



## CITY OF GREEN BAY PERSONNEL POLICY

<b>Policy Title</b> Discipline and Discharge	<b>Policy Reference</b> Chapter 14
<b>Policy Source</b> Human Resources Department	<b>Legal Review Date</b> August 22, 2011
<b>Personnel Committee Approval</b> September 24, 2019	<b>City Council Approval</b> October 1, 2019

14.1 **DISCIPLINARY ACTION.** Whenever employee performance, attitude, work habits, or personal conduct at any time falls below an acceptable level, department heads shall inform employees promptly and give counsel and assistance. A reasonable period of time for improvement shall be allowed before initiating disciplinary action. In some instances, a specific incident may justify severe disciplinary action in and of itself; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct.

14.2 **PROCEDURE.** Whenever an alleged infraction of a rule occurs, or when an employee is not adhering to performance standards, an immediate review is necessary to establish the facts of the situation. The answers to the following questions should be systematically documented and recorded prior to disciplining the employee:

1. What rule or standard was violated?
2. Who was involved?
3. When did it occur?
4. Where did it happen?
5. Who were the witnesses?
6. Were there any extenuating circumstances?
7. What has occurred when other employees violated the same rule?

Progressive discipline should then be considered after consultation with the Human Resources Director or designee. These procedures include, but are not limited to:

1. An oral reprimand.
2. A second offense calls for a written reprimand.
3. A third offense would warrant a suspension.
4. A fourth offense would warrant discharge.

In determining the appropriate discipline, mitigating factors must also be considered. Certain cases may require commencement of discipline at the second, third, or even fourth step of the progression.

- 14.3 **REPRIMAND.** If a verbal reprimand is given, a written record of this reprimand should be made, clearly stating the reasons for the reprimand, and a copy filed in the employee's permanent file.

In situations where an oral warning has not resulted in expected improvement, or where more severe initial action is warranted, written reprimands shall be sent to the employee, and a copy of the reprimand shall be placed in the employee's official personnel file and filed in the office of the employee's immediate supervisor. If the employee is represented by a local union, a copy shall be forwarded to the union steward.

NOTE: Letters of reprimand should clearly state the rules violated or the deficiency in performance. A brief recounting of the history of this problem should be included. Such letters should indicate what actions the employee must take to correct the problem. Finally, the letter should indicate what type of actions management will take if the problem recurs or is not corrected. The general spirit of the letter and of the discussion with the employee should reflect a corrective approach.

- 14.4 **SUSPENSION.** Suspensions may be given for reasons of misconduct, negligence, inefficiency, unauthorized absences, or other justifiable reasons when alternate personnel actions are not appropriate. Such suspension action shall be in writing and shall be served upon the employee only by the department head or the department head's designated representative, with a copy sent to the Human Resources Director to be placed in the employee's personnel file and a copy sent to the union steward if the employee is represented by a local union. Certain offenses, by their nature, may warrant immediate suspension without requiring a reprimand for the first or second offense as outlined in 14.2 of this chapter.

If the problem situation warrants immediate action and the department head is not available for consultation, the supervisor has two alternatives: (1) contact the Human Resources Director or designee, or (2) relieve the employee of their duties and send the employee home. In the latter case, the employee should be specifically directed to return to work the next scheduled day. The employee should be informed they are being sent home with pay while disciplinary action is being considered. This action is an administrative leave pending the investigation and is taken in situations where time is needed to consult the employee's supervisor and the employee's continued presence on the job would be detrimental to the interests of the City.

- 14.5 **DISMISSAL.** There are many reasons why disciplinary action must include dismissal as opposed to the procedure outlined in 14.2. After discussing all the issues with the Human Resources Director or designee, the department head may dismiss an employee for just cause. No employee will be dismissed without notifying the Mayor prior to such action.

Reasons for dismissal may include, but shall not be limited to:

14.5.1 **Work Performance**

- a. Insubordination, including disobedience, or failure or refusal to carry out

assignments or instructions.

- b. Loafing, loitering, sleeping, or engaging in unauthorized personal business.
- c. Unauthorized disclosure of confidential information or records.
- d. Falsifying records or giving false information to employees responsible for record keeping.
- e. Failure to provide accurate and complete information whenever such information is required by an authorized person.
- f. Failure to comply with health, safety and sanitation requirements, rules and regulations.
- g. Negligence in performance of assigned duties.

#### 14.5.2 Attendance and Punctuality

- a. Constant failure to report promptly at the starting time of a shift or leaving before the scheduled quitting time of a shift without the specific approval of the supervisor.
- b. Unexcused or excessive absenteeism.
- c. Failure to observe the time limits and scheduling of lunch, rest or wash-up periods.
- d. Failure to notify the supervisor promptly of unanticipated absence or tardiness.

#### 14.5.3 Use of Property

- a. Unauthorized or improper use of City property or equipment including vehicles, telephone, or mail service.
- b. Unauthorized possession or removal of City or another person's private property.
- c. Unauthorized posting or removing of notices or signs from bulletin boards.
- d. Unauthorized entry to City property, including unauthorized entry outside of assigned hours of work or entry to restricted areas.

#### 14.5.4 Personal Actions and Appearance

- a. Threatening, attempting to do, or doing bodily harm to another person.
- b. Intimidating, interfering with, or using abusive language toward others.
- c. Making false or malicious statements concerning other employees or supervisors.
- d. Use of alcoholic beverages or illegal drugs during work hours.
- e. Reporting for work under the influence of alcohol or other drugs.

- f. Unauthorized solicitation for any purpose.
- g. Inappropriate dress or lack of personal hygiene which adversely affects performance or constitutes a health or safety hazard.
- h. Unauthorized or improper use of possession of uniforms, identification cards, badges, or permits.
- i. Use of official position or authority for personal profit or political advantage.
- j. Discrimination because of race, color, creed, religion, national origin, ancestry, marital status, military service, age, sex, sexual orientation, gender expression, gender identity, gender non-conformity, transgender status or disability.
- k. During working hours distribute literature, signs, posters or materials/merchandise of any kind. Consent of the Department Head is required for any exception to this rule.
- l. Unauthorized carrying of a weapon in the course of employment or during working hours.

14.6 WORK RULES. Individual departments are expected to promulgate and post additional rules or examples of prohibited conduct which may be unique to their operation.