



POLICY AND PROCEDURE

POLICY NUMBER: 220-502

POLICY TITLE: DISCIPLINARY ACTION

EFFECTIVE DATE: June 1, 1999 REVISION DATE: November 1, 2001,

APPROVED BY: _____
CITY MANAGER

Confirmed by Council of The Columbus Consolidated Government, Ordinance No. 01-101 Dated the 25th day of October, 2001. Ord. # _____

STATEMENT OF POLICY:

At times other than the stipulated appraisal times, performance that is below acceptable standards or conduct contrary to City policies and work rules (see policy 220-501 *Work Rules*) is documented on the *Employee Disciplinary Record*. It is City policy that substandard work and unacceptable conduct will be addressed using Progressive Discipline unless the deficiency occurs during the “initial probationary period” or is so severe as to warrant immediate termination.

SCOPE:

This policy applies to all employees of the Columbus Consolidated Government. *Employees of elected officials, who have not been placed in the Merit System, may not be included.*

RESPONSIBILITY:

It is the responsibility of all employees to understand and to observe City policies and work rules and when failing to do so, to actively participate in the Progressive Discipline process.

It is the responsibility of all supervisors and managers to administer the policies and work rules of the City and the department in a fair, consistent and impartial manner and to use Progressive Discipline as a tool to improve the efficiency and productivity of their departments and staff.

It is the responsibility of the Mayor, the City Manager, the Department Heads, the Affirmative Action Officer and the Human Resources Director, to assure that the City policies and work rules are administered fairly, consistently and impartially as part of the advisory and overview responsibilities of their positions.

PROCEDURE:

Employee Disciplinary Records and Progressive Discipline

1. An Employee Disciplinary Record will be prepared to document performance that is below acceptable standards or to document inappropriate behavior.
2. The Employee Disciplinary Record will include evidence of counseling, additional training provided or suggested, unusual conditions or circumstances, witnesses, etc. and the employee's own comment about the situation. If the deficiency is so severe as to warrant termination should it persist, the consequence will be explained to the employee and documented with a time limitation for correction, and a statement must be written that at the next occurrence of the inappropriate behavior, the employee may be terminated.
3. Unless immediate termination is warranted our policy is to use Progressive Discipline or a succession of increasingly severe disciplinary actions that will eventually result in termination if the deficiency is not corrected, the inappropriate behavior is not discontinued or a combination thereof. Based on the infraction, the level of progressive discipline may vary and not necessarily start at Step 1. Thus, a significant violation of policy may warrant a more severe disciplinary action than Step 1 might offer.

The order of progression will normally be as follows:

- The first correction may be verbal if the infraction is minor. An Employee Disciplinary Record form is not required, however a notation of the event will be recorded and placed in the employees departmental file (*The Incident Reminder/Appraisal & Coaching Log* available from Human Resources is a good form to use).
- The second correction will normally be written (Employee Disciplinary Record) and will be placed in the employee's personnel file. It will include reference to the increasing severity of the corrective action and the consequences explained to the employee for failure to correct the deficiency.
- The third correction will be written (Employee Disciplinary Record), placed in the personnel file and will normally include a period of probation. *Probation is defined as a specified period of time, normally 30 to 90 days, during which a repetition of the same or similar inappropriate behavior or work rules violation could accelerate the Progressive Discipline process, up to and including termination.*
- The fourth correction will be written (Employee Disciplinary Record), placed in the personnel file and will normally include a period of probation and suspension without pay. With the approval of the Department Director, the period of suspension may be from one (1) to fifteen (15) days in length based upon the severity of the event and should be given at the department's convenience. **Coordination and consultation¹ with the Human Resources Director is required for suspension without pay for a period of time exceeding five (5) days.** The disciplinary interview must emphasize the jeopardy that the employee has put themselves into and the *Employee*

Disciplinary Record will contain a statement that **the next correction will result in more severe actions to include possible termination.**

- The next correction will normally result in a recommendation for termination, documented on an Employee Disciplinary Record. **Approval of the Department Director must be obtained and coordination/consultation¹ with the Human Resources Director must occur in advance.** *Employees may be suspended without pay for up to five (5) days and directed to leave the work area pending the approval process. Refer to Policy No. 220-503 *Involuntary Termination* , for exact termination procedures.*
- The Department Director in lieu of termination or at any other disciplinary step may consider demotion in position or rank where it is deemed beneficial to the employee and/or to the City. **Prior coordination and consultation¹ with the Human Resources Director is required.**
- **Employee Disciplinary Record forms are to be forwarded to the Human Resources Director within 24 hours of the disciplinary interview.**
- After 24 months of satisfactory performance by an employee, with no disciplinary actions, the Progressive Discipline process will normally start over at the first correction level.
- If an employee maintains satisfactory performance for three (3) years after a third level correction (written warning with probation) and/or five (5) years after a fourth level correction (suspension and/or demotion), then the prior corrections shall not be used as a deterrent to the employee being considered for promotion, transfer or other favorable treatment.

These steps may be accelerated or modified if circumstances warrant. If you are not sure of the appropriate level of disciplinary action, seek advice from your department head and/or the Human Resources Director. Until a correction results in termination, all corrections should be constructive with expectations explained, then monitored and feedback given in a reasonable period of time. The employee is expected to be an active and willing participant in the corrective process and failure or unwillingness to cooperate should be noted on the Employee Disciplinary Record form and taken into consideration when assessing the progressive discipline level of the current or subsequent events.

¹ **The purpose of coordination and consultation with the Human Resources Director is to assure consistency of disciplinary actions between the departments and compliance with City policies and the various federal and/or state statutes. The department head is free to accept the advice of the Human Resources Director or may schedule an executive conference to discuss the issue. The executive conference will include the department head, the Human Resources Director, the City Attorney or Assistant City Attorney and the Mayor and/or City Manager.**

Arrests and convictions of City employees for criminal behavior are considered serious infractions of our Work Rules, Policy 220-501, and must be reported by the employee to his/her Department Director the next business day following the incident. Our response will be guided by a delicate balance between safety/security concerns for our citizenry and the rights of the employee to be treated fairly. In this context, we shall treat information received regarding such incidents, as well as the contents of any subsequent internal investigation, with the maximum confidentiality possible. For purposes of this procedure, criminal behavior is divided into felony and misdemeanor classifications, with appropriate procedures for each.

Felony Arrests and Convictions:

1. For purposes of this procedure, felonies are acts defined as such by the Official Code of Georgia or the United States Code.
2. Employees arrested and/or charged with felonies shall be placed on administrative leave without pay until an administrative investigation is completed or the employee is convicted.
 - Upon notification of a felony charge, the Department Director or his/her designee shall conduct an administrative investigation of the charges and surrounding circumstances. This investigation can continue or remain open as long as deemed necessary and can be re-opened upon the receipt of new or additional information or events.
 - When the investigation is completed, in consultation with the Human Resources Director, the Department Director may discipline the employee in a manner consistent with CCG Work Rules, Policy 220-501, which prohibits conduct constituting a felony under the laws of Georgia irrespective of whether or not criminal charges are brought for such conduct or the final disposition of any such charges by a court of law. Discipline may be up to and including termination of employment.
 - A felony conviction shall result in termination of employment.
 - A non-conviction shall result in an additional administrative investigation, which may result in reinstatement, modification of any disciplinary action issued, issuance of a disciplinary action in a manner consistent with CCG Work Rules, Policy 220-501, up to and including termination of employment, and/or inaction as deemed appropriate by the Department Director in consultation with the Human Resources Director.

Misdemeanor Arrests and Convictions:

1. For purposes of this procedure, misdemeanors are acts defined as such by the Official Code of Georgia, as well as City ordinances and/or traffic violations, involving drugs, alcohol, or moral turpitude.
2. Employees arrested or charged with misdemeanors, as defined above, may be allowed to continue working in their current position, may be temporarily reassigned to another position, or may be placed on administrative leave with or without pay, as dictated by the circumstances, until the required administrative investigation(s) is completed.
 - Upon notification of a misdemeanor charge, the Department Director or his/her designee shall complete an administrative investigation of the charges and surrounding circumstances. This investigation can continue or remain open as long as deemed necessary and can be re-opened upon the receipt of new or additional information or events.
 - When the investigation is completed, in consultation with the Human Resources Director, the Department Director may discipline the employee in accordance with CCG Work Rules, Policy 220-501. Discipline may be up to and including termination of employment.
 - A misdemeanor conviction or non-conviction shall result in an additional administrative investigation, which may result in reinstatement, modification of any disciplinary action issued, issuance of a disciplinary action in a manner consistent with CCG Work Rules, Policy 220-501, up to and including termination of employment, and/or inaction as deemed appropriate by the Department Director in consultation with the Human Resources Director.

Disciplinary Action 220-502