

## City of Willard Disciplinary Policy

### Purpose

The purpose of this policy is to establish a consistent, fair, and transparent disciplinary process for employees of the City of Willard. This policy is designed to:

- Promote accountability and adherence to workplace standards.
  - Provide employees with clear expectations for behavior and performance.
  - Offer opportunities for corrective action and improvement before more severe disciplinary measures are imposed.
  - Ensure that all disciplinary actions are administered fairly and consistently across all departments.
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### Scope

This policy applies to all employees of the City of Willard, whether employed on a full time, part time or seasonal basis.

Nothing in this policy shall be construed to modify or alter the at-will employment status of any City of Willard employee, nor shall it create any contractual rights or guarantees of continued employment.

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### Guiding Principles

1. **Progressive Discipline** – Whenever possible, the City will use a progressive discipline approach, starting with less severe actions and escalating as necessary. However, certain violations may warrant immediate severe action, up to and including immediate termination.
  2. **Consistency & Fairness** – Disciplinary actions will be applied uniformly and fairly across all departments.
  3. **Documentation** – All disciplinary actions must be properly documented and retained in the employee's personnel file.
  4. **Right to Respond** – Employees have the right to provide their perspective on any disciplinary action taken against them.
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### Types of Violations

Violations of City policies, procedures, and expectations fall into two broad categories:

**1. Performance-Related Issues**

- Poor job performance
- Failure to meet deadlines or assigned tasks
- Excessive absenteeism or tardiness
- Failure to follow reasonable job related instructions or workplace procedures

**2. Conduct-Related Violations**

- Violations of City policies, including ethics and workplace behavior standards
- Disrespectful or inappropriate behavior toward supervisors, coworkers, or the public
- Misuse or unauthorized use of City property, funds, or resources
- Workplace harassment, discrimination, or bullying
- Substance abuse in the workplace
- Criminal activity or misconduct on or off duty that impacts the City's reputation
- Acts of violence, threats, or workplace safety violations

These lists are not intended to be exhaustive and serve as examples of types of violations and where they may be categorized. The omission of a type of violation shall not be construed to mean that such a violation, when encountered, should not be addressed.

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**Disciplinary Process**

**Step 1: Verbal Warning (Informal Correction)**

- A **supervisor** provides an initial verbal warning when an issue is identified.
- The supervisor clearly explains the problem, expected improvements, and potential consequences if the behavior or performance does not improve.
- While informal, the verbal warning should be documented internally.

**Merit Raise Eligibility:**

- Employees receiving a verbal warning (**Step 1**) may still be eligible for a merit increase, provided:
  - They correct the issue and do not receive a second correction for the same issue more than once during a rating period.
  - They do not receive multiple informal counseling sessions for separate issues within a rating period.
  - If multiple unrelated issues occur within the same rating period, or across rating periods, the **HR Director, with approval from the City Administrator**, may determine that the employee is ineligible for a merit raise as part of the disciplinary action.

### **Step 2: Written Warning (Formal Notice)**

- If the issue continues or is more serious, the supervisor issues a **written warning** that:
  - Clearly describes the violation.
  - Outlines the expected corrective actions and timeline for improvement.
  - Informs the employee of potential future disciplinary actions if the issue persists.
- The written warning is signed by the employee, supervisor, and HR, then placed in the personnel file.

### **Merit Raise Eligibility:**

- Employees receiving a **written warning (Step 2)** will **not** be eligible for a merit raise for the performance rating period in which the warning was issued. Example, an employee whose 12 month rating period begins January 1 and ends December 31 who received a written warning in August shall not be eligible for a merit raise when their performance is evaluated.

### **Step 3: Performance Improvement Plan (PIP) or Suspension**

- If an employee receives a **1 (Unsatisfactory)** rating on an evaluation or fails to correct behavior after a written warning, they may be placed on a **Performance Improvement Plan (PIP)** for 90 days, with:
  - Clearly defined goals and measurable expectations.
  - Regular check-ins with their supervisor.

- For **serious policy violations**, an employee may be placed on **suspension** (with or without pay) while an investigation is conducted.
- The HR Director and City Administrator must approve any suspension.
- The extension of a PIP may be permitted upon approval by the HR Director, City Administrator or Designee if it appears an employee is making progress towards satisfactorily completing the plan. Including approved extensions, no PIP may exceed 180 days.

#### **Merit Raise Eligibility:**

- Employees receiving a **PIP or suspension (Step 3)** will **not** be eligible for a merit raise in the performance cycle in which the disciplinary action was issued. Example, an employee whose 12 month rating period begins January 1 and ends December 31 who received a written warning in August shall not be eligible for a merit raise when their performance is evaluated.
- **Exception:** If, upon completion of an investigation, an employee is found **not** to have committed any serious policy violation, they may remain eligible for a merit raise, provided that any resulting disciplinary action does not exceed Step 1.

#### **Step 4: Final Disciplinary Action (Termination or Demotion)**

- If the issue is not corrected during the PIP or the violation is severe enough, the City may proceed with **termination or demotion**.
  - **Immediate termination may occur for serious offenses**, including but not limited to:
    - Theft, fraud, or falsification of records.
    - Workplace violence or threats.
    - Severe policy violations, including harassment or discrimination.
    - Criminal activity, or other actions, that affect the employee's job performance or public trust.
  - The decision to terminate must be reviewed and approved by the **HR Director and City Administrator**.
  - **Exception:** Department heads shall not be terminated without Mayoral approval unless immediate action is necessary to prevent significant harm, such as criminal activity, ongoing violence, or other serious threats to the City's operations, safety or ability to uphold the public's trust.
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## Employee Rights & Appeals

1. **Right to Respond:** Employees may provide a written response to any disciplinary action, which will be kept in their personnel file.
  2. **Appeals Process:**
    - Employees may **request a review** of any disciplinary action (step 2 or higher) within **five (5) business days** of receiving it.
    - The request must be submitted in writing to the **HR Director**.
    - The **City Administrator** or a designee will review the appeal and make a final determination within **ten (10) business days**.
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## Documentation & Recordkeeping

1. **All disciplinary actions** (written warnings, PIPs, suspensions, and terminations) must be documented and placed in the employee's personnel file.
  2. **Supervisors are responsible** for ensuring documentation is accurate, factual, and submitted to HR.
  3. **Disciplinary records will be retained** in accordance with the City's record retention policy.
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## Administration & Oversight

1. The **HR Director** is responsible for ensuring disciplinary policies are applied consistently across all departments.
  2. The **City Administrator** will provide oversight to ensure fair and lawful disciplinary actions.
  3. **Supervisors must complete annual training** on administering discipline, proper documentation, and addressing performance concerns. This training shall be provided by the **HR Director**. Supervisors who have not completed the required training shall not administer disciplinary actions at Step 2 or above.
  4. **The policy shall be reviewed annually** to ensure compliance with best practices and labor regulations.
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## Effective Date

This policy is effective immediately and applies to all employees of the City of Willard.