

EXHIBIT B

12.00 DISCIPLINE

The City maintains a system of progressive discipline, designed to uphold workplace standards and ensure accountability. Disciplinary actions will be administered uniformly and consistently, with a commitment to fairness, proportionality, and adherence to established policies.

All employees are expected to meet performance standards. Violations of standards will be addressed through a structured and fair process that encourages improvement while at the same time protecting the integrity of the workplace. ~~The City expects its employees to accept reasonable and appropriate work assignments willingly and to perform them in a satisfactory manner. Employees are also expected to comply with all rules, regulations and policies pertaining to job performance standards and personal conduct on the job. If an employee fails to perform satisfactorily or if their personal conduct is unacceptable, disciplinary action may be taken.~~

All reasonable efforts will be made to ensure due process to the employee. The City will attempt to review and resolve all employee problems as promptly and equitably as possible. All employees will be provided with a fair, expedient, objective and consistent means of resolving work-related problems.

12.01 JUST CAUSE

12.01 ~~Disciplinary action~~ DISCIPLINARY ACTIONS SUBJECT TO REVIEW

Supervisors and managers act as authorized agents of the City and punitive sanctions administered by management ~~may be taken against an~~ subject to review. Management shall always be able to justify disciplinary actions via thorough documentation and/or verifiable testimony of witnesses.

12.02 PROCEDURE

12.02.01 Management must make a reasonable effort to assure that the work force at large, and each individual employee ~~for just~~, is aware of the rules and what criteria constitute acceptable job performance. All employees shall be furnished with a copy of this policy, their job description, a briefing by their supervisor covering job assignments, working hours, break times, appropriate dress, and any other reasonable and relevant topics particular to the specific job and assigned functions.

12.02.02 Management must conduct a thorough, impartial and objective investigation to fully determine all the facts surrounding an incident or issue, and act in a timely manner. The following factors must be specifically addressed:

- Define the incident or issue in very precise terms.

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- Determine who was involved, if there were any witnesses and how the matter was brought to management's attention.
- Indicate the date, time and exact location of the incident.

12.02.03 The employee involved must be provided a meaningful opportunity to present information on the issue or incident.

12.03.04 The form of discipline to administer must be based on the following considerations:

- The disciplinary action must be proportional to the offense (i.e., must not be excessive).
- Discipline must be applied consistently throughout the organization.

12.03 WORKPLACE STANDARDS

12.03.01 Workplace standards are principles, guidelines and expectations that define acceptable behavior, performance, and conduct by City employees. These standards help to ensure a safe, respectful and productive work environment that align with City values, legal requirements and best practices. High workplace standards promote professionalism, integrity and accountability. The following behaviors are prohibited:

Carelessness and Negligence. An improper act or omission that could result in inefficiency of the operation or ~~cause~~ Just minor injuries, or property damage

Confidentiality Breach. Releasing confidential documents/information, sharing confidential information with others, attempting unauthorized access to confidential information, accessing confidential information for a non-business purpose.

Consumption of Alcohol and/or Alcohol Related Conduct. Reporting for duty while under the influence of alcohol; possession of an open container; consumption of alcoholic beverages while on duty.

Dishonesty or Falsification of Records. Intentionally providing false and/or erroneous work-related information (i.e., employment applications, interviews, time sheets, and other documents or statements).

Drugs, Use and/or Possession. Possession, consumption, distribution, or being under the influence of controlled substances/narcotics or unprescribed drugs while in duty status or on City premises or work sites.

Failure to Follow Instructions. Failure to comply with reasonable orders/work rules, procedures or City policies.

Fighting. Any act of physical aggression causing or having the potential to ~~cause for~~

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disciplinary action/physical injury toward another person that cannot be proven to be a minimal defensive maneuver of essential self-protection to ward off an attack (while in duty status).

Gross Insubordination. An intentional, serious or persistent act of disobedience that shows a contemptuous disregard for authority or rules. Examples of gross insubordination are: are repeated or willful refusal to comply with an order or written policies; abusive behavior, profane, or threatening language to physical violence toward a supervisor or in the presence of another employee; intentionally sabotaging projects or work operations in order to damage the organization; spreading false information and/or damaging the reputation of a supervisor.

Gross Negligence. Any act of carelessness, or omission in job performance that results in a threat to the physical safety of the employee or other persons; causes major property damage; or creates a significant potential liability or loss for the City.

Harassment. Any form of harassment that violates the City's Harassment Policy.

Inappropriate Conduct/Discourtesy. Abusive, profane, or obscene language or rude, discourteous actions toward coworkers or members of the public.

Inappropriate Use of City Equipment/Resources. Using City resources for personal use (not including incidental use), or for personal financial gain.

Inappropriate Use of Computer/Network. Accessing pornography, using the City's computers and network resources for any illegal activity, personal business ventures, willful acts, or omissions that may cause a loss of IT services, interference with City functions, or bring discredit to the City.

Insubordination. Any willful failure to comply with an order or written policies where such refusal does not overtly work to dilute supervisory authority.

Moonlighting. Holding other employment that is not properly disclosed or authorized by the City.

Negligence. Failure to take proper care, by act or omission, that a reasonable person would exercise in similar circumstances.

Off-Duty Misconduct. Behavior occurring outside of official work hours or away from the work center that negatively affects the City's legitimate interests, the employee's ability to perform their job duties, or the reputation of the City. This includes, but is not limited to, the following: violations of laws, breach of ethical standards, behavior that results in a conflict of interest or misuse of the employee's position for personal gain that ultimately results in creation of a reasonable perception of harm to the City's public image, trust or operations.

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- ~~— Insubordination;~~
- ~~— Absence Without Leave including absence without permission, failure to notify a Department Head when absent, and repeated tardiness or early departure;~~
- ~~— Abuse of Illness, Injury, Disability or other Benefits;~~
- ~~— Endangering the Safety of the Employee and/or Other Persons through negligent or willful acts;~~
- ~~— Any Threat of or Actual Physical Attack on any employee;~~
- ~~— Use of Alcohol or Drugs (not prescribed by a physician) while on duty or in a City vehicle;~~
- ~~— Unauthorized Use or Theft of Public Funds or Property;~~
- ~~— Violation of the Requirements of these Personnel Policies or any departmental policies not in conflict with these policies;~~
- ~~— Indictment or Conviction of a felony;~~
- ~~— Falsification of Documents or Records;~~
- ~~— Unauthorized Use of Official Information or unauthorized disclosure of confidential information;~~

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- ~~— Failure to Observe the City's Policies Regarding Communications with the public;~~
- ~~— Neglect of Duty or Disruptive Behavior which impairs the performance of others or brings discredit upon the City;~~
- ~~— Possession of Unauthorized Firearms or Lethal Weapon on their persons, including personal vehicles, or in city vehicles; or~~
- ~~— Damaging City equipment, tools, machines, and/or property.~~

Preventable Vehicle Accident. An accident or mishap that was determined to be preventable by the City's Accident Investigation Advisory Board. A Preventable Accident may also meet the criteria for Carelessness, Negligence or Gross Negligence.

Safety Rule – Major Violation. Any major infraction of a safety rule, safety procedure or safety policy where there is substantial probability that serious physical harm or death could occur.

Safety Rule – Minor Violation. Any minor infraction of a safety rule, safety procedure or safety policy that has a direct relationship to job safety and health but probably would not have caused serious physical harm or death.

Sleeping on the Job. (Except in cases where reasonable accommodations or medical conditions are involved) Intentionally or unintentionally falling asleep during scheduled work hours, while performing job duties or while expected to remain alert and attentive.

Substandard Performance. Failure to meet job standards, poor productivity, loafing, lack of quality work product, failure to complete work assignments timely and accurately, failure to complete required paperwork.

Substandard Personal Appearance. Failure to present a well-groomed and appropriate appearance or unacceptable personal hygiene.

Theft. Wrongful appropriation of money, property, equipment, or material from other employees, public or employer.

12.0212.04

DISCIPLINARY ACTIONS

12.02.04 12.04.01 It is an accepted management principle that discipline will be administered in progressive stages in order to be reasonable and equitable. The sequence of discipline generally involves oral counseling, written warning, suspension without pay, and dismissal. Disciplinary actions will be taken in a fair and equitable manner in proportion to the seriousness of the offense. ~~Each instance requiring disciplinary action will be fully investigated and documented. Each offense will be judged on its own merit, but a previous record of misconduct may be considered when determining the disciplinary action to be taken.~~ Disciplinary actions that may be taken are:

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~~Oral Warnings – may be noted in the employee’s personnel file~~

~~Written Reprimands – Department Head must transmit through the City Administrator before placing in the employee’s personnel file~~

~~Suspension – from duty, with or without pay, for up to 30 days~~

~~Demotion – with pay cut; or~~

~~Termination~~

~~12.02.02 Disciplinary action shall be oral or by written notice to the employee involved. The notice will include a description of the reason for the action and, except in the case of dismissal, state the consequences of further unsatisfactory performance or conduct. Written notice of disciplinary action will be placed in the employee’s personnel file. Affected employees will acknowledge all disciplinary actions, other than oral warnings, in writing and will be afforded the opportunity to appeal the action to be taken.~~

~~12.02.03 Oral and written reprimands can be made by the employee's Department Head or higher authority.~~

~~12.02.04 Suspension without pay, demotion or termination due to misconduct shall be authorized by the Mayor.~~

~~12.02.05 Written disciplinary action does not automatically or permanently disqualify an employee from consideration for future promotion, pay increases, commendations, or other beneficial official personnel actions.~~

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DISCIPLINARY ACTION-1. Oral Counseling. This is typically a conference between an employee and the immediate supervisor in which the subordinate is informed that specific conduct is unacceptable. Attention is directed to the appropriate rule or standard, and the employee is advised that future incidents of unacceptable behavior will result in more serious formal disciplinary action. A written record of the counseling session will be made by the supervisor. If the problem is corrected and there are no reoccurrences within one (1) year, the oral counseling record shall be purged from the supervisor's files and destroyed.

2. Written Warning. This is a formal written reprimand given to employees who do not respond to counseling or are involved in a moderately serious incident that is not of sufficient magnitude to warrant suspension or termination. The written warning will specifically outline the incident or offense, date, time, place, witnesses, and will include a warning that any future violation of rules will result in either a suspension or dismissal (whichever is appropriate). The employee will be requested to acknowledge receipt. A copy of the written warning will be forwarded to the Human Resources department for inclusion in the employee's personnel file(s). Written warnings shall be purged from the employee's record not later than two (2) years after the written warning, provided no further disciplinary actions occur within that time period.

3. Suspension. This action must be coordinated with the Human Resources Department prior to implementation. Suspension is an action by which an employee is suspended from work without pay for a specified time. An employee may not substitute leave for a suspension. The time an employee may be suspended ranges from one to five working days. The documentation process is essentially the same as that required for a written warning. A suspension letter will detail the facts, establish the length of enforced absence without pay, the date the suspension is to begin and end and contain the specific notation that any future violations of work rules or standards of conduct will result in more serious action, up to and including dismissal. The employee shall be requested to acknowledge receipt of the letter by signature.

4. Dismissal. This action must be coordinated with the Human Resources department prior to implementation. Dismissal is the involuntary employment termination of an employee who either fails to respond to lesser disciplinary actions and warnings, fails to perform up to reasonable job standards, or who commits a major infraction of work rules (e.g., theft, assault, dishonesty, fighting, intentional falsification of official records, possession or being under the influence of prohibited substances during duty hours, gross negligence, or gross insubordination). The infraction or failure to respond to lesser disciplinary actions must be shown by proper documentation of prior discipline and / or objective documentation that the employee has committed the infraction. A full written report of the incident must be completed before dismissing an employee. Human Resources will accompany the supervisor to the meeting where the dismissal action is administered and will bring to the meeting a copy of the dismissal action. Human resources will recover keys, employee badge and other City equipment issued to the employee. Dismissal actions, once delivered

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to the employee are immediate, and the employee must promptly leave the work center.

12.0312.05 DOCUMENTATION AND RECORDS MANAGEMENT

~~12.03.01 It is important that documentation~~12.05.01 Records of all disciplinary action shall be kept separate and apart from personnel files. ~~The~~Employee personnel ~~file~~files may contain notices that ~~some~~an action has been instituted; ~~but any existing~~however, derogatory information ~~related to the action~~ must be maintained ~~separately~~in separate files.

~~12.03.02~~ 12.05.02 Records created in ~~considering an~~consideration of adverse ~~action~~actions such as demotion, probation, ~~termination~~written warnings, suspension, ~~leave without pay against an employee, including, or dismissals , to include~~ witness ~~and employee~~ statements, interview reports, reports of findings, ~~and~~ decisions, and judgements shall be removed from the ~~employee's~~employees personnel ~~file~~files two years after the case is closed or action taken. ~~(Legal Reference: (29 CFR 1602.31).~~

12.0412.06 APPEALS OF DISCIPLINARY ACTION

~~12.04.01 An employee may appeal any disciplinary action taken against them if they feel that they have been disciplined unfairly, too harshly, or inappropriately; provided, it is appealed in writing to the City Administrator within five (5) working days following such action. The City Administrator, after careful investigation of the facts, shall have authority to approve, disapprove, modify or rescind any disciplinary action taken or proposed. The City Administrator shall attempt to resolve the issue within ten (10) calendar days. The City Administrator's decision may be appealed to the Mayor; provided, written notice of intention to appeal is made within five (5) working days following the City Administrator's decision.~~

~~12.04.02 As promptly as practicable after the appeal has been filed with the Mayor, the employee shall be given notice of the hearing date and time, which shall be not less than three (3) days after the date the notice is given to the employee. The hearing shall be conducted fairly and in private, to the extent practicable, unless the employee requests it to be public. The hearing shall be confined to a consideration of the reasons for the proposed or actual disciplinary action. At the hearing, the Department Head initiating such disciplinary action may respond to questions from the employee. At the hearing, the employee may challenge any evidence presented against them and may call witnesses and present evidence in their own behalf. After the hearing, the Mayor, after careful investigation of the facts, shall have authority to approve, disapprove, modify or rescind any disciplinary action taken or proposed. Should it be found that the employee has been unjustly disciplined, discharged, or suspended, they shall be reinstated and compensated for all time lost at their regular rate of pay. The decision of the Mayor is final~~

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An employee may appeal disciplinary action taken against them in accordance with the Grievance Policy. Written warnings, suspensions and dismissals may proceed directly to the Formal Grievance process.

14.00 GRIEVANCES

14.01 POLICY

~~14.01.01 — It is the policy of the City insofar as possible to prevent the occurrence of grievances and to deal promptly with those which occur. No adverse action will be taken against an employee for exercising his or her grievance rights.~~

~~14.01.02 — A grievance may be filed by an employee on one or more of the following grounds: improper application of rules, regulations, and procedures; unfair treatment; sexual harassment; illegal discrimination based on race, religion, color, sex, age, handicap, or national origin; disciplinary action taken without just cause; improper application of fringe benefits; or improper working conditions.~~

~~14.01.03 — The City of Fair Oaks Ranch follows a progressive grievance procedure which ensures the employee of due process in the City's consideration of their work-related grievances, to include: the right to be represented, the right to mount a defense, and the right to present written or oral response(s) regarding resolution of the grievance.~~

14.02 FINAL AUTHORITY

~~14.02.01 — An employee may appeal the decision of the City Administrator to the Mayor, whose decision is final.~~

The City is committed to maintaining a positive and productive work environment. This policy provides a structured process for employees to raise concerns regarding workplace and employment-related matters in a fair and timely manner.

14.02 DEFINITIONS

Grievance – A formal complaint by an employee regarding workplace conditions, disciplinary actions, or employment-related disputes.

Grievant – The employee who files a grievance.

Supervisor – The employee's immediate supervisor or department head.

City Manager – The highest administrative officer responsible for reviewing and resolving grievances at the final stage.

14.03 GRIEVABLE ISSUES

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Employees may file grievances concerning:

- Unfair or inconsistent application of City policies.
- Unsafe or hazardous working conditions.
- Written warnings or suspensions
- Discriminatory treatment or harassment.
- Retaliation for reporting misconduct or participating in investigations.

14.04 NON GRIEVABLE ISSUES

The following matters are not subject to the grievance process:

- Performance evaluations
- Oral counseling
- Pay and classification decisions
- Layoffs or reductions in force
- Accident advisory board determinations
- Matters covered by state or federal law outside the City's jurisdiction
- Decisions made by the City Council, including but not limited to personnel actions, budgetary decisions, policy adoptions, and legislative matters.
- Terminations

14.05 EXHAUSTION OF REMEDIES

Employees must use any applicable alternative complaint or appeal procedures before filing a grievance under this policy. If a specific policy exists to address the concern (e.g., harassment, discrimination, workplace violence, or whistleblower complaints), the employee must follow that policy's procedures first. If the employee is dissatisfied with the resolution under that policy, they may then submit a grievance under this procedure.

14.0314.06 GRIEVANCE PROCEDURE

Informal Grievances ~~The first step in the~~ Employees are encouraged to resolve disputes informally before filing a formal grievance ~~procedure~~. However, an employee may bypass the informal process and proceed directly to a formal grievance if:

- The grievance involves allegations of harassment, discrimination or retaliation, or
- The grievance concerns misconduct by the employee's direct supervisor, department head or City Manager, and
- The employee provides written justification explaining why informal resolution is impractical or inappropriate, and
- The Human Resources department has reviewed the request to proceed directly to the formal grievance process. The Human Resources department may direct the grievance to proceed to the most appropriate process.

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The steps for ~~the employee to~~ an informal grievance include:

Step 1. Discussion with Supervisor.

- The grievant should discuss the concern with their immediate supervisor within ten (10) business days of the incident.

Step 2. Supervisor Response

- The supervisor will attempt to resolve the ~~grievance by informal conference with their Department Head.~~ issue and provide a response within five (5) business days from which the incident was brought to the supervisor's attention.

Step 3. Escalation

- 14.03.01 ~~If informal conference does not result in a resolution of the problem(s) that the issue is satisfactory to the employee, they may file a formal, written grievance~~ unresolved, the grievant may escalate the matter to the department head for further review.

14.03.02 — Formal Grievances A formal grievance must be in writing, signed by the employee, and presented to their Department Head within 10 working days after the alleged grievance occurred. A statement of a remedial action requested by the employee must be included in the written grievance. However, if an employee feels it is ill advised or would be prejudicial to file a grievance with their Department Head, written contact can be made to the City Administrator.

14.03.03 — After being presented with a formal grievance, the Department Head will 1) consult with the employee and such other persons as may be necessary to gather the facts; 2) notify the City Administrator; 3) attempt to resolve the grievance with the employee and; 4) communicate the decision to the employee in writing within 10 working days after

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~~receipt of the written grievance, sending a copy of the decision to the City Administrator.~~

~~14.03.04—If the employee either receives no written decision from their Department Head within 10 working days from the date the written grievance was filed, or the employee is not satisfied with the proposed resolution, they must file a written appeal to the City Administrator within 10 working days. The City Administrator will review the facts and the file, meet with the parties involved, and respond in writing to the employee within 10 working days of the date the appeal was received in the City Administrator's office.~~

~~14.03.05—Failure to appeal is a determination that the employee is satisfied with the last decision.~~

~~14.03.06—Final Appeal. If the employee is dissatisfied with the City Administrators's appeal decision, they must appeal, within ten working days after the appeal decision was received, to the Mayor for further review. The written appeal shall be given to the City Secretary who will date stamp the document envelope received and forward it to the Mayor within five days of receiving the written appeal. After review, a written decision of the grievance will be provided to the employee within 10 working days of the date the Mayor was informed of the appeal or the Mayor shall set an Appeal Hearing date within ten working days after the Mayor was informed of the written appeal.~~

~~14.03.08 If an Appeal Hearing is held, the Mayor shall set the specific rules of conduct and procedures for the hearing. The Mayor may ask the City Administrator to present a review of actions taken against the employee and the causes for said action. The aggrieved employee will then have an opportunity to respond or rebut the actions of the City. After completion of deliberation, the Mayor will announce his decision to a) uphold the action; b) reverse the action; or c) reduce the action. Decisions made by the Mayor are final.~~

~~**14.03.09 Grievances Relating to Sexual Harassment or Discrimination. Any employee may file a grievance related to alleged sexual harassment or discrimination on the basis of race, religion, color, sex, national origin, age, or disability (Chapter 1.10)**~~

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Formal Grievances If the informal process does not resolve the issue, the employee may submit a formal grievance. The steps include:

Step 1. Written Grievance Submission

- The grievant must submit a written grievance to their department head within ten (10) business days of the incident or the supervisor's informal response.
- The grievance must include a description of the issue, supporting evidence, and the requested remedy.
- The department head will provide a written response within ten (10) business days.
- If the department head or their actions are the subject of the grievance, the grievance will be submitted to the Assistant City Manager.
- If the City Manager or their actions are the subject of the grievance, the grievance will be submitted to the Mayor through the City Secretary's office.

Step 2. Appeals.

- If dissatisfied with the department head's response, the grievant may appeal to the City Manager within five (5) business days of the Step 1 response.
- The City Manager or designee will review the grievance, may meet with relevant parties, and issue a final written decision within ten (10) business days of the appeal filing. The City Manager's decision is final.

14.07 PROTECTION FROM RETALIATION

The City strictly prohibits retaliation against employees who file grievances in good faith. Any employee who engages in retaliation after submission or participation in the grievance process will be subject to disciplinary action.

14.08 CONFIDENTIALITY

All grievances will be handled with discretion, and information will be shared only with individuals directly involved in the resolution process.

14.09 RECORDKEEPING

The City will maintain records of all grievances for two (2) after the final decision in compliance with applicable laws.