

## **EXHIBIT A**

### **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.

#### **12.01 DISCIPLINARY ACTIONS SUBJECT TO REVIEW**

Supervisors and managers act as authorized agents of the City and punitive sanctions administered by management may be 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 ensure that the work force at large, and each individual employee, is aware of the rules and the criteria that 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.
- 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.

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### 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 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 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: 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 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.

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**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 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.

**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.

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**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.

### 12.04 DISCIPLINARY ACTIONS

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. Disciplinary actions that may be taken are:

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

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

### **12.05 DOCUMENTATION AND RECORDS MANAGEMENT**

12.05.01 Records of disciplinary action shall be kept separate and apart from personnel files. Employee personnel files may contain notices that an action has been instituted; however, derogatory information related to the action must be maintained in separate files.

12.05.02 Records created in consideration of adverse actions such as demotion, probation, written warnings, suspension, or dismissals, to include witness statements, interview reports, reports of findings, decisions and judgements shall be removed from the employee's personnel files two years after the case is closed or action taken (29 CFR 1602.31).

### **12.06 APPEALS**

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.

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### **14.00 GRIEVANCES**

#### **14.01 POLICY**

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**

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.

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### 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.

### 14.06 GRIEVANCE PROCEDURE

Informal Grievances Employees are encouraged to resolve disputes informally before filing a formal grievance. 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.

The steps for 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 issue and provide a response within five (5) business days from which the incident was brought to the supervisor's attention.

#### **Step 3. Escalation**

- If the issue is unresolved, the grievant may escalate the matter to the department head for further review.

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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) years after the final decision in compliance with applicable laws.



## **EXHIBIT A**

### **OUTDATED AND OBSOLETE TERMS AND CONDITIONS**

The resolution, if adopted, would change or update outdated, or obsolete terms found throughout the 2006 Personnel Policies Manual. Changes would be:

- Replace “City Administrator” with “City Manager”
- Replace “Mayor” with “City Manager”
  - Except 2.09.02 Public and News Media – change to the extent allowed by City Charter
- Replace “City Accountant” with “Director of Finance”