

	Policy: Unsatisfactory Job Performance & Detrimental Personal Conduct	Effective Date: May 19, 1992
		Revision Effective Date: August 19, 2003
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	<hr/> City Manager	<hr/> Human Resources Responsible Party

PURPOSE

UNSATISFACTORY JOB PERFORMANCE

- (A) A permanent employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the City Manager prior to giving final notice to the employee.
- (B) Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the department head or City Manager. Examples of unsatisfactory job performance include but are not limited to the following:
- (1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
 - (2) Careless, negligent and/or improper use of city property or equipment;
 - (3) Physical or mental incapacity to perform duties;
 - (4) Discourteous treatment of the public or other employees;
 - (5) Absence without approved leave;
 - (6) Repeated improper use of leave privileges;
 - (7) Habitual pattern of failure to report for duty at the assigned time and place;
 - (8) Failure to complete work within time frames established in work plan or work standards; or
 - (9) Failure to meet work standards over a period of time.

COMMUNICATION AND WARNING PROCEDURES

- (A) When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor should meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions should be noted in the employee's file by the supervisor. An employee whose job performance is unsatisfactory over a period of time should normally receive at least two warnings from the supervisor before disciplinary action resulting in dismissal is taken by the City Manager. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following disciplinary steps:

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- (1) A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
- (2) If performance does not improve, a written recommendation should be sent to the City Manager for disciplinary action such as suspension, demotion, or dismissal.

DETRIMENTAL PERSONAL CONDUCT

- (A) With the approval of the City Manager, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning:
 - (1) For causes relating to personal conduct detrimental to city service in order to avoid undue disruption of work;
 - (2) To protect the safety of persons or property; or
 - (3) For other serious reasons.

- (B) Detrimental personal conduct includes:
 - (1) Behavior of such a serious detrimental nature that the functioning of the city maybe or has been impaired;
 - (2) The safety of persons or property may be or have been threatened; or
 - (3) The laws of the government may be or have been violated.

- (C) Examples of detrimental personal conduct include but are not limited to the following:
 - (1) Fraud and/or theft of city material and/or equipment;
 - (2) Conviction of a felony or the entry of a plea of nolo contendere thereto;
 - (3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
 - (4) Willful misuse or gross negligence in the handling of city funds;
 - (5) Willful or wanton damage or destruction to property;
 - (6) Willful or wanton acts that endanger the lives and property of others;
 - (7) Possession of unauthorized firearms or other lethal weapons on the job;
 - (8) Brutality in the performance of duties;
 - (9) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
 - (10) Engaging in incompatible employment or servicing a conflicting interest;
 - (11) Request or acceptance of gifts in exchange for favors or influence; or
 - (12) Engaging in political activity prohibited by this chapter.
 - (13) Off-duty personal conduct by a City employee which affects an employee's job performance or adversely affects the public trust and confidence placed in City employees. Such conduct includes, but is not limited to, acts of domestic

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violence, child abuse or neglect, consensual sexual relationships between City employees, *particularly with a supervisor/subordinate relationship*, and other inappropriate off-duty conduct by an employee.

PRE-DISCIPLINARY CONFERENCE

Before any disciplinary action is taken, whether for failure in personal conduct or failure in performance of duties, the department head shall provide the employee with a written notice of proposed disciplinary action, which will include the nature of the proposed action, its recommended effective date, the reasons for the action, and a date and time for a pre-disciplinary conference. At this conference, the employee may present any response to the proposed disciplinary action to the department head. The department head will consider the employee's response, if any to the proposed disciplinary action, and will, within three working days following the pre-disciplinary conference, notify the employee in writing of the final decision to take disciplinary action. The notice of the final disciplinary action shall contain a statement of the reasons for the action and the employee's appeal rights. The City Manager will be provided with a written notice of action taken.

NON-DISCIPLINARY SUSPENSION

- (A) During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the department head, be in the best interest of the city, the department head may suspend the employee for the duration of the proceedings as a non-disciplinary action. In such cases, the City Manager may:
- (1) Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension; or
 - (2) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.
- (B) If the employee is reinstated following the suspension such employee shall not lose any benefits to which otherwise the employee would have been entitled had the suspension not occurred. If the employee is to terminate following suspension, the employee shall not be eligible for any pay from the date of suspension, provided, however, that all other benefits with the exception of accrued annual leave and sick leave shall be maintained during the period of suspension.

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EMPLOYEE APPEAL

An employee who has completed the initial probation may appeal the disciplinary action in accordance with the grievance procedure, except that the employee shall be required to do so within 15 days from written notice of the disciplinary action.