

STANDARD PROCEDURE

CITY OF WILSON

PERSONNEL MANUAL

SUBJECT	NUMBER	EFFECTIVE DATE	SUPERSEDES
Disciplinary Policy	D-5	January 1, 2011	Grievance Procedures (D-5)

Approved By: Agnes M. Speight
Assistant City Manager



1.0 Policy Statement

To implement procedures that will serve to establish a fair, consistent and objective process for correcting work performance and/or behavior to progressive discipline and to ensure that consistent procedures are followed when employees are disciplined, up to and including termination.

2.0 Purpose

To communicate problem issues directly and in a timely fashion so that employees can involve themselves in the problem-solving process.

3.0 Scope

All employees are covered under this policy.

4.0 Definitions

- 4.1 Standards of Conduct – The City’s expectations for work performance and conduct.
- 4.2 Disciplinary Action – Formal action taken by management in response to any employee’s unacceptable work performance and/or conduct.
- 4.3 Suspension – The temporary removal of employee from City service based on unacceptable work performance and/or conduct. The nature of the employee’s infraction will determine whether or not the suspension will be with or without pay.
- 4.4 Disciplinary Demotion – The movement of an employee to a position in a lower pay grade with any applicable reductions in salary.
- 4.5 Discharge – The permanent removed of an employee from the City service

5.0 Employee Expectations

Based on Policy D-4 Standards of Conduct, “it is expected that an employee will adhere to all policies and practices of the City of Wilson. It is further expected that an employee will conduct themselves in a professional manner at all times, and exhibit the highest level of integrity in performing their job. It is equally important to maintain a positive work environment through good working relationships with citizens, customers, visitors, and co-workers. It is also important to maintain a work environment that emphasizes our commitment to good customer service. Any violation of these standards of conduct, or other employment policies, or any inappropriate conduct whatsoever may result in immediate discipline up to and including an unpaid suspension or termination.”

- 5.1 Employees are expected to meet the performance standards as described by management.
- 5.2 Employees are expected to report to work as scheduled.
- 5.3 Employees are expected to arrange planned absences or work schedule adjustments in advance with their supervisors.
- 5.4 Employees are expected to report all unexpected absences to their supervisor prior to the beginning of a work schedule or as soon after as possible.
- 5.5 Employees are expected to apply themselves to their assigned duties during the full schedule for which they are compensated.
- 5.6 Employees are expected to work overtime hours as directed and approved by their supervisor.
- 5.7 Employees are expected to bring instructions, expectations and/or procedures that are unclear to the attention of their supervisor.

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- 5.8 Employees are expected to notify their supervisor at any time that they are unable to meet work performance expectations due to circumstances beyond their control. Examples include, but are not limited to, loss of driver's license, disabling medical condition, loss of required certification, and/or incarceration for an extended period of time. All such circumstances will be handled on a case by case basis.
- 6.0 Supervisor Expectations
 - 6.1 Supervisors are expected to insure that employees understand all work related assignments, performance expectations, safety precautions and conduct requirements and how these performance areas will be evaluated.
 - 6.2 Supervisors are expected to be aware of inadequate and/or unsatisfactory work performance and/or conduct on the part of an employee assigned to their supervision and take all appropriate actions to correct.
 - 6.3 Supervisors are expected to contact the Human Resources & Risk Services Director prior to any disciplinary action being taken if possible or directly following any action if the situation requires immediate action.
- 7.0 Verbal Correction
 - 7.1 In contrast to "coaching" or "counseling", which are informal, the verbal correction must be documented and note the nature of the current problem and point to future disciplinary action if improvement doesn't occur.
- 8.0 Written Correction
 - 8.1 As the second step in the formal progressive discipline process, it is more serious than a verbal correction. A written correction serves as a formal notice that a serious infraction has occurred or that the directives outlined in the previous verbal correction were breached.
- 9.0 Final Written Warning
 - 9.1 The final written warning serves as a last chance agreement between the employer and employee. A breached final written warning should result in discharge. At this point, Any further infractions will result in the employee's firing themselves via their refusal to reform their behavior or conduct.
- 10.0 Prior to the dismissal, disciplinary demotion or suspension up to five (5) or more days, an employee who has successfully completed their initial probationary period (12 months) will be given written notification of the following:
 - 10.1 The specific action recommended to be taken,
 - 10.2 An explanation of the basis for the recommendation, including the evidence in support thereof,

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- 10.3 That the employee may review any materials used to support the recommendation,
 - 10.4 That the employee may respond to the notice in writing within seven (7) working days of receipt of the notice,
 - 10.5 That the employee may request a hearing in which the employee may present testimonial and documentary evidence in support of the employee's opposition to the recommended action,
 - 10.6 That the employee may be represented by counsel at the hearing, and
 - 10.7 That if the employee does not respond in writing within the time specified in the notice, it will assumed that the employee has waived his/her right to respond.
 - 10.8 If the employee does not respond to the notice of recommended action within the time specified in the notice, the recommended action will be adopted as final unless management determines otherwise.
 - 10.9 If the employee has responded in writing to the notice of recommended action, he/she will be provided with a written notice of a final determination concerning the recommended action. Final determination should be provided with seven (7) working days of receipt of the employee's written response.
 - 10.10 If the employee requests a hearing in his/her written response, within seven (7) working days, he/she will be provided with a date, time and location of the scheduled hearing. The hearing should be scheduled within ten (10) working days of the employee's written request. Reasonable efforts should be made to schedule the hearing during a mutually convenient time. However, in the case of suspension, if the employee is still receiving pay and benefits pending the determination of the hearing officer, delays or extensions of time at the request of or caused by the employee may result in cessation of pay and benefits.
 - 10.11 The hearing officer (department head) will consider the evidence presented by the employee and management, and he/she may conduct such inquiry as he/she deems necessary to determine whether the recommended action should be adopted, modified or rejected. The determination of the hearing officer, whether to adopt, modify or reject the recommendation will be considered final and effective as of the date of the decision.
- 11.0 Post-Action Notice and Procedure
- 11.1 After making a final determination, the hearing officer will provide written notice of his/her decision within seven (7) working days of the hearing. The notice will contain the following:
 - 11.1.1 An explanation of the basis for the decision,

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- 11.1.2 A statement that the employee may appeal the decision in writing to the Human Resources & Risk Services Director,
- 11.1.3 That the request for appeal should state with reasonable particularity the grounds for appeal,
- 11.1.4 That the written request for appeal must be submitted and received by the City within seven (7) working days of the date of the notice,
- 11.1.5 That requests for appeal which are not delivered within in the time specified in the notice may not be considered; and,
- 11.1.6 That all pay and benefits shall be suspended during the pendency of the appeal.
- 11.2 Upon receipt of a request for appeal, the Human Resources & Risk Services Director will forward the request to the City Manager. The City Manager or his designee will determine the method of appeals review, which may, at the City Manager's discretion, include a hearing. Upon receipt of the appeal, the City Manager or his designee will conduct a review and make a decision within 14 working days. The employee will be provided written notice of the decision which will contain an explanation of the basis for the decision and a statement that the decision is not subject to further appeal.
- 11.3 If the City Manager or his designee determines that a hearing is needed, a hearing shall be scheduled, and written notice will be provided to the employee. The notice will contain the following:
 - 11.3.1 The date, time and location of the hearing,
 - 11.3.2 The name of the hearing officer,
 - 11.3.3 That the employee may present testimonial and documentary evidence in his/her favor,
 - 11.3.4 That the employee may be represented by counsel.
- 11.4 After considering the evidence presented, the hearing officer will render a decision within 14 working days. The employee will be provided written notice of the decision which will contain an explanation of the basis for the decision and a statement that the decision is not subject to further appeal.