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|  <b>CITY OF MILES CITY<br/>PERSONNEL POLICY</b> | Section 6:    | Workplace Standards              |
|                                                                                                                                  | Effective:    | 10/25/2016                       |
|                                                                                                                                  | Last Revised: | <del>02/13/2018</del> 09/17/2026 |
| <b>Discipline &amp; Discharge</b>                                                                                                |               |                                  |
| <b>Resolution #####4115</b>                                                                                                      |               |                                  |

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

### **Policy**

Non-probationary employees shall be disciplined or discharged only for good cause, which is defined in accordance with state statute as reasonable job-related grounds based on a failure to satisfactorily perform job duties, disruption of the City's operation, or other legitimate business reason, and only after an investigation which provides credible evidence. Evidence of good cause may come from a single event, a series of related or unrelated events, and/or performance evaluations.

### **Objective**

It is the objective of this policy to establish procedures for taking formal disciplinary action or discharge.

### **Definitions**

- A. "Non-probationary employee" means an employee who has satisfactorily served his or her six month probationary period.
- B. "Employee" means any employee except temporary and short-term employees, independent contractors and elected officials.
- C. "Good Cause" means reasonable, job-related grounds for taking a disciplinary action based on failure to satisfactorily perform job duties, or disruption of City operations, or other legitimate business reason. Good cause includes, but is not limited to, poor performance, a violation of a statute, policy, ordinance, labor agreement, supervisory instructions, or rules/regulations.

### **Investigation**

The City of Miles City, at its discretion, may investigate and take disciplinary action upon learning of a suspected violation of federal, state or local laws, Miles City ordinances, rules and/or regulations, and/or policies, employee conduct/behavior/performance standards, or other conduct not in the best interests of the City of Miles City. The supervisor may informally investigate any allegation of improper conduct to the extent necessary and issue an oral reprimand. In the alternative the Supervisor may report to the Mayor that a full investigation into the matter is appropriate. If the Mayor determines that a full investigation is appropriate, an employee may be placed on administrative leave (with or without pay) in the discretion of the Mayor pending the investigation. The investigation shall be completed at the direction of the Mayor or a designee appointed by the Mayor as investigator, and the final step of the investigation shall include an interview with the employee. The full investigation will be completed and

report issued within 30 days, unless the mayor determines a reasonable amount of additional time is needed to complete the investigation and report and report to the Mayor.

Upon conclusion of the investigation, the investigator shall submit a detailed report to the Mayor who may request additional information if the Mayor deems necessary. The employee will be provided the final report of the investigation, and an interview between the Mayor and the employee will be scheduled. The employee being interviewed may request an attendee of the employee's choosing to be present at the interview. However, such attendee will be permitted to observe only and will not be permitted to participate in the interview. At the beginning of the interview, the employee will be given the following warning: "You are being asked to provide information as part of an internal and/or administrative investigation. This is a voluntary interview and you do not have to answer questions if your answers would tend to implicate you in a crime. No disciplinary action will be taken against you solely for refusing to answer questions. However, the evidentiary value of your silence may be considered in administrative proceedings as part of the facts surrounding your case. Any statement you do choose to provide may be used as evidence in criminal and/or administrative proceedings."

Following the interview the Mayor will decide whether discipline is appropriate and, if so, at what level. The employee will be notified in writing of the Mayor's decision.

### **Discipline Actions**

#### **DISCIPLINE**

- CITY/TOWN, at its discretion, may investigate and take disciplinary action upon learning of a suspected violation of federal, state, or local laws, CITY/TOWN rules and/or regulations, employee conduct/behavior/performance standards, CITY/TOWN policies, or other conduct not in the best interests of the CITY/TOWN. The supervisor, clerk, HR officer, and/or the Mayor/CITY MANAGER or their designee will notify the employee of the suspected violation and will then perform an investigation. Employees may be placed on administrative leave (with or without pay) pending investigation.

- The employee will be notified in writing of the suspected violation or misconduct, will be included in the investigative process, and allowed to share their account of the suspected violation or misconduct in question before discipline is issued.

- At the sole discretion of the CITY/TOWN the supervisor, the CLERK/HR Officer, the MAYOR/CITY MANAGER and/or their designee will conduct the investigation including employee interviews. The employee being interviewed may request an attendee of their choosing be present at the interview; however, such attendee will be permitted to observe only and will not be permitted to participate in the interview.

- Upon conclusion of the investigation, the CITY/TOWN will decide whether discipline is appropriate and if so, at what level. All affected parties will be advised, at an appropriate level, of the investigation results.

- Discipline, as determined by the CITY/TOWN, may be imposed in one of the following forms. This is not a progressive discipline policy.

#### **Oral Reprimand**

The supervisor and/or Mayor/City Manager/HR Officer will meet with the employee to explain the

issue(s), the expectations moving forward, and the consequences should the employee not conform or comply with the stated expectations. This conversation will be summarized in writing. The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required. The summary will be placed in the employee's personnel file.

- Written Reprimand

The supervisor and/or Mayor/City Manager/ HR Officer will meet with the employee to explain the issue(s), the expectations moving forward, and the consequences should the employee not conform or comply with the stated expectations. The summary of the issue(s) and the corrective action required will be presented in a letter to the employee. The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required. The summary will be placed in the employee's personnel file.

- Suspension (with or without pay)

The supervisor and/or Mayor/City Manager/ HR Officer will meet with the employee to explain the issue(s), the expectations moving forward, and the consequences should the employee not conform or comply with the stated expectations. The summary of the issue(s), the corrective action required, and the dates and conditions of the suspension will be presented in a letter to the employee. The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required. The summary will be placed in the employee's personnel file.

- Demotion - Loss of Duty

The supervisor and/or Mayor/City Manager/ HR Officer will meet with the employee to explain the issue(s), the expectations moving forward, and the consequences should the employee not conform or comply with the stated expectations. The summary of the issue(s), the corrective action required, and the specific conditions of the demotion will be presented in a letter to the employee. The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required. The summary will be placed in the employee's personnel file.

- Termination

If the CITY/TOWN determines that the appropriate disciplinary action is termination, Regular, Non-Probationary employees will receive a letter that documents the problem and summarizes the results of the investigation. The letter will detail the cause and date of discharge. The letter shall also include a copy of the Grievance Procedure Policies. The supervisor and/or Mayor/City Manager/ HR Officer will meet with the employee and provide him/her with the letter. All terminations must be approved by the Mayor/City Manager.

- ~~Discipline may be imposed in one of the following forms. This is not a progressive discipline policy.~~

**Oral Reprimand**

~~The supervisor and/or Mayor will meet with the employee to explain the issue(s) and problem(s), the expectations moving forward and the consequences should the employee not conform or comply with the stated expectations. This conversation will be summarized in writing. The employee and the supervisor or Mayor will sign the summary, which attests that the meeting took place, that the employee understood the problem and any corrective action. The employee will be given the opportunity to provide a written response to the oral reprimand, which must be received by the supervisor and/or the~~

Mayor within 10 days. The Mayor or supervisor will make note on the summary should the employee refuse to sign. The summary along with the timely written response will be placed in the employee's personnel file.

#### **Written Reprimand**

The Mayor will meet with the employee to explain the issue(s) and problem(s), the expectations moving forward or corrective action required and the consequences should the employee not conform or comply with the stated expectations or corrective action. The summary of the issue(s) and problem(s) discussed at the meeting and the expectations or corrective action required will be presented in a letter to the employee. The employee will be given the opportunity to provide a written response to the written reprimand, which must be received by the supervisor and/or the Mayor within 10 days. The letter along with the timely written response will be placed in the employee's personnel file.

#### **Suspension Without Pay**

The Mayor will meet with the employee to explain the issue(s) and problem(s), the expectations or corrective action moving forward and the consequences should the employee not conform or comply with the stated expectations or corrective action. The summary of the issue(s) and problem(s), the expectations or corrective action required and the dates and conditions of the suspension will be presented in a letter to the employee. The employee will be given the opportunity to provide a written response to the suspension without pay, which must be received by the supervisor and/or the Mayor within 10 days. The letter along with the timely written response will be placed in the employee's personnel file.

#### **Demotion—Loss of Duty**

The Mayor will meet with the employee to explain the issue(s) and problem(s), the expectations or corrective action moving forward and the consequences should the employee not conform or comply with the stated expectations or corrective action. The summary of the issue(s) and problem(s), the expectations or corrective action required and the specific conditions of the demotion will be presented in a letter to the employee. The employee will be given the opportunity to provide a written response to the demotion—loss of duty, which must be received by the supervisor and/or the Mayor within 10 days. The letter along with timely written response will be placed in the employee's personnel file.

#### **Termination**

If the Mayor determines that the appropriate disciplinary action is termination of employment, Non-Probationary employees will receive a letter that documents the issue(s) and problem(s). The investigative report will be attached. The letter will detail the cause and reason for the discharge decision and date of discharge. The letter shall also include a copy of the Grievance Procedure Policy. The Mayor will meet with the employee and provide him/her with the letter of termination which shall be placed in the employees personnel file.