

## **EMPLOYEE DISCIPLINE POLICY**

### **APPLICABILITY**

All class A employees of the City of Providence.

### **PURPOSE**

To standardize practices and procedures relating to administering progressive discipline in response to an employee's failure to meet the standards, objectives or rules of the City of Providence.

### **DEFINITIONS**

Offenses warranting disciplinary action can be divided into two general groups:

1. Infractions calling for penalties aimed at correction but which can lead to more severe progressive discipline if not corrected.
  - Tardiness
  - Unauthorized absence or early departure
  - Careless workmanship
  - Horseplay
  - Swearing
  
2. Infractions calling for more serious penalties, including discharge. The infractions include, but are not limited to:
  - Stealing City property
  - Striking a superior, insubordination or refusal to obey a legitimate order or instruction.
  - Consuming alcohol, non-prescription drugs or illegal substances on the job, or arriving at work under the influence of alcohol, non-prescription drugs or illegal substances
  - Intentionally damaging City property
  - Violating Employee Codes of Conduct or Ethics
  - Possession of weapons on the job when such possession is not an express job requirement.
  - Safety violations
  - illegal conduct on the job.

## **GENERAL**

The degree of discipline administered in any given situation must depend on the severity of the infraction and must be in accordance with appropriate labor contracts and, if applicable, must be objectively evaluated before taking the appropriate disciplinary action. It should be understood that an employee's request for union representation should be honored at a disciplinary meeting. Written documentation explaining the issues surrounding disciplinary action are to be signed by the employee and the individual providing the warning. The documentation is to be dated.

### **ORAL WARNING**

- a. Talk to the employee in private. Describe the situation and review any previous discussions. Discuss any policies that may be related to the issue.
- b. this type of discipline should be applied for infractions of a relatively minor degree. Supervisors should at all times inform the employee that he or she is administering an oral warning and that the employee is being given an opportunity to correct the condition. If the condition is not corrected, the person will be subject to more severe disciplinary measures.
- c. A notation that an oral warning was given should be made for the supervisor's records and notice sent to the Personnel Department.

### **WRITTEN WARNING**

- a. This notice will be issued by the Director of the Department in the event the employee continues to disregard an oral warning, or if the infraction is severe enough to warrant a written record.
- b. The Department Director or his designee will set forth the nature of the infraction in detail and will sign the notice. He or she will discuss the warning notice with the employee's immediate supervisor, then with the employee, to be certain that the employee understands the reasons for the disciplinary action.
- c. The warning notice will state the next step in this disciplinary procedure, i.e., referral to the Personnel Department for suspension, should there be a continuance or repetition of the infraction. All recommendations for suspension and/or discharge must be made to the Personnel Director.
- d. An original of the warning notice is to be handed to the employee at the time of the discussion of the discipline. A copy is to be placed in the employee's personnel file. A copy is to be sent to the Personnel Department and to the Union.

## **SUSPENSION**

- a. This form of discipline is administered as a result of a more serious infraction of rules, standards, or for excessive violations after the employee has received a written warning and has made insufficient effort to improve performance. This is the most severe form of discipline, short of a termination. It should be applied only after a thorough evaluation by the supervisor, the Department Director, and approval by the Personnel Director.
- b. The Department Director shall state the reason (s) for the disciplinary suspension, and the duration of the suspension in a disciplinary letter of suspension to the employee. Again, the next step, i.e., discharge, should be noted in the letter. A copy of the letter of suspension is to be placed in the employee's personnel file with original given to the employee. A copy is retained by the Personnel Department and one is sent to the Union.
- c. If the infraction is so severe as to necessitate immediate removal of the employee from the work place, the Department Director or his/her designee should commence action by placing the employee on unpaid leave until circumstances are reviewed as specified above. Notification must be given to the Personnel Director immediately or at the beginning of the next workday.
- d. When the employee returns from a period of disciplinary suspension, the Department Director should make certain that the employee gets back to the job with as little injury to the employee's self –respect as possible.

## **DEMOTION**

Demotion is to be used in rare instances where employees have been promoted to a position in which they are unable to perform the responsibilities of that position or for disciplinary reasons. It should be applied only after a thorough evaluation by the Personnel Director and only after adequate written warning.

## **DISCHARGE**

- a. All city employees, with the exception of those so-called “at will” employees listed in Section 905 of the Providence Home Rule Charter, may be dismissed only for cause. Prior to a pre-termination hearing being held, the City will ensure that the following criteria will be considered:
  1. The employer's position with respect to the employee is reasonable.

2. The employer investigated before suspension and scheduling of the pre-termination hearing;
  3. The investigation was fair.
  4. Evidence supports the charge against the employee.
  5. There was no discrimination.
  6. The nature of the offense and / or the employee's past record warranted the discharge.
- b. Prior to discharging an employee, the Department Director must discuss his or her recommendation with the Personnel Director and the Mayor to be certain that all the facts have been reviewed and there is cause for discharge.
  - c. The Department Director shall notify the employee that a recommendation for termination has been made. The employee shall be notified that a pre-termination hearing has been set where the employee and his/her representative may set forth reasons why the proposed action of termination should not take place.
  - d. Deliberations are held by the Director of Personnel and the appropriate Department Director to consider the information provided by the employee as well as all information gathered by the Department. A decision regarding termination is then rendered by the Director of Personnel. The employee is notified of the decision.