

# City of Joshua Personnel Policies and Procedures

Section 7: General Rules and Conduct

## 7.10 DISCIPLINE

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To provide a uniform and consistent policy for employee discipline, and establish guidelines for management actions designed to correct the conduct of employees who have engaged in unacceptable behavior.

### A. POLICY GOAL

It is the goal of the disciplinary process to give employees, when appropriate, the opportunity to improve by identifying what specific actions they must take in order to meet behavior standards; and, to ensure that disciplinary procedures are applied uniformly and consistently, in accordance with relevant facts, City policies, ordinances, and work rules.

### B. APPLICATION OF POLICY

This policy does not apply to employees that are in the training and evaluation period. An employee in the training and evaluation period may be discharged without the right to review or appeal unless otherwise required by law.

### C. PROHIBITED ACTIVITIES

Disciplinary action will be imposed for violations of City or Departmental policies and procedures, codes of conduct, and/or rules and regulations, either written or verbal. In addition, acts that are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees or citizens at risk, will also likely result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace.

The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or use of property not your own
- Falsification of timekeeping or other records, including employment application
- Working under the influence of alcohol or illegal drugs or abuse of legal drugs
- Sexual or other unlawful harassment
- Excessive absenteeism or tardiness or absence without notice
- Breaks in excess of the allotted time allowed

- Violation of the smoking policy
- Profanity or abusive language
- Violation of safety or health rules and failure to immediately report an on-the-job injury
- Coercion, intimidation, or threats against citizens, supervisors, coworkers, or City officials
- Making or publishing false, vicious, or malicious statements about the City, a coworker, or a supervisor
- Interfering with work schedules or another employees ability to work
- Misuse of City telephones, computers, mail systems, etc.
- Unauthorized disclosure of confidential information
- Violation of City or Departmental policies, codes of conduct, rules, and procedures
- Failure to be considerate of coworkers, citizens, or others
- Unsatisfactory performance or conduct
- Disruptive activity in the workplace
- Fighting, provoking, or instigating a fight, or threatening violence in the workplace
- Conduct which results in waste or damage of coworkers', City, or citizen-owned property
- Possession of weapons on City time, City premises, or while on City business (except for licensed peace officers and animal control officers required to carry a weapon as part of their job duties).
- Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension
- Outside employment that conflicts with, or potential conflicts with, City interests
- Insubordination or other disrespectful conduct
- Violation of local, state, or federal laws
- Lying or willful omission of fact
- Failure or refusal to follow lawful orders
- Sleeping on the job
- Dishonesty, including misrepresentation during the hiring process

#### **D. ~~DISCIPLINARY-CORRECTIVE~~ ACTIONS**

Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

1. Informal Discussion/"Coaching": When a behavior or performance problem is identified, the problem is discussed with the employee along with the steps that need to be taken in an effort to resolve the issue and improve performance.
2. Warning: This is a verbal or written warning from a department head to an employee that his/her conduct is unacceptable, and that repeated or continued failure to conform his/her conduct or performance to City standards will result in more severe disciplinary action.
  - i. During a verbal warning, an employee will be counseled by his supervisor and told what improvements are necessary and expected to correct any performance deficiencies.
  - ii. A record of the notice of the verbal or written warning shall be made and retained in the employee's personnel file.
  - iii. The written and or verbal warning includes all of the following information:
    - The employee's name
    - The date of the warning
    - The specific offense and date of occurrence
    - A specific statement of expected performance
    - Any explanation or other information that is necessary to make the warning effective
    - Name of supervisor issuing warning
    - Notation whether employee warning is being given during the employees training and evaluation period

## **E. WRITTEN REPRIMAND**

A written reprimand presented to an employee by a department head will describe the unacceptable conduct or performance of the employee and specify needed changes or improvements.

1. The employee will be given an opportunity to write a response to the written reprimand.
2. A copy of the written reprimand, along with any employee response, will be retained in the employee's personnel file.

## **F. DECISION-MAKING LEAVE**

Decision-making leave with pay is a positive form of discipline that may be appropriate in some situations. It may be used alone, as an alternative to other types of discipline, or in combination with other forms of discipline.

1. The purpose of decision-making leave with pay is to give employees time to decide if they wish to remain employed by the City, and if so, if they can and will correct their behavior.
2. Decision-making leave with pay may only be used one time for the same employee and cannot exceed one day or one shift, as appropriate.

## **G. SUSPENSION OR INVOLUNTARY DEMOTION**

An employee may be suspended or involuntarily demoted for repeated instances of minor misconduct, failure to conform his conduct or performance to the standards of his position, or for a single serious offense.

1. A record of the suspension or demotion will be retained in the employee's personnel file.
2. The employee, following an opportunity to present the employee's side of the story, may be suspended without pay, or involuntarily demoted.
3. Continued occurrences of the behavior for which an employee is suspended or demoted will likely lead to termination.
4. The employee shall sign the notice of suspension or involuntary demotion acknowledging receipt of the notice or the employee's refusal to sign shall be noted.
5. With the approval of the City Manager, the employee may be placed on administrative leave with pay pending the completion of an investigation of an incident by the City.
6. If the City's investigation determines no misconduct occurred, the City may, in its sole discretion, make the employee whole by reimbursing for lost pay, if any, and returning the employee to work.

## **H. TERMINATION**

If an employee fails to conform his conduct or performance to the standards required by the City, the City may, in its sole discretion, terminate the employee's employment. All termination notices shall be hand-delivered or sent certified mail.

## **I. RIGHTS RESERVED**

The City may bypass any or all of the disciplinary steps and begin the disciplinary process at any level, depending upon the following: severity of the conduct, the employee's work performance and prior disciplinary history, frequency or combinations of infractions, the employee's length of service and any mitigating circumstances.

## **J. PROCEDURES AND NOTICES**

The procedures for a disciplinary action of, suspension, demotion, or termination include the following:

### 1. Pre-disciplinary meeting

- a. Before any disciplinary action of suspension, demotion, or termination is taken against an employee, the supervisor is required to meet with the employee and provide to the employee a "charge letter", detailing the violation and what discipline could be imposed. The employee shall respond to the charge letter in writing within 48 hours.

### 2. Reprimand, suspension, demotion, and termination

- a. A supervisor has the authority to reprimand, suspend, demote, or dismiss an employee. When one of these disciplinary actions is taken against an employee, the employee must be given written notice stating:
  - i. the type of disciplinary action taken, i.e., reprimand, suspension, demotion, or dismissal;
  - ii. the specific rule or rules violated;
  - iii. the specific acts of the employee which were in violation of the rule;
  - iv. the employee's right to appeal, if any, to a specific office within a specified time; and
  - v. the finality of the action if the employee fails to appeal within the specified time.

## **K. FELONIES AND MISDEMEANORS**

Employees must immediately notify their supervisors and/or Department Head if they are investigated, questioned, interviewed, arrested, charged, indicted, convicted, receive deferred adjudication for, or plead nolo contendere to any misdemeanor or felony; provided, however, employees who do not drive as part of their job duties with the City are not required to report minor traffic violations.

Should an employee come under the suspicion of a felony or misdemeanor, or be accused of official misconduct or other serious criminal violation, the employee may be placed on administrative leave (with or without pay) until the city conducts and concludes internal investigation and all related administrative matters are concluded. Such a determination will be made by the appropriate Department Head and the City Manager.

An employee on administrative leave may be reinstated to the position held before being placed on administrative leave (if available) if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

The City reserves the right to conduct criminal checks on employees at any time, to determine if an employee has been arrested, convicted, or has otherwise disposed of a criminal charge. In the event an employee has failed to report an arrest, conviction, deferred adjudication, or other disposition of a criminal matter, as required in this Section, the employee may be subject to disciplinary action up to and including discharge.