

CITY OF SPOKANE ADMINISTRATIVE POLICY AND PROCEDURE	ADMIN 0620-13-19 LGL 2013-0021
TITLE: DISCIPLINARY ACTION EFFECTIVE DATE June 1, 2000 REVISION EFFECTIVE DATE: October 24, 2013	

1.0 GENERAL

1.1 This policy establishes uniform disciplinary procedures for handling employee violations of Civil Service rules, departmental rules, or law.

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2.0 DEPARTMENTS/DIVISIONS AFFECTED

2.1 This policy applies to all non-uniformed employees who are in Civil Service classified positions.

2.2 The provisions of this policy do not supersede the provisions of any collective bargaining agreements or Civil Service rules, and when in conflict, the specific terms and conditions of the collective bargaining agreement or Civil Service rules will prevail.

3.0 REFERENCES

Spokane City Charter, Section 55 - Suspension, Reduction in Rank and Discharge – Appeals

Merit System Rules of the Civil Service Commission, Rule IX, Section 5, Suspension, Discharge, Layoff

4.0 DEFINITIONS

- 4.1 "Demotion" shall mean an action by the Mayor or Mayor's designee placing an employee in a position of lower grade and classification. A disciplinary demotion is normally only used where the employee is incompetent to perform the duties of his or her current position or has committed an act so serious that continuation in the current position is not in the best interests of the City.
- 4.2 "Discharge" shall mean an action taken by the Mayor or Mayor's designee to terminate an employee's employment with the City. (Note: The termination of a probationer's employment for unsatisfactory performance during the original entrance appointment is not considered a disciplinary (new) discharge and may be taken by the appointing officer.)
- 4.3 "Discipline" shall mean a process by which employees are reprimanded for failing to abide by the City's and their assigned department's performance standards, policies or rules.
- 4.4 "Progressive Discipline" shall mean a form of discipline whereby increasingly harsher penalties are given each time an employee is disciplined for the same or a different performance infraction or policy or work rule violation. Generally, the sequence is an oral warning/counseling, written warning, suspension, demotion where appropriate and finally termination.
- 4.5 "Suspension" shall mean a written notice signed by the Mayor or Mayor's designee suspending an employee for up to sixty (60) working days without pay; **OR** a form of disciplinary action resulting in an employee being sent home without pay for a specified period of time.
- 4.6 "Verbal Reprimand" shall mean a verbal discussion with the employee during which the supervisor notifies him or her of the nature of the violation, the corrective action necessary, and the consequences of future violations, and obtains the employee's commitment to corrective action. The supervisor may document the verbal reprimand in the departmental files. A verbal reprimand or counseling is normally the first step involving minor infractions of rules. (Note: By its nature, a verbal reprimand or counseling is informal and may be given without a predisciplinary hearing and without union representation.)
- 4.7 "Written Reprimand" shall mean written notification to the employee concerning unacceptable performance or conduct, the corrective action necessary, and the consequences of failure to bring about corrective action.

5.0 POLICY

- 5.1 It is the policy of the City that disciplinary actions be positive and corrective in nature whenever possible. The City endorses the concept of progressive discipline. The severity of the discipline administered shall be no greater than necessary to achieve the desired result. The employee's record, length of service, and current perceived amenability to improve shall be considered in the assessment of discipline.
- 5.2 Employees (classified and exempt) may be disciplined for actions which would affect their ability or fitness to satisfactorily perform their assigned duties. Examples of causes for which employees may be disciplined are outlined in Section 5 of Rule IX of the Rules of the Civil Service Commission.
- 5.3 Discipline shall not be based on non-merit factors, including age, race, creed, color, religion, national origin, sex, marital status, familial status, honorably discharged veterans or military status, sexual orientation, or the presence of any sensory, mental or physical disability or the use of a trained dog or service animal by person with disabilities.

6.0 PROCEDURE

- 6.1 Preliminary Investigation.
When there is reason to believe an employee has violated a rule to such an extent that discipline involving a written reprimand or greater appears to be warranted, a preliminary investigation should be undertaken immediately. All available facts should be collected and analyzed, and the employee's personnel folder should be reviewed. If the employee is to be interviewed regarding alleged violations, the employee, prior to the interview, shall be advised by the supervisor of his or her right to representation. If this preliminary investigation substantiates the impression that a rule violation occurred, a predisciplinary hearing shall be held.
- 6.2 Predisciplinary Hearing.
The purpose of a predisciplinary hearing is to notify the employee of the allegation and to provide the employee an opportunity to rebut the allegation or offer matters in mitigation.
 - 6.2.1 The scheduling of all predisciplinary hearings will be coordinated by the Human Resources Department.
 - 6.2.2 The employee shall receive twenty four (24) hours' written notification of the predisciplinary hearing, including a summary of the

allegation(s). (A sample notification form is available on the Human Resources intranet site.)

6.2.3 The employee has the right to be represented by a bargaining-unit representative, a co-worker, or an attorney at his or her expense. The employee may bring pertinent documentation and/or witnesses. Any City employee serving as a witness must have permission from his or her supervisor to attend the hearing.

6.2.4 The hearing will be recorded only if all participants agree.

6.2.5 The hearing shall be closed to friends and family of the employee and to all others, except where a legitimate City interest is involved.

6.3 Decision on Disciplinary Action.

After the predisciplinary hearing, the department head or designee shall, after considering the employee's responses and the recommendations made by those attending the hearing, decide whether disciplinary action is in order. If it is in order and the decision is to impose a verbal or written reprimand, the department head or designee shall do so. If the decision is to suspend, demote, or discharge, the department head in conjunction with the Human Resources Department shall initiate such action for the Mayor or Mayor's designee review and action.

6.4 Records

6.4.1 Filing of Documents.

The employee shall be given the original of the disciplinary letter, and copies shall be sent to the Human Resources Department, Civil Service Department, the employee's department, and the employee's representative or bargaining agent, if any. Notices of suspension will also be forwarded to the Retirement Department.

6.4.2 Retention of Documents.

Letters of demotion for cause or suspension shall be kept in the employee's personnel folder maintained in the Civil Service Department a minimum of three (3) years. Letters of reprimand shall be kept in the employee's personnel folder a minimum of two (2) years. Letters of Counseling will be kept for a minimum of one (1) year. After the minimum amount of time has elapsed and the employee has received no further disciplinary action for related incidents, he or she may request to have the document removed from his or her personnel file in Civil Service by writing to the Human Resources Director through his or her department head.

6.5 A classified employee who is suspended, demoted for cause, or discharged may either appeal through the Civil Service Commission or grieve the action through his or her collective bargaining agreement, but not both.

6.5.1 If the employee elects to appeal, the appeal must be in writing and filed with the Secretary of the Civil Service Commission within ten (10) working days from the date of service of the action on the employee.

6.5.2 If the employee elects to grieve, the appropriate collective bargaining agreement negotiated grievance procedure must be followed.

6.5.3 An employee who receives a reprimand may elect to grieve, but not appeal, that action.

6.6 Resources.

6.6.1 The Notification of Predisciplinary Hearing is available on the Human Resource's intranet site.

6.6.2 The Merit System Rules of the Civil Service Commission are available from the Civil Service page of the City's internet site.

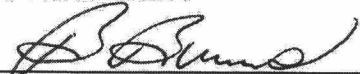
7.0 RESPONSIBILITIES

The Human Resources Department shall be responsible for administering this policy.

8.0 APPENDICES

None

APPROVED BY:



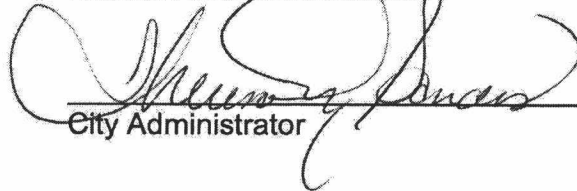
City Attorney (Asst)

10-3-13
Date



Human Resources Director

10.8.13.
Date



City Administrator

10/9/13
Date