

CORRECTIVE ACTION, DISCIPLINE, & SEPARATION

Revised December 2008

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A. POLICY

Although Tooele City seeks to use progressive principles to address workplace concerns, the City reserves the right to initiate corrective action or discipline at any stage as deemed by management to be appropriate. Temporary, seasonal, on-call, appointed, or employees completing their orientation period have no expectation of continued employment and may be terminated at any time with cause or without cause and with or without following progressive discipline.

B. CORRECTIVE ACTION

Tooele City believes it is important to bring matters or concerns needing correction to the attention of employees so that employees may realize success.

1. Corrective action measures are deemed prudent management principles relating to the ongoing performance management processes and are non-punitive.
2. For records classification purposes corrective actions are not considered formal disciplinary actions.
3. Corrective action measures may include, but are not limited to:
 - a. Verbal notices;
 - b. Written notices of correction;
 - c. Notation of Significant Incidents via a level 1 or 2 "SIR";
 - d. Meeting with the employee for counseling, discussion, or additional training;
 - e. General memos;
 - f. General orders or directives;
 - g. Indications on annual and other performance evaluations; or,
 - h. Corrective action plans.

C. DISCIPLINE/DISCIPLINARY ACTION

Sometimes corrective action measures are not successful or are deemed by management to be inappropriate for the given circumstances. In such cases, disciplinary action may be warranted.

1. In no specific order, disciplinary action may include, but is not limited to:
 - a. Written reprimand;
 - b. Suspension (time off) without pay for up to 80 hours;
 - c. Involuntary demotion;
 - d. Reduction in salary; or
 - e. Termination.

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2. Prior to issuing discipline the supervisor and/or department head should meet with the employee to discuss the concern and provide the employee with the opportunity to respond and present his/her side of the story.
3. The supervisor and/or department head should take under advisement the information provided by the employee and other relevant information, and issue discipline deemed appropriate for the severity, consistent with policy guidelines, and consistent with discipline issued to other employees for similar severity.
4. The disciplinary record is to be documented and delivered to the employee for a signature of acknowledgment of receipt and returned to the Director of Human Resources. In circumstances where the employee is not available for signature, other notation should be made on the record showing how the employee was notified of the discipline. Investigations files, notes, or other supplementary materials should be kept in a file separate from the personnel file. It is recommended that these be forwarded to the Director of Human Resources or kept in locked or confidential files by the supervisor.
5. Employee may appeal certain disciplinary actions via the Tooele City Grievance Procedure, herein this Manual.
6. Disciplinary actions remain in the employee's personnel file and may not be expunged once the grievance period relating to the original issuance of the discipline has passed.

D. EXAMPLES OF OFFENSES AND APPROPRIATE DISCIPLINARY ACTION

The following examples of causes for disciplinary action serve as a guideline. These examples are not intended to cover every possible type of misconduct or violation and do not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to the efficient operation of the City.

1. Grounds for Immediate Dismissal. The following types of offenses warrant dismissal upon first occurrence:
 - a. Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful and safe directives and orders from any supervisor or person of authority; or challenging the authority of any supervisor or person of authority;
 - b. Conviction of any criminal offence which in the opinion of management adversely affects the employee/employer relationship, whether on- or off-duty;

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- c. Conviction of any felony crime, any sexual crime, any crime involving violence (i.e. domestic abuse, assault, etc.), any crime of dishonesty (i.e. theft, forgery, etc.), or any crime directly related to the employee's ability to perform his/her job (i.e. DUI when the job requires driving);
- d. Misappropriating or misusing public funds;
- e. Engaging in disorderly or indecent (lewd, sexual, etc.) conduct,
- f. Engaging in acts of workplace violence or threats, whether on or off duty, whether direct or implied;
- g. Using profane, obscene, or demeaning language toward others;
- h. Engaging in conduct which has the potential to endanger the health or safety of others;
- i. Inducing or attempting to induce any employee in the service of the City to commit an unlawful act in violation of law or City policies, procedures, or regulations;
- j. Using, threatening to use, or attempting to use personal or political influence in an effort to secure special consideration as a City employee;
- k. Offering or accepting a bribe or other valuable consideration with a view of corrupting the behavior of a person;
- l. Continued incompetency and inefficiency in the performance of job duties despite prior disciplinary action;
- m. 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;
- n. Theft or the wrongful borrowing, loaning, selling, giving away or appropriating any City property for the personal use of the employee or any unauthorized person;
- o. Falsifying any work-related records, the making of misleading entries or statements which can reasonably be inferred to be done so with malicious intent or intent to deceive, or the willful and unauthorized destruction and/or mutilation of any City records, book, paper, or documents;
- p. Failing to disclose, or misrepresenting material facts, or the making of any false or misleading statement either verbally or in writing form including, but not limited to, examinations, official documents, report forms, or during the course of any work-related investigation;
- q. Refusing to cooperate or provide information during an internal investigation;
- r. Engaging in deliberate acts of discrimination or harassment or instructing or aiding someone to commit an act of discrimination, harassment, or victimization in breach of the Equal Opportunities and Harassment policies herein this Manual;
- s. Retaliating against an employee who has engaged in a legally protected right;
- t. Violating a serious safety rule or practice such as driving recklessly, operating equipment employee is not authorized to operate, removing safety devices from

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equipment, horseplay and other related kinds of conduct that has the potential to put other's safety in jeopardy;

- u. Smoking in posted "No Smoking" or unauthorized areas;
- v. Sleeping while on duty except as provided for in official City regulations;
- w. Failing to obtain or maintain - any certification, license, or other qualification necessary to perform the job. 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; or,
- x. Other reasons deemed valid by the Mayor to have the potential to bring the City into disrepute or to disrupt the workforce.

2. Grounds for Dismissal Following Two Notices. The City believes the following types of offenses warrant progressive discipline and may result in dismissal if the employee has received a first disciplinary action for the same or different offenses of the following list within a twelve month period:

- a. Failing or refusing to properly perform the assigned functions and duties;
- ~~b. Violating attendance policies including;~~ (Insert with c below)
- c. *Violating attendance policies including* quitting work early or leaving the work premises without authorization from the appropriate supervisor, department head/supervisor, supervisor's authorized representative for attendance or scheduling purposes, or the Mayor;
- d. Unsatisfactory work performance, including but not limited to, poor quality work, failing to perform assigned tasks, incompetence, inefficiency or delay in performing and/or carrying out proper instructions, work assignments or directions of supervisors without reasonable and bona fide and acceptable reason;
- e. Being inattentive to work, wasting time, or inefficiently using City time including but not limited to, excessive time on a telephone, e-mail, or text messaging; excessive visiting for non-City business; driving longer distances than necessary to get from one location to another; and loitering in others' work areas for non-City business;
- f. Improperly or carelessly using equipment, including at fault vehicle accidents deemed to be minor, leaving tools unattended resulting in theft, and failure to report damage to equipment;
- g. Failing to follow dress and grooming standards;
- h. Failing to report a work-related accident within 24 hours unless it was impractical to do so;
- i. Engaging in horseplay and related kinds of activity which create safety hazards;
- j. Violating a minor safety rule or practice such as failure to wear protective clothing or use required safety equipment;

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- k. Smoking in posted or unauthorized areas;
- l. Engaging in unauthorized and/or excessive personal use of any means of City-issued equipment including the telephone system, electronic mail, internet, cellular phones, and radios; or,
- m. Vending, soliciting, or collecting contributions on the City's time or premises without proper authorization.

E. DISMISSAL OF APPOINTED EMPLOYEES

Subject to the Tooele City Charter and State law, appointed employees have no expectation of continued employment or appointment to their position. Subject to the Tooele City Charter, appointed employees may be separated with or without cause and serve at the complete preference of the current Mayor.

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

Employees who have not successfully completed their orientation period may be dismissed from employment at any time with or without cause. The dismissing supervisor or department head should 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 this Manual.

G. LAYOFFS/REDUCTION IN FORCE

1. When circumstances such as lack of funds, restructuring, or lack of work dictate the need for a reduction in force, the necessary number of employees may be laid off.
2. The selection of employees to be laid off is based on the ability to perform the duties of the job being kept on staff either as it exists or as it is expected to exist due to restructuring or other changes in task assignments. As a minimum, applicable experience and qualifications for the remaining job, performance reviews for current and past jobs, and certifications/licenses applicable to the remaining job may be reviewed and evaluated. Seniority in the Department serves as a tiebreaker when review of such factors indicates that employees' abilities are similar. For purposes of this Section, seniority will be calculated first by the credited service time as a benefit eligible employee in the Department, and will then take into consideration credited service time as a benefit eligible employee for the City, and then will take into consideration credited service time as a seasonal, and then credited service time as a temporary employee.
3. Once an employee has been identified for lay-off, the City may make reasonable efforts to maintain the job security of such employees by considering the following

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alternatives, if available and practical, in no particular order of priority:

- a. Demoting employee(s) to previous position within the same department or demoting to other open position;
- b. Promoting employee (s) based on merit and qualifications;
- c. Transferring employee(s) to an open position; or
- d. Replacing employee(s) within the City with lower qualifications for the remaining position and less seniority in favor of employees with better qualifications for the remaining position and more seniority.

4. Any employee who is laid off and rehired within twelve (12) months of their separation date receive credit for prior service (not including the break in service) and receive reinstatement of sick leave benefits forfeited at the time of separation.

H. VOLUNTARY RESIGNATION

An employee who resigns from employment is encouraged to provide their supervisor with written notice at least fourteen (14) calendar days prior to their last day of work. It is also appropriate to notify the Director of Human Resources.

I. CREDITED SERVICE TIME AND BENEFIT REINSTATEMENT IF REHIRED

An employee who is rehired within twelve (12) months of their separation date receive credit for prior service (not including the break in service) and receive reinstatement of sick leave benefits according to the Sick Leave policy herein this Manual. An employee who is rehired after twelve (12) months of their separation date is not entitled to any reinstatement of prior service or benefits except for any legally required benefits.

J. SEPARATION NOTICE AND EXIT INTERVIEW

An employee's department head or supervisor should complete a Separation Notice form, and when possible an exit interview, and return it to the human resource department.

K. FINAL PAYCHECK

When an employee resigns voluntarily, the final paycheck is issued with the regular pay period. When an employee is separated involuntarily, the final paycheck is issued within 24 working hours of notification of separation.