

## **17-DISCIPLINARY ACTION**

In instances when an employee fails to respond to corrective actions, or when an employee's conduct is so seriously inappropriate that disciplinary actions are warranted, the disciplinary measures which may be applied include, but are not limited to:

- Warning
- Oral Reprimand
- Written Reprimand:
  - a) 12-Month letter
  - b) Permanent letter
- Reassignment of work responsibilities
- Probationary Status
- Suspension Without Pay
- Demotion
- Dismissal

Employees shall remain aware that while department heads are encouraged to implement corrective action prior to disciplinary action, they are not obligated to do so. Inadequate performance and misconduct on the part of the employee may result in immediate disciplinary action.

The corrective or disciplinary action applied will depend on the nature of the misconduct or unsatisfactory performance. In order to assist both employee and supervisor in the process of improving performance, misconduct and performance issues have been grouped according to seriousness. Guidelines for appropriate corrective and disciplinary action have been supplied for each group. Employees and supervisors should keep in mind that these groups and guidelines are not definitive, and individual or situational circumstances may justify and require action more or less severe than the guidelines suggest.

*NOTE: The groups below are taken directly from the 1992-1994 Commonwealth of Virginia Employee Handbook.*

**17.1 First Group Offenses.** First group offenses include types of behavior least severe in nature but which require correction in the interest of maintaining a productive and well-managed work force. Group I offenses include, but are not limited to:

- a) Unsatisfactory attendance or excessive tardiness
- b) Abuse of city time. Examples: Unauthorized time away from the work area, use of city time for personal business, abuse of sick leave.
- c) Obscene or abusive language.
- d) Inadequate or unsatisfactory job performance.
- e) Disruptive behavior.
- f) Conviction of a moving traffic violation while using a city vehicle.

Group I offenses, in most instances, should be managed through corrective action. If the problem persists, disciplinary action should take the form of oral and written reprimands. Accumulation of three written reprimands within a 1-year period shall justify suspension or dismissal.

**17.2 Second Group Offenses.** Group II offenses include conducts that are more severe in nature such that additional offenses shall warrant removal in most instances. Group II offenses include, but are not limited to:

- a) Failure to follow a supervisor's instructions, perform assigned work, or otherwise comply with established city policies.
- b) Violating safety rules when there is not a threat of bodily harm.
- c) Reporting to work when impaired by or under the influence of alcohol, or the unlawful use of controlled substances.
- d) Leaving the work site without permission during working hours.
- e) Failure to report to work as scheduled without proper notice to supervisory personnel.
- f) Unauthorized use or misuse of government property or records.
- g) Refusal to work required overtime.

Group II offenses shall normally result in a written reprimand and suspension without pay not to exceed 10 days. A second Group II offense shall normally result in the dismissal of the employee. Mitigating circumstances may justify demotion rather than dismissal.

**17.3 Third Group Offenses.** Group III offenses include conduct and unsatisfactory performance so severe in nature that dismissal is usually warranted on the first occurrence. Group III offenses include, but are not limited to:

- a) Fighting or other acts of physical violence.
- b) Absence in excess of 3 days without proper authorization or satisfactory reason.
- c) Falsifying or unauthorized removal of any record or file.
- d) Willfully or negligently damaging records, the property of other individuals, or city property.
- e) Theft.
- f) Violating safety rules where there is a threat of bodily harm.
- g) Sleeping during working hours.
- h) Unauthorized possession or use of firearms, dangerous weapons or explosives.
- i) Criminal convictions for acts of conduct occurring on or off the job that are plainly related to job performance or are of such a nature that to continue the employee in the assigned position could constitute negligence in regard to the department's duties to the public or other city employees.

Disciplinary actions for Group III offenses should normally be notice and dismissal or, under mitigating circumstances, notice and suspension without pay up to 30 days. Demotion or transfer may also be necessary and appropriate.

It shall be the responsibility of the department head and the Human Resources Director to determine the appropriate disciplinary action. Instances of suspension without pay of more than 10 days will require a hearing with the Human Resources Director, the department head, immediate supervisor, and employee. The Human Resources Director shall hear the facts and circumstances which justify an extended suspension. The employee may present reasons for mitigating the extended suspension.