



# TOWN OF HILLSBOROUGH

## PERSONNEL POLICY

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POLICY 201

LAST REVISED 8/1/08

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### **SUBJECT: DISCIPLINARY ACTIONS**

**PURPOSE:** To establish policies and procedures related to disciplinary action for Town employees.

### **STATEMENT OF POLICY:**

When a current Memorandum of Understanding conflicts with this policy, the provisions of the MOU shall govern disciplinary action.

With the exception of at-will positions, the tenure of Town employees shall be based on reasonable standards of job performance and personal and professional conduct. Failure or refusal to meet these standards shall be a basis for disciplinary action including oral or written reprimands, suspensions, demotions and termination.

All disciplinary actions involving suspensions of five days or more without pay, demotion or termination require concurrence of the Department Head.

### **PROCEDURE:**

#### *Disciplinary Actions*

The degree of discipline administered will depend on the severity of the infraction and shall be in accordance with any applicable labor contract, Town policies and procedures as well as local, state or federal laws and regulations.

The nature and severity of the offense and the employee's prior record shall be considered before an appropriate type of action is determined. Any type of discipline may be administered in response to an employee's action, as there is no requirement that lesser forms of discipline be administered prior to major actions such as suspension and discharge.

Below is a list of the types of disciplinary action that can be administered.

#### *Oral warning*

This type of discipline should be applied to infractions of a relatively minor degree or in situations where the employee's performance needs to be discussed. Supervisors should inform the employee that the supervisor is issuing an oral warning, that the

employee is being given an opportunity to correct the condition and if the condition is not corrected, the employee will be subject to more severe disciplinary action.

#### *Written reprimand*

Written reprimands are documents placed in the employee's personnel file. It shall state the nature of the infraction in detail and what corrective action must be taken by the employee to avoid further discipline.

A copy of the written reprimand is to be handed to the employee at the time of the discussion of the discipline. The employee shall sign the written reprimand to acknowledge receipt. A copy, signed by the employee, will be placed in the employee's personnel file. If the employee refuses to sign the acknowledgment, then the supervisor and one other witness shall note on the reprimand that the employee received a copy thereof and refused to sign it.

#### *Suspension*

This form of discipline is administered as a result of a severe infraction of policies or for repeated violations. For minor infractions, a suspension is often given after the employee has received a written warning.

- Suspension without pay – An employee will be suspended without pay when the offense is of a serious nature or for repeated violations of the Town's policies and procedures. The length of suspension should not normally exceed thirty work days.

#### *Administrative Leave*

At the discretion of the City Manager, an employee of the Town may be placed on Administrative Leave pending investigation of allegations of misconduct when the nature of the allegation compromises the ability of the employee to perform his or her duties and when a substantial period of time will be required to complete an investigation or legal action, or as otherwise deemed appropriate by the City Manager. If the charges are unfounded, the employee will be restored to duty. In addition, any Public Safety Officer who takes part in an Officer involved shooting shall be placed on an administrative leave pending the completion of an investigation.

#### *Demotion*

Demotion may be used in those instances where an employee has been appointed to a position where he or she is unwilling or unable to perform the responsibilities of that position.

Demotion is not to be used as a substitute for discharge, when discharge is warranted.

#### *Discharge*

Immediate removal of an employee from the job site may be warranted in instances involving serious insubordination, theft, illegal or destructive acts while on the job or other substantial reasons deemed appropriate by the City Manager.

An employee may also be discharged after repeated offenses of a less serious nature.

### **Notice to Employee**

Verbal warnings and written reprimands can be given to an employee at any time.

In any major disciplinary action (excludes verbal warnings and reprimands), the pertinent information shall be reviewed with the employee specifying the following:

- The basis for the proposed discipline
- The specific reasons supporting the cause
- The specific policy or rule violated
- The discipline to be imposed
- The effective date
- The opportunity to respond to the Department Head prior to the action being imposed

The employee will be given such written notice ten calendar days prior to the implementation of the proposed action, except when the employee presents or is believed to present a threat to the safety and well-being of the employee or others, or if such action is required by state or federal laws.

### **Post Disciplinary Hearings**

Employees may request in writing an evidentiary hearing before the City Manager to review discipline imposed by a Department Head (except if the disciplinary action is an oral or written reprimand or suspension under five working days, which are not subject to further review). The City Manager or his/her designee shall arrange for a hearing and attempt to complete a review of the action within fifteen business days. A written decision by the City Manager will be made available to the employee. The decision of the City Manager shall be final.

Each party must submit a list of all anticipated witnesses and submit all evidence to the City Manager at least three days prior to the hearing.