



City of Meridian
Standard Operating Policy
Number 8.1

## **Disciplinary Action**

### **Purpose:**

To set forth the City's policy regarding disciplinary action to ensure consistent and equitable application for all employees.

### **Policy:**

Supervisors and department directors or designees are directed to assist employees in improving substandard or unacceptable performance and behavior by setting effective expectations, providing feedback, coaching, counseling, and other proactive activities. However, when employees do not respond to such efforts, or when events take place that are so grievous as to require disciplinary action, supervisors, department directors or designees are directed to follow the City's disciplinary process.

This policy shall be implemented pursuant to the Disciplinary Action Standard Operating Procedures.

### **Authority & Responsibility:**

The Human Resources Director or designee shall be responsible for interpreting this policy. Supervisors and department directors or designees shall have authority and are responsible for administering this policy within their areas of responsibility up to specified levels of disciplinary action as outlined in the Disciplinary Action Standard Operating Procedures. The Mayor may be advised of disciplinary decisions made which involve demotion, suspension, or termination.



City of Meridian
Standard Operating Policy
Number 8.2

## **Termination of Employment**

### **Purpose:**

To set forth the City's policy regarding employment termination and the reasons for such termination proceedings.

### **Policy:**

Employment with the City may be terminated at any time. As per the City's at-will policy, the City reserves the right to terminate employment at any time and for any or no reason. Employment may be terminated voluntarily (at the employee's request) or involuntarily (at the City's request). All involuntary terminations, except for Introductory Period employee terminations, are subject to the Adverse Employment Action Appeal Policy and related procedures.

This policy shall be implemented pursuant to the Termination of Employment Standard Operating Procedures.

### **Authority & Responsibility:**

The Human Resources Director or designee shall be responsible for interpretation and administration of this policy. Pursuant to the Adverse Employment Action Appeal Policy, the Mayor shall have the sole authority to make final termination decisions for employees. The Mayor with approval of City Council is authorized to make termination decisions for appointed positions. The City Council also may terminate any appointed position as allowed by the Meridian City Code and the Idaho State Code.



City of Meridian
Standard Operating Policy
Number 8.3

### **Adverse Employment Action Appeal**

**Purpose:**

To set forth the City's policy regarding the City's process for employees to appeal decisions that involve adverse employment action, up to and including termination.

**Policy:**

Employees who become subject to adverse employment decisions that include suspension, demotion, disciplinary probation, or termination may be eligible to appeal such decisions.

This policy shall be implemented pursuant to the Adverse Employment Action Appeal Standard Operating Procedures.

**Authority & Responsibility:**

The Human Resources Director or designee shall be responsible for interpreting this policy and for initial investigations that may take place as a result of the appeal process. The Mayor shall be responsible for final decisions regarding an appeal.



City of Meridian
Standard Operating Procedures
Number 8.1

## **Disciplinary Action**

### **Purpose:**

To set forth the City's procedures regarding disciplinary action to ensure consistent and equitable application for all employees.

### **Procedures and Related Information:**

#### **I. Purposes of Disciplinary Action**

Disciplinary action is typically considered when an employee engages in unacceptable performance or behavior. Below are outlined typical circumstances wherein disciplinary action should be considered. The disciplinary actions listed are not meant to be all-inclusive. Other circumstances may arise where disciplinary action may be warranted.

- A. **Violation of Policy or Procedure:** Employees who violate City policy or procedures as set forth within the City's Standard Operating Policies (SOPs) and Standard Operating Procedures (SOPRs), instructional manuals, or other reference sources may be subject to disciplinary action as set forth within these procedures. Disciplinary action should be commensurate with the level of policy violation and the impact upon City operations, employees, reputation, liability, etc. Such employees may be subject to disciplinary action, up to and including termination.
- B. **Unacceptable Behavior:** In cases where employees violate the City's Standards of Conduct (see SOPs 7.5 and 7.6), or otherwise engage in behavior including, but not limited to behavior that is unacceptable, unprofessional, or which creates a hostile or uncomfortable work environment, such employees may be subject to disciplinary action, up to and including termination.
- C. **Workflow Impact:** Employees who, by their actions or inactions, create a negative impact on the workflow or ability to perform assigned duties by other employees, may be subject to disciplinary action, up to and including termination.
- D. **Substandard Performance:** The City expects its employees and managers to perform assigned duties and responsibilities in an effective manner that meets reasonable expectations of quality, quantity, and timeliness. Supervisors are expected to help employees improve performance in cases of unacceptable performance through effective feedback, coaching, and counseling efforts. However, when such actions become ineffective, employees may become subject to disciplinary action, up to and including termination.

## II. Steps of Progressive Disciplinary Action

- A. The following is a list of steps that supervisors may follow in administering disciplinary action. Please note that these steps are guidelines only. Disciplinary action may be initiated at any step in this process, at the discretion of the department director and the Human Resources Director or their designees depending on the performance problem, the type of conduct, or the nature of the offense involved. Termination may also result without any other prior warning being given.
- B. Disciplinary action may call for any of the following steps, depending on the issue and the type or nature of the offense.
  1. Coaching and Counseling  
In cases of unacceptable performance, and prior to formal disciplinary action, supervisors are encouraged to use methods of coaching and counseling to resolve performance problems. Supervisors should clarify expectations and provide specific, measurable feedback to employees in order to improve performance. Performance counseling sessions should be documented, with information including performance agreements, documentation of performance improvement plans, and other related information.
  2. Verbal Warning  
This is defined as an informal discussion of the employee's action and/or behavior that is stated specifically by the supervisor. The employee has the opportunity to explain his/her side of the situation, and the supervisor will consider that information before developing specific corrective actions. The supervisor should elicit the employee's ideas on how to resolve the issue and incorporate those whenever possible. The supervisor will specify performance agreements made, including how the employee is expected to improve, the timeframes for improvement and specific consequences for a lack of follow-through. Documentation of this verbal warning should be made by the supervisor and kept with the supervisor's work records.
  3. Written Warning  
The same procedures of the verbal warning are recommended in this step. However, in addition, the supervisor and/or department director will prepare written documentation of this conversation for the employee and the employee's personnel file. The documentation, usually in memo form, will include the date of the conversation; the rule or policy/procedure violation specifically stated; a reference to the earlier oral warning, if given; a statement of the specific change in the employee's performance that is expected; the time allowed for improvements may be included; the consequences of not meeting the performance expectations; and comments the employee made during the conversation. An acknowledgement of receipt should be signed by the employee and dated; it might read, "I acknowledge that a copy of this written warning was given to me on this day."

4. Demotion

An employee may be demoted to a position of lesser responsibility and salary. Depending on the position, demotion may or may not be available. For information about salary impact, refer to the Compensation policy or contact the Human Resources Department.

5. Performance Improvement Plan

An employee whose performance is below expectations may have his/her performance reviewed on a schedule determined by the supervisor and/or department director or designee. The review(s) should include a formalized written improvement plan, noting dates, expected results, and responsibilities. Regardless of the outcome of the performance improvement plan, the employee's at-will status with the City remains the same.

6. Suspension

Suspension with or without pay is usually, but not always, used after a verbal warning, written warning, or performance improvement plan that individually or collectively has been given to the employee and no change in performance has resulted. It is often the final step before termination. The supervisor and/or department director will again confer with the employee about the disciplinary issue and will review all the actions, documentation, and expectations not addressed; the employee will be asked for other information to be considered. The supervisor, department director, and Human Resources Director or designee will confer to determine appropriate action, including the duration of the suspension, and will document the entire process and conversation in memo form for the employee and the employee's personnel file. The employee will be asked to acknowledge receipt of the memo. Exempt employees will not suffer deductions from their salary for suspensions of less than one workweek.

7. Termination

Termination occurs when other remedies have failed to correct unacceptable job performance and/or when an employee commits an offense so serious in the judgement of the City that termination of employment is appropriate. The supervisor, department director, Human Resources Director or their designees, and the City Attorney or designee will confer to determine when termination is required. The Mayor has total discretion on employee termination.



City of Meridian
Standard Operating Procedures
Number 8.2

## Termination of Employment

### Purpose:

To set forth the City's procedures regarding employment termination and the reasons for such termination proceedings.

### Procedures and Related Information:

- I. Termination of employment occurs when the employee or the City decides to end the employment relationship, either voluntarily or involuntarily.
  - A. The City has no obligation to terminated employees other than to pay final wages in accordance with state and federal law.
- II. Voluntary Termination

Voluntary termination typically involves the voluntary resignation of an employee or an individual's retirement. Details are provided below.

  - A. Employees who choose to separate from City employment are urged to submit written notice to their supervisor fourteen (14) calendar days prior to their last day of work. Proper notice generally allows the City sufficient time to calculate all leave benefits and/or other monies to which the employee may be entitled. An employee's supervisor, department director or designee, in conjunction with the Human Resources Director or designee, or the Mayor may choose to waive this request and immediately end the employment relationship. The Human Resources Director or designee may consult with the City Attorney regarding waiver of notice, if necessary.
  - B. Employees may expect their final paycheck to be electronically deposited in their designated account on the next regular payday and/or in compliance with state law.
  - C. Retirement

Employees eligible for retirement benefits under PERSI (see SOP 5.3) who decide to leave employment should notify Human Resources as soon as possible about their decision. This will allow for sufficient time to arrange for PERSI benefits to begin at the time of termination. It also provides sufficient time to allow for a replacement to be found for the position in order to continue to meet operational demands.
- III. Involuntary Termination

Involuntary termination typically involves a termination of employment at the request of the City. Involuntary termination typically consists of the actions as described below. Termination of employment as initiated by the City requires approval from the department director and Human Resources Director or designee. The City Attorney may be consulted by the Human

Resources Director or designee regarding involuntary terminations. The Mayor may be advised as appropriate by the Human Resources Director or the City Attorney.

A. At-Will Termination

As an at-will employer, the City reserves the right to terminate employment at any time for any or no reason. As outlined in SOP 1.2, employment with the City is not guaranteed, nor does this or any other policy or agreement create a binding contract or guarantee of employment for those employees not represented by the current collective labor agreement. At-will terminations typically take effect immediately, with possibility for appeal in accordance with the procedures for adverse actions employment appeals (SOPR 8.3).

B. Disciplinary Termination

As a part of its discipline policy (see SOP 8.1), the City may choose to terminate employment at any time for violation of City policies, procedures, practices, codes and standards of conduct, or for any other unacceptable behavior, action or practice. Disciplinary terminations typically take effect immediately, with possibility for appeal in accordance with the procedures for adverse actions employment appeals (SOPR 8.3).

C. Lay-Offs

Layoff is defined as severance of an employee from the work force due to lack of work or funds. Layoff is made without prejudice and is no fault of the affected employee. Layoff may occur due to lack of work, budgetary restrictions, reorganization, or other factors. Layoffs may or may not provide employees with prior notification before taking effect.

D. Job Elimination

In some cases where a position is eliminated, an employee may be provided the opportunity to transfer to another City position for which he or she may be qualified. Failure to accept the transfer will be regarded as a voluntary termination.

IV. Notification of Termination

Employees being terminated shall receive written notice stating reasons for the action. Employees subject to involuntary termination shall be given an opportunity to appeal the action according to the timeframe and provisions set forth in the procedures for adverse employment action appeals (SOPR 8.3). The Human Resources Director or designee, in consultation with the department director or designee, will prepare the notification.

V. Suspension or Termination of Appointed Officials

Appointed officials may be suspended with or without pay by the Mayor with notification to City Council. The Mayor with approval of City Council is authorized to make termination decisions for appointed positions. The Mayor shall set an administrative hearing and shall notify the appointed official of the time and place of the hearing, which will be heard by a majority of the City Council members and the Mayor. The Mayor shall invite the Human Resources Director and City Attorney to attend the hearing. Appointed officials shall be terminated by the procedures set out in Idaho Code section 50-206. Exempt employees will not suffer deductions from their salary for suspensions less than one work week.



## VI. Exit Interviews

- A. Whenever possible prior to an employee's separation from City employment, the Human Resources Director or designee will schedule an exit interview with the employee. The purpose of this interview is to:
  - 1. Obtain information and suggestions from the employee that may help to improve the quality of City services and the general work environment.
  - 2. Identify areas of improvement, eliciting the employee's ideas for reasonable implementation.
  - 3. Advise the employee of benefits and benefit conversion privileges for which the employee may be eligible. Exit interviews are voluntary.
- B. Human Resources shall be responsible for scheduling all exit interviews. Typically, efforts will be made to schedule exit interviews prior to the last day of employment; however, circumstances may require setting the interview for a later time.
- C. Human Resources may forward any applicable comments, recommendations, or other information to the Mayor.

## VII. Surrender of City Property

- A. Employees are required to return all City property to the department director or designee at the time of separation.
- B. If the property is not returned, the employee will be asked to sign a written authorization to deduct the cost of the indebtedness from the final paycheck.



City of Meridian
Standard Operating Procedures
Number 8.3

## **Adverse Employment Action Appeal**

### **Purpose:**

To set forth the City's procedures regarding the City's process for employees to appeal decisions that involve adverse employment action, up to and including termination.

### **Procedures and Related Information:**

- I. All adverse employment actions, up to and including termination shall be taken in accordance with the City's Disciplinary Action and Termination of Employment policy and procedures, (SOP 8.2 and SOPR 8.2.) The supervisor shall document all relevant facts and determine appropriate adverse employment action in consideration of the severity of the offense or performance problem, previous performance issues of a similar nature and the period of time between occurrences, overall work records, treatment of other employees under similar circumstances, and related herein.
- II. For those cases where employees feel that the adverse employment action taken was improper or not commensurate with the circumstances, an appeal procedure has been established to hear and consider the employee's concerns. All City regular full-time or part-time employees, excluding appointed officials and introductory employees, who have been demoted, suspended, placed on disciplinary action, or terminated, shall have the right to appeal certain adverse employment decisions as outlined herein.
- III. Grievance for represented employees shall be governed by the provisions of the collective labor agreement. Refer to the collective labor agreement for the process and appeals procedure.
- IV. Appeal Procedures

The following procedures shall apply for adverse employment action appeals. It is required for all stages of the appeals process that the supervisor involved shall utilize Human Resources for direction and guidance.

  - A. When an employee disagrees with adverse employment decisions that include demotion, suspension, disciplinary action, or termination, he/she will have three (3) working days from the date the decision is administered to make an appeal to his/her immediate supervisor. The employee should first attempt to informally resolve the issue with his/her immediate supervisor. When normal communications between an employee and the supervisor are not possible or successful, the employee may proceed to the next step in the process.
  - B. The employee must submit his/her written appeal to the department director or designee within five (5) working days of receiving the supervisory decision regarding the appeal. The department director or designee shall meet with the aggrieved employee

within five (5) working days of receipt of the written appeal to discuss the adverse employment action. The department director, or designee, shall issue a decision to the employee within five (5) working days following the meeting. Every effort shall be made by the employee and the department director, or designee, to resolve the appeal at this level. If resolution is reached at this step, the appeal is considered complete and documentation of its resolution will be filed with the Human Resources Director, or designee. If the appeal is unresolved, the employee may proceed to the next step in the process.

- C. After receiving the department director's decision, the employee shall present his/her appeal in writing within five (5) working days to the Human Resources Director, or designee, who shall make careful inquiry into the facts and circumstances of the adverse employment action. The Human Resources Director may request an investigation or intervention by an outside (non-City employee) third party. The Human Resources Director, or designee, may consult with the City Attorney, or designee at any point during an adverse action appeal.
  - D. The Human Resources Director, or designee, department director, or designee, and the employee will meet within five (5) working days to attempt to resolve the problem promptly and fairly. Once the inquiry and/or investigation is completed, a written response will be issued to the department director, or designee, and employee within five (5) working days, and kept on file by the Human Resources Director, or designee. If the appeal is unresolved, the employee may proceed to the final step in the process.
  - E. If the adverse employment action is unresolved the employee shall send a written appeal letter to the Mayor within five (5) working days requesting a meeting. The appeal must specify the reasons why the employee disagrees with the adverse employment decision. The Mayor will then schedule a meeting based on their availability with the employee to hear the appeal. A decision by the Mayor will be issued in writing to the employee within ten (10) working days of a decision and forwarded to the Human Resources Director, or designee. The decision by the Mayor shall be final.
  - F. Time frames set forth in these procedures may be extended upon mutual consent of the parties.
- V. Confidentiality
- Any employee who uses the appeal process will be expected to keep all matters private and confidential. City representatives will keep information concerning the issues as confidential as possible, consistent with objective investigations and fair resolution of the adverse employment action and appeal process.
- VI. Non-Retaliation
- Retaliation against an employee for using this appeal process or anyone cooperating in the appeal process is prohibited.
- VII. The above procedures are not a promise or contract, expressed or implied, that will be followed in every instance.