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|  | <b>Corrective Action Policy</b>                                                                                                                            |                                                                                            |
|                                                                                   | <b>Section No: 2.04</b>                                                                                                                                    |                                                                                            |
|                                                                                   | <b>Category: Workplace Conduct and Compliance Policies</b>                                                                                                 |                                                                                            |
|                                                                                   | <b>Resolution Number: 257-2026</b>                                                                                                                         |                                                                                            |
|                                                                                   | <b>Effective Date:</b> September 1, 2026                                                                                                                   |                                                                                            |
|                                                                                   | <b>Supersedes:</b> former Section 5, Resolution 2017-040 – September 6, 2016                                                                               |                                                                                            |
|                                                                                   | <b>Next Review Date:</b> September 1, 2028                                                                                                                 |                                                                                            |
|                                                                                   | <b>Responsible Office:</b> Human Resources                                                                                                                 |                                                                                            |
| <b>Policy Applies to:</b>                                                         | <input checked="" type="checkbox"/> All City employees (Full-time, Part-time, LSEs, temps, etc.)<br><input type="checkbox"/> All City and School Employees | <input type="checkbox"/> Full-Time employees only<br><input type="checkbox"/> Other: _____ |

## Relevant Definitions

**On duty** means performing assigned job responsibilities during scheduled work hours, while working approved overtime, while attending required meetings or training, or while otherwise engaged in authorized City business. Employees are also considered on duty during any period for which they are compensated as hours worked under applicable federal and state law

## Policy

It is the City's expectation that each employee is responsible for ensuring that they work and behave in accordance with the established policies and procedures of the City, instructions and directives of supervision, and department standards. Due to the variety of **responsibilities** and nature of work, some departments may require compliance with stricter or additional standards. The failure of an employee to meet this expectation may result in corrective action.

When appropriate, the City generally utilizes progressive discipline to provide employees with an opportunity to correct performance or conduct deficiencies. However, progressive discipline is not required.

Serious misconduct, significant policy violations, or conduct that jeopardizes the safety, security, reputation, or efficient operation of the City may result in immediate suspension, demotion, or termination without prior corrective action.

Every employee is charged with the knowledge of City policies, rules, and regulations. A violation does not have to be knowingly, intentional, or willful.

## Corrective Action

Whenever an employee's performance, conduct, attendance, work habits, or behavior does not meet established job expectations or City standards, the supervisor is responsible for promptly discussing the concern with the employee. The purpose of this discussion is to clearly identify the deficiency in performance or conduct, communicate the expected standard, and provide guidance and direction to support improvement. A supervisor may provide informal counseling to an employee for a minor infraction of policy or procedure, and if appropriate, a reasonable period of time for improvement may be allowed before initiating corrective action per this policy.

Corrective action taken depends on the seriousness of the incident and any previous corrective action issued for an employee's conduct, whether related or unrelated to the current disciplinary matter. Consideration may be given to the employee's past conduct and performance.

Corrective action, up to and including termination, may be taken for, but not limited to, the following:

**Incompetency / Inefficiency** – this includes, but is not limited to, the following:

- Inefficient or incompetent performance of duties, or failure, or refusal to perform assigned duties;
- Inability to perform duties, when reasonable accommodation has been considered where legally required and cannot be made;
- Failing to effectively perform duties;
- Inaccuracy in performance of duties; or
- Incapability to perform duties.

**Neglect of Duty** – this includes, but is not limited to, the following:

- Negligence in the performance of duties;
- Carelessness, willful abuse, negligence, or improper use of city property or equipment, or damage hereto, or failure to properly secure such property and equipment;
- Improper use of leave;
- Absence without leave;
- Failure to report for duty at the assigned time and place;
- Failure to obtain or maintain a current license, or certificate, or other qualification required by law or rule as a condition of continued employment; or
- Violation of rules, regulations, policies, procedures, or safety rules.

**Unprofessional Conduct** – this includes, but is not limited to, the following:

- Failure to maintain respectful and harmonious working relationships with the public and fellow employees; **Discourteous treatment of the public or coworkers**
- Gambling, consuming intoxicating beverages, or the commission of a criminal act on city property, or while on duty;

- Any failure of good behavior which reflects discredit upon the employee, the department, or the city;
- Participating in any action that would in any way disrupt or disturb the normal operation of the city, or would interfere with the ability of management to manage;
- Conduct unbecoming an employee of the city, including cursing a supervisor, or any act or gesture of disrespect toward a supervisor (this applies to any supervisor of the city and does not have to be the employee's supervisor);
- Improper use or possession of drugs, narcotics, or intoxicants, including the misuse of prescription medication;
- Sleeping or failure to remain alert during duty hours, unless otherwise permitted;
- Dishonesty;
- Unreliability;
- **Misuse of technology, information systems, or equipment**
- Disregard or violation of the city's ethics policy;
- Disclosing confidential information to unauthorized persons; or
- Discrimination and/or harassment in violation of the discrimination and harassment policy.

**Insubordination** – this includes, but is not limited to, the following:

- Failure to carry out specific assignments made by supervisors;
- **Failure to demonstrate sustained improvement after receiving coaching, counseling, or corrective action regarding performance or conduct deficiencies.**
- Refusal to accept a reasonable and proper assignment from supervisors;
- Disregard or violation of any provision of the city charter or any written executive or administrative orders; or
- Disregard or violation of any written rules, policies, or procedures of the department in which the employee is employed.

**Safety Violations** – this includes, but is not limited to, the following:

- **Failure to comply with established safety rules, policies, procedures, or work practices.**
- **Failure to wear or properly use required personal protective equipment (PPE).**
- **Bypassing, disabling, or removing machine guards, safety devices, or other protective equipment without authorization.**
- **Operating City vehicles, equipment, or machinery in an unsafe or reckless manner.**
- **Operating equipment without the required training, certification, or authorization.**
- **Failure to immediately report a workplace injury, accident, near miss, hazardous condition, or property damage in a timely manner.**
- **Horseplay, practical jokes, or other unsafe conduct that could result in injury or property damage.**
- **Failure to comply with traffic control or work zone safety requirements.**
- **Unauthorized removal, misuse, or damage to safety equipment, emergency equipment, or warning devices.**

- Smoking, vaping, or using open flames in prohibited areas.
- Improper handling, storage, or disposal of hazardous materials or chemicals.
- Engaging in distracted driving, including the unauthorized use of handheld electronic devices while operating a City vehicle or equipment.
- Knowingly directing or permitting another employee to perform work in an unsafe manner.

### Immediate Termination

Some actions are serious and warrant a recommendation for immediate termination, without any other progressive action. These include, but are not limited to, the following:

- Theft;
- The commission of an act, other than a Class C misdemeanor that, if one were convicted, would be a felony or involve moral turpitude, or involves drugs or drug paraphernalia (criminal conviction is not required for this factor to apply);
- Misappropriation of city funds, property, or equipment;
- Falsification of an official document, including electronic or digital records;
- Job Abandonment, including absence without leave for three consecutive work days, unrelated to ADA, FMLA, or other protected status;
- Falsification of any information on a resume or application for employment, promotion, or transfer;
- Acts that endanger the lives or property of others;
- Ingesting or being under the influence of any intoxicating beverage, illegal or non-prescribed controlled substance or misuse of prescription medication while on duty or upon reporting to duty;
- Unlawful or unauthorized possession of a weapon, as defined by applicable law or in violation of city policy, while on duty or while on city property;
- Public intoxication, as defined by state law, while off duty and in uniform or wearing any other evidence of being an employee of the city or when driving a city-owned vehicle;
- When a city policy indicates that a violation is grounds for immediate termination;
- Any matter determined as grounds for termination or other corrective action by the City Manager.

This list of actions warranting immediate termination is not exclusive. Actions involving incompetency/inefficiency, neglect of duty, unprofessional conduct, insubordination, **safety violations**, or failure to comply with policies, rules, and regulations of the city may also rise to the level requiring immediate termination.

### Documentation

Clear, specific and detailed documentation is appropriate in any corrective action. The following types of documentation are recommended when taking corrective action, or when documenting behaviors that occurred that necessitated corrective action being taken.

- General notes, with dates and times offenses and discussions occurred
- Memo(s) or other general documents noted for the file/record
- Employee Corrective Action Form with Plan for Improvement
- Monthly Progress Reports, **when** on Probationary Status or Final Notice
- Recommended Action Form
- Photos, video or audio recordings, or any other digital or electronic documents

### Available Corrective Actions

Depending upon the seriousness of the infraction, one or more of the listed actions below may be taken; these actions can be individually taken, and/or may be progressive. Probationary Status or Final Notice may include a suspension, demotion or transfer, if recommended.

- Discussion and/or Coaching
- Written Warning
- Probationary Status – may include suspension, demotion or transfer
- **Performance Improvement Plan**
- Final Notice – may include suspension, demotion or transfer
- Recommendation for Termination

Available corrective actions are listed below and discussed/described individually, with recommendations for supervisory action(s).

### Discussion and/or Coaching

It is the supervisor's responsibility to insure an employee corrects any negative behavior **or performance issues**. When identifying and addressing unacceptable job behaviors, the supervisor should clearly state:

- Why the employee has not met requirements and why their present conduct or performance is unacceptable;
- How to improve the behavior to an acceptable level; and
- Identify a time by which the improvements must be made.

The supervisor shall keep a written record of when the discussion(s) occurred and what was discussed. **The record of these discussions will be kept by the supervisor for future reference with verbal notice to Human Resource that the coaching occurred.**

### Written Warning (one-year duration)

In situations where coaching and/or discussions have not resulted in the expected improvement, or when more severe initial corrective action is warranted, a written warning is appropriate. Written documentation to the employee shall:

- Identify and/or explain the offense;
- Cite prior verbal discussion(s) and documentation on the same issue, if they have occurred;
- Explain to the employee how they have not met requirements and why the present conduct or performance is unacceptable;
- Allow the employee to respond; and
- Offer suggestions for improvements and clearly identify a time by which the improvements must be made.

The supervisor will complete the corrective action form and review with Human Resources prior to reviewing with the employee. The supervisor, department director and/or Human Resources shall meet with the employee to discuss the corrective action. The employee shall be given the opportunity to make comments on the form. The employee will be asked to sign the form to indicate that they have seen the document and to acknowledge receipt of the employee's copy. The employee's signature does not indicate either agreement or disagreement with the document unless the employee specifically intends to do so.

Should the employee refuse to sign the form, the supervisor will note such on the form and a witness shall sign that the employee refused to sign. Human Resources Department shall retain the original form in the employee's personnel file. A Written Warning is not subject to a hearing (see "Hearing Procedure Before the City Manager" section in this policy).

While under Written Warning, the employee shall be eligible for pay increases and promotions. However, careful consideration must be used when completing the employee's annual performance review and when considering for a promotion.

At any time while under a Written Warning, if the employee is not performing to a satisfactory level, the employee may be recommended for further corrective action.

After one year, if, in the opinion of the supervisor and the Human Resources Director, the employee has improved their performance, the Written Warning will expire. See "Retention of Documents" for explanation of how long notice will stay in employee's file.

**Probationary Status (minimum six-month duration)**

When coaching, discussion(s), and/or a written warning have not resulted in the expected improvement, or when more severe initial corrective action is warranted an employee may be placed in probationary status, which may include suspension, demotion, or transfer. Written notice to the employee shall:

- Identify and/or explain the offense;
- Cite previous corrective actions and/or discussion(s) relating to the offense if they have occurred;
- Explain to the employee how they have not met requirements and why the present conduct of performance is unacceptable;
- Allow the employee to respond; and
- Include a Plan for Improvement which offers suggestions for improvements and clearly identifies a time by which the improvements must be made.
- **Outline financial implications related to being on probation status.**

The supervisor will complete **the Corrective Action form and review with Human Resources prior to discussion with the employee. The supervisor, department director and/or Human Resources shall meet with the employee to review the corrective action.** The employee will be asked to sign the form to indicate that they have seen the document and to acknowledge receipt of the employee's copy. The employee's signature does not indicate either agreement or disagreement with the document unless the employee specifically intends to do so. Should the employee refuse to sign the form, the supervisor will note such on the form and a witness shall sign that the employee refused to sign. Human Resources Department shall retain the **original** form in the employee's personnel file.

Employee is not due a hearing when placed on probationary status **unless suspension of more than five days**, demotion, or transfer has been recommended.

While in probationary status, the employee **shall not** be eligible for pay increases or promotions, with the exception of pay plan adjustments.

The supervisor and employee shall meet monthly during the six months the employee is in probationary status to discuss the Plan for Improvement and complete monthly Progress Reports. **Monthly progress reports shall be turned into Human Resources for the employee's personnel file.** At any time during this period, if the employee is not performing to a satisfactory level, the employee may be recommended for further corrective action.

At the conclusion of the six-month period, the employee will meet with their supervisor and department director. If the employee has adequately improved their performance, the employee should be removed from probationary status. If the employee is removed from probationary status:

- Employee will be eligible for pay increases missed while on probation (with no retroactive pay) effective the beginning of the first payroll period at the conclusion of probationary status; and
- Employee will be eligible for promotion opportunities.

### **Final Notice (one-year duration)**

If previous actions fail to achieve the desired results; or when more severe initial corrective action is warranted, a final notice may be issued which may include suspension and/or transfer and/or demotion. After consultation with the department director and the Human Resources Director, the supervisor will complete, issue, and sign an Employee Corrective Action form. The final notice will be given to the employee in a meeting with the supervisor, department director, and Human Resources Director. Final notice to the employee shall:

- Identify and/or explain the offense;
- Cite previous corrective actions and/or discussion(s) relating to the offense, if any;
- Explain to the employee how they have not met requirements and why the present conduct or performance is unacceptable;
- Allow the employee to respond;
- Emphasize the seriousness of the problem;
- Inform the employee of the consequences of continued undesirable behavior, up to and including termination;
- Include a **Performance** Improvement Plan that offers suggestions for improvements and clearly identify a time by which the improvements must be made; and
- Remind the employee that any violations or infractions could result in an immediate recommendation for termination to the City Manager.

The employee will be asked to sign the form to indicate that they have seen the document and to acknowledge receipt of the employee's copy. The employee's signature does not indicate either agreement or disagreement with the document unless the employee specifically intends to do so. Should the employee refuse to sign the form, the supervisor will note such on the form and a witness shall sign that the employee refused to sign. The **original** form will be placed in the employee's personnel file maintained in the Human Resources Department.

**The** Employee is not due a hearing when placed on final notice unless a suspension of **more than 5 days**, demotion, or transfer has been recommended.

While on Final Notice, the employee **shall not** be eligible for pay increases or promotions, with the exception of pay plan adjustments.

The supervisor, department director, and employee will meet monthly during the one year the employee is on final notice to discuss improvement status and complete monthly Progress Reports. **Monthly Progress Reports must be sent to Human Resources.** At any time during this period, if the employee is not performing to a satisfactory level, the employee may be

recommended for further corrective action. At the conclusion of the one-year period, the employee will meet with their supervisor, department director, and Human Resources Director, or designee. If the employee has demonstrated consistent improvement in their performance, the employee shall be removed from final notice status.

If the employee is removed from final notice:

- Employee will be ineligible for pay increases missed while on final notice; and
- Employee will be eligible for promotion opportunities.

### **Recommendation for Termination**

When other disciplinary efforts have failed to result in appropriate behavior change or when the action is serious enough, the City Manager may dismiss an employee.

A department director may, as a means of corrective action, recommend to the City Manager that an individual's employment be terminated (for other than a reduction in force). Prior to making a recommendation to the City Manager for the proposed termination, the department director will consult with the Human Resources Director. The purpose of the consultation is to ensure that the matter has been reasonably investigated, that the action is consistent with other personnel actions taken against similarly situated employees, and that due diligence has been exercised.

After consultation with the department director and the Human Resources Director, the director will complete the Recommended Action form. The recommendation will be given to the employee in a meeting with the supervisor, department director, and Human Resources Director. After the meeting, the recommendation will be forwarded to the City Manager for their use at a hearing, if requested.

The written documentation shall:

- Identify and/or explain the offense(s);
- Describe how the employee has not met requirements and why the conduct or performance is unacceptable;
- Cite previous corrective actions and/or discussion(s) relating to the offense(s), if any;
- Attach prior corrective actions against the employee
- Attach Plan(s) for Improvement, unless termination is initial action; and
- Attach Monthly Progress Report(s), unless termination is initial action.

The recommendation for termination will include written charges pursuant to Article VII, Section 2 of the city charter, except as otherwise set forth in that Article. Once the consultation is complete and considered appropriate the matter will be submitted to the City Manager.

**Corrective Action That Includes Suspension, Demotion or Transfer**

An employee may be suspended for a period commensurate to the severity of a corrective action situation, or demoted, or transferred (or any combination thereof). Prior to such action, the department director will meet with the employee to discuss the charges, provide the employee an opportunity to respond, and then consult with the Human Resources Director regarding the recommendation. The purpose of the consultation with the Human Resources Director is to ensure that the matter has been reasonably investigated, that the action is consistent with other personnel actions taken against similarly situated employees, and that due diligence has been exercised.

Once the consultation is complete and considered appropriate the department director will prepare a recommended action form, noting the recommendation for suspension, demotion or transfer (or combination thereof). The documentation will contain an account of the circumstances which led to the decision to suspend, demote or transfer the employee including a summary of the employee's response, if any. If the proposed suspension is for more than five work days (40 hours), or if the employee is being demoted or transferred for disciplinary reasons pursuant to this corrective action policy, the recommended action form will inform the employee of their right to a hearing pursuant to City Policy.

**Suspension** – Suspension for disciplinary reasons pursuant to this corrective action may be used in conjunction with demotion and/or transfer or can be an independent action which may occur with or without prior corrective action. The employee, the City Manager, the Human Resources Director, and the employee's supervisor will receive copies of the documentation. The recommended action form will become a permanent part of the employee's personnel file maintained by the Human Resources Department. An employee on suspension will not receive any pay and will not be allowed to take vacation, compensatory time, sick time, or any other paid leave while on suspension.

**Demotion and/or Transfer** - Demotion and/or transfer for disciplinary reasons pursuant to this corrective action may be used in conjunction with suspension or can be an independent action which may occur with or without prior corrective action. A demotion and/or transfer recommendation will include a reduction in pay as specified in the Wage and Salary policy. The employee, the City Manager, the Human Resources Director and the employee's supervisor will receive copies of the documentation. The recommended action form will become a permanent part of the employee's personnel file.

*\*Nothing in this policy will prevent the immediate suspension of any employee whose continued presence on the job is deemed to be a substantial and immediate threat to the welfare of the city, its employees, or the public, nor will anything in this policy prevent the suspension of an employee for refusing to obey a direct order issued in conformance with the city's written and disseminated rules and regulations. In such case, the employee will be afforded the right to a hearing, as applicable, pursuant to Article VII, Section 2 of the city charter.*

## Reassignment

Nothing in this policy regarding transfer prevents a department director from reassigning employees that are not under corrective action, to a different position in the same pay grade; employees may be moved within a department as position or organizational needs change.

**When feasible**, appropriate notice (two weeks) **will** be given, whether or not the employee's schedule changes. Hearing procedures do not apply when an employee is reassigned. If an employee is under corrective action and a transfer is recommended, then the city's hearing procedure applies.

## Retention of Documents

**Five** years after successful completion of any of the corrective actions described in this policy, the employee may request that documents related to the corrective action be removed from the personnel file. Request for removal of corrective actions must be made in writing to be considered by the Human Resources Director. The HR Director shall review the request considering the following factors.

- History of corrective actions, whether or not similar to corrective action being requested to be removed;
- The nature, extent, and relative seriousness of the infraction that caused the corrective action;
- The recommendation of the department director; and
- Other factors deemed material.

If the request is approved, the corrective action(s) shall be removed from the employee's personnel file.

If the request is denied it shall be documented by a memorandum from the Human Resources Director and placed in their personnel file. The decision of the Human Resources Director shall be final.

## Consequences of Policy Violation

**N/A**

## Related Information or Procedures:

### Hearing Procedure Before The City Manager

City employees, other than department heads, deputy department heads and confidential employees pursuant to Article VII, Section 2 of the city charter, who have worked for six (6) months or longer, may request a hearing concerning a recommended suspension of more than 5 work days, corrective action demotion or transfer, or termination, other than for reduction in force, before the City Manager. If a hearing is not requested, the City Manager will act on the recommendation for suspension, demotion, transfer, or termination.

The request for hearing must be in writing and must be filed in the City Manager's office **within three (3) business days** (Monday – Friday, 8:00 a.m. – 5:00 p.m.) from the notice of suspension, demotion, transfer, or termination. The City Manager, or individual designated as acting City Manager pursuant to Article VII, Section 1 of the city charter, will schedule a hearing **no less than five (5) business days** (Monday – Friday, 8:00 a.m. – 5:00 p.m.) and **no more than ten (10) business days** (Monday – Friday, 8:00 a.m. – 5 p.m.) from the request for hearing.

The employee will be placed on paid administrative leave pending the hearing and decision of the City Manager, unless the employee requests a postponement of the hearing beyond the time limits for a hearing set forth hereinabove, the employee will be on unpaid leave. The hearing is provided pursuant to Article VII, Section 2 of the Charter of the City of Kingsport. The hearing will include the specific charges; may be public if requested by the employee; the employee will have the right to appear and defend in person or by counsel and will have the process of the board of mayor and aldermen to compel attendance of witnesses in their behalf. The employee will be notified in writing of the date, time and place of the hearing. The hearing will be informal and the rules of administrative or civil procedure or the rules of evidence will not apply; however, all witnesses will testify under oath or affirmation and the proceeding will be recorded. If the employee fails to appear for the hearing, the City Manager will act on the recommendation for suspension, demotion, transfer, or termination.

At the conclusion of the hearing, or within no **more than five (5) business days** (Monday – Friday, 8:00a.m. – 5:00 p.m.), the City Manager, or individual designated as acting City Manager pursuant to Article VII, Section 1 of the city charter, will issue a decision. The decision will be put in writing and will be sent to the employee or his/her attorney. A copy of the decision will be sent to the Human Resources Director. If the recommendation for termination is approved, the termination will be effective when decision is put in writing. The written decision will become a permanent part of the employee's personnel file.

The City Manager's decision is final and binding on all parties involved except that it may be appealed by filing a petition of common law certiorari in the Chancery Court at Kingsport, Tennessee, within sixty (60) days of the date of the decision. The decision will be effective during appeal unless otherwise stayed by a court of competent jurisdiction.

### Other Provisions:

Nothing in this policy should be construed to conflict with or supersede state or federal law, or as if interfering with the constitutional rights of employees.

While the city is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the city and its employees. Furthermore, this statement constitutes **ONLY** the policy of the city. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.

### Contacts

The Human Resources Office can address questions regarding this Policy: phone: (423) 229-9401, email: [HROffice@kingsporttn.gov](mailto:HROffice@kingsporttn.gov)