



## Human Resources Policies and Procedures

Policy Title: <b>Progressive Discipline</b>	Policy Number: 2.6
Effective: September 13, 2010	
Supersedes: Progressive Discipline Policy effective October 1, 2007, October 30, 2005; 1988 Rules and Regulations #28 p.30	
Approval:	Page 1 of 7

### 1.0 Scope

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Full-time          | <input checked="" type="checkbox"/> Salaried     |
| <input checked="" type="checkbox"/> Part-time          | <input checked="" type="checkbox"/> Union        |
| <input checked="" type="checkbox"/> Temporary/Contract | <input type="checkbox"/> Independent Contractors |

*Employees who are covered under the provisions of a collective bargaining agreement will follow the standards as contained in their respective contracts if this policy conflicts with the language in the contract.*

### 2.0 Purpose

It takes the combined efforts of all City employees to provide the best possible service to the customer and public. The City expects every employee to perform his or her duties in a satisfactory manner. This procedure has been developed to assist management in the motivation and direction of their staff.

### 3.0 Policy

- 3.1** It is the policy of the City of Ann Arbor to provide a system of discipline, which affords an opportunity for the resolution of unsatisfactory employee behavior or standard of conduct. The discipline process is a corrective process that is designed to be applied to culpable behavior problems consistently and fairly throughout the City. The focus of the process is to help employees achieve acceptable behavior through a series of progressive levels.

#### **DISCLAIMER**

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- 3.2** The violation of any rule, regulation, policy, notice or standard that is published, posted, communicated, or is common sense, will result in a supervisor or manager dealing with the specific violation. The failure to take corrective action in response to prior discipline will result in a supervisor or manager dealing with the specific violation.
- 3.3** The City recognizes the need to effectively, fairly and consistently manage all aspects of employee behavior in order to sustain employee contribution and enthusiasm.
- 3.4** The application of discipline will be the result of a prompt and objective evaluation of the individual circumstances of each behavior problem.
- 3.5** Disciplinary actions are normally applied in a progressive sequence from verbal warnings to discharge. Supervisors, based on the nature of the operation, and the impact of the violations on the general good order of the workplace, may choose to warrant disciplinary action, which is out of sequence, up to, and including discharge.

#### **4.0 Responsibility**

##### **4.1 Management**

All levels of management will be held accountable for managing the behavior of all the employees they supervise. This includes providing the appropriate support to employees to assist them in correcting a behavior problem. All supervisory staff are expected to know and to follow the procedures outlined. Each supervisor will seek out the counsel of Human Resources Services if uncertain how to proceed with counseling and discipline.

##### **4.2 Employee**

The duty is placed on the employee to maintain behaviors and standards of conduct acceptable to the City. All employees must know the consequences of not meeting such expectations.

##### **4.3 Human Resources Services**

Human Resources Services is responsible for providing administrative support for the discipline procedure. This includes maintaining an official record of all disciplinary related data for each employee as well as providing consultative services to management on discipline issues.

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## 5.0 Definitions

- 5.1 Suspension Pending Investigation** This is a suspension with/without pay that is issued when the facts pertaining to a particular incident are being investigated and, in the supervisor's opinion, the employee should not continue working until the matter is dealt with. The investigation may result in the suspension being sustained or discharge if willful violation of City policy, rules, regulations, notices or standards is established.

## 6.0 Procedures

### 6.1 The Disciplinary Process

- A. Management shall investigate the circumstances surrounding the alleged misconduct and its consequences as completely as possible. Include discussion with the employee.
- B. Upon request, all unionized employees have the right to representation by the Union at any and all investigatory meetings.
- C. Give a clear explanation to the employee concerning what he/she has done, not done, or done inappropriately and how it should have been done.
- D. If misconduct involved a violation of City rules and regulations, explain to the employee what rules or regulations were violated, and how.
- E. If misconduct involved off duty behavior, which adversely affects the employment relationship, tell the employee your understanding of the nature of the misconduct he/she performed, and how it adversely affects his/her employment relationship.
- F. Determine appropriate disciplinary action in concert with Human Resources Services.
- G. If decided after investigation that the employee's behavior is caused by lack of capacity or ability rather than by misconduct, discuss training opportunities with Human Resources Services.

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- H. If immediate removal of the employee from premises is necessary to prevent injury to the employee or others, disruption of work or other serious consequences, suspend the employee indefinitely without compensation pending investigation. Contact Human Resources Services immediately.

## 6.2 Progressive Levels

- A. **Verbal Warning** The warning and reasons for it shall be given by the employee's immediate supervisor during a meeting with the employee. Verbal warnings are documented in writing and retained in the unit employee file.
- B. **Written Reprimand** This is the most serious method of dealing with a behavior problem without imposing action that results in a suspension to the employee. A written warning may follow one (1) or more warnings issued to an employee for a repeated offense or a pattern of misconduct. However, a verbal warning need not precede a written warning. A written warning should be in the form of a memorandum from the supervisor to the employee, and a copy should be sent to Human Resources Services for the employee's personnel file in Human Resources Services. The memorandum should state the nature of the misconduct, what is required to change the conduct, when the change must be made and the consequences if the change is not made, i.e., further disciplinary action, up to and including discharge.
- C. **Suspension** When lesser forms of discipline have not corrected an employee's behavior, or when an occurrence is serious enough to warrant it, the immediate supervisor may issue a disciplinary suspension without pay. Prior to issuing the suspension the supervisor shall conduct a formal interview with the employee. The employee's union representative may attend (if applicable). Prior to issuing a disciplinary suspension, the supervisor shall confer with the Service Area Administrator and a representative from Human Resources Services. A memorandum should be issued to the employee by the immediate supervisor at a meeting with the employee, if practical.

Demotion may also be utilized as a form of discipline

When the employee resumes work following the suspension, the immediate supervisor should meet with the employee to ensure that the employee has a clear understanding of what is expected of

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him/her by the supervisor.

- D. **Discharge** When lesser forms of discipline have not corrected an employee's conduct or when an occurrence is serious enough to so warrant, the employee may be discharged. Discharge is the most severe management action possible. Prior to issuing discharge, the Service Area Administrator, and/or the supervisor/manager shall conduct the final interview. A union representative may attend (if applicable). No employee shall be discharged without the review and endorsement of the Director of Human Resources and Labor Relations.

### **6.3 Applying the progressive steps**

- A. Appropriate discipline for misconduct cannot be reduced to rigid standards automatically applied in all circumstances. In determining the severity of discipline to be applied for certain misconduct, the supervisor should investigate and consider the following:
1. Nature and seriousness of the misconduct, including actual or potential impact upon the City.
  2. Overall work record, including references to past behavior.
  3. Length of employment.
  4. Disciplinary record, including time that has elapsed since any past disciplinary action and disciplines for repeated or related conduct.
  5. Did the employee know, or should the employee have known, what was expected?
  6. Consistency and uniformity in the enforcement of standards.
  7. Extenuating or mitigating circumstances related to the misconduct.
  8. Reliance on circumstantial, hearsay or unsubstantiated evidence.
  9. Past efforts of the employee to correct unacceptable

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behavior.

#### **6.4 Disciplinary Interview**

- A. Outline the problem by stating the City's expectations for every employee to behave in an acceptable manner and advise the employee of the behavior problem.
- B. Offer the employee an opportunity to explain his/her actions
- C. Stress the need for improvement
- D. Jointly establish a plan of action to improve or stop the behavior
- E. Have the employee restate what you have explained to ensure they understand
- G. Ask the employee for comments
- H. Depending on the seriousness of the offence, advise the employee of the action being considered by management as a result of the behavior and of the consequences if there is no improvement in the employee's behavior
- I. Document the interview in a letter to the employee and explain the information will be recorded in the employee's personnel file housed in Human Resources Services. The following information should be included in the letter:
  - 1. The date and nature of the incident;
  - 2. The date of the interview with the employee;
  - 3. A summary of the incident;
  - 4. A plan of action for improving or stopping the behavior;
  - 5. Expected improvements and or corrections in the employee's behavior and the time limit for making such improvements or corrections;
  - 6. Actions that will be taken if the employee's behavior does not improve or stop; and

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7. The employee's responses or comments.  
NOTE: Absent extenuating circumstances, correspondence to the employee should be prepared within ten (10) business days after an interview.

## **6.5 Documentation & Employee Records**

- A. When an employee violates a rule, regulation, policy, notice or standard, the supervisor must document all relevant circumstances regarding the violation and include statements of witnesses.
- B. A copy of all disciplinary letters and/or notices must be forwarded to Human Resources Services. The employee's personnel file in Human Resources Services will be the official file.

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