or premises without proper authorization.

G. DISMISSAL OF APPOINTED EMPLOYEES

1. Subject to the Tooele City Charter, appointed employees shall have no expectation of continued employment or appointment to their position. Subject to the Tooele

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City Charter, appointed employees may be separated with or without cause and shall serve at the complete preference of the current Mayor.

H. LAYOFFS

1. When circumstances such as lack of funds or lack of work dictate the need for a reduction in force, the necessary number of employees shall be laid off. The selection of employees to be laid off shall be based on the employee=s ability to perform their work assignments. As a minimum, experience in the job, performance reviews for current and past jobs, and certifications/licenses shall be reviewed and evaluated. Seniority shall govern the selection when employee review of such material indicates that employee=s abilities are similar.
2. Where lay-offs are deemed necessary by the City, the City shall make reasonable efforts to maintain the job security of current employees by considering the following alternatives, if available and practical, in no particular order of priority:
 - a. demoting employees to previous positions;
 - b. promoting employees based on merit and qualifications;
 - c. transferring employees to other departments;
 - d. replacing employees with less seniority and qualifications in favor of employees with more seniority and qualifications; and
3. Employees who are laid off and rehired within twelve (12) months of their separation date shall receive credit for prior service (not including the break in service time) and shall receive reinstatement of sick leave benefits forfeited at the time of separation.

I. SEPARATION NOTICE AND EXIT INTERVIEW

1. An employee=s department head or supervisor shall complete a Separation Notice (Form #4) and, if possible, conduct an Exit Interview (Form #4) when an employee separates from employment. The Director of Human Resources may complete the Separation Notice and conduct the Exit Interview if the department head or supervisor is unavailable.

J. FINAL PAYCHECK

1. When an employee separates from employment and prior to receiving their final paycheck, the employee shall clear all financial obligations, return all keys, tools, equipment, and other City property that is documented or clearly identified to have been issued to the employee. By signing the Personnel Policies & Procedures Receipt and Acknowledgment, provided at the time of hire, employees agree to this term of employment. Final paychecks shall include compensation for all

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earned, unused annual leave up to the annual maximum plus the current year accrual, plus any unused compensatory time.