

DISCIPLINE

POLICY/PURPOSE

The purpose of disciplinary action is to improve work performance or correct unsatisfactory behavior.

Discipline requires identifying problem areas in an employee's work, redirecting the employee in proper procedures to follow, and occasionally, imposing punishment for repeated or serious offenses. The primary emphasis of disciplinary action is corrective rather than punitive, and in most cases, a simple oral reprimand will be sufficient to change the employee's work behavior.

Performance standards and rules of conduct are essential to accomplishing the agency's goals and mission. Rules, policies and standards should be developed for similar employees and applied uniformly by supervisors. This does not mean that everyone must be treated alike. Uniformity means that all similar cases will be treated alike.

Employees have a right to know what is expected of them; they cannot be punished for violating a rule they never knew existed. Good performance implies that the employee is properly oriented and trained.

Where questions and problems arise again and again, the rules, policies and standards should be put in writing. Written statements have continuity and allow wide dissemination throughout an agency. Written directives should be placed in a central source reference.

SUPERVISOR'S ROLE

The supervisor is responsible for the employee's introduction to his job and training to develop correct work habits. Whenever possible, agencies should see that supervisors are trained in the fundamentals of supervision, including proper techniques for planning and assigning work, training employees, reviewing completed work and correcting unsatisfactory behavior.

The supervisor should:

1. Follow all rules and regulations personally to provide an example; and
2. Educate employees to understand the rules and procedures; and

3. Administer rules and regulations in a consistent manner; and
4. Inform all employees of special conditions for exceptions to rules and regulations.

The supervisor is also responsible for taking prompt disciplinary action. Not all employees who break a rule or perform badly are "problem employees" unless they are habitual or consistent offenders. Proper procedure for any discipline requires the supervisor to:

5. Cool off. While anger will make the action more memorable, it also interferes with the supervisor's ability to analyze the problem and to act objectively.
6. Investigate. Find out what makes this particular employee tick, why he or she broke the rule or didn't perform, and how the employee can be treated to become a really good worker.
7. Seek privacy. Question or interview the employee in private. In private, the employee will not be embarrassed in front of his or her peers, the employee will recognize that the problem is serious enough to warrant the supervisor's personal and undivided attention.
8. Concentrate on the issue. The primary concern is dealing with the latest offense. What has happened in the past is less important than the immediate event.
9. Listen. Give the employee a full chance to explain his or her actions. Disciplinary interviews frequently uncover things that bother employees. Employees deserve to feel they will have a fair opportunity to explain their side of the issue.
10. Assume responsibility. Don't hide behind the rules or apologize for disciplinary action. If rules stand on their own merits, then supervisors should want to see that employees do good work and comply with the rules.
11. Recognize effect on other employees. Discipline that is late, arbitrary or uneven will confuse and upset all employees.

For more serious deficiencies or infractions, the supervisor has four additional responsibilities:

12. Explain what comes next. Tell the employee specific

deadlines for improvement. Warn the employee of what will happen if the work does not improve or if the violation occurs again.

13. Repeat and summarize. The supervisor should recap the employee's story to the employee's satisfaction. The employee should tell his understanding of the supervisor's observations and conclusions.
14. Prepare a written summary. While the incident is fresh in mind, the supervisor should make notes for the file. If the offense was serious in nature, even dates and subjects of oral reprimands should be recorded on a supervisor's calendar or in personal files.
15. Get outside help if necessary. Recognize when help is needed for personal, family or financial problems. Refer the employee to the Employee Assistance Program, if appropriate. Notify higher level management when punitive measures such as suspension or discharge are being considered.

FORMS OF DISCIPLINARY ACTION

Disciplinary actions include a wide range of responses to situations where the employee disobeyed the rules or did not follow orders, when the employee knew better. The general hierarchy is as follows:

1. Reprimand. A reprimand, whether oral or written, is simply a statement that the employee's work was incorrect or unsatisfactory, and that the work needs to be improved. For long term problems, a reprimand may include a deadline for improvement or a schedule for follow-up or reevaluation.
2. Warning. A warning, whether oral or written, is a reprimand with a notice that harsher action will be taken if the employee's behavior does not improve.
3. Denial of privileges. Supervisors may withhold discretionary assignments or benefits pending an employee's improvement. Selection of the action is determined not only by the privilege itself but also by the employee's value of that privilege. Overtime, out-of-title work, special assignments, training opportunities, awards, participation in celebrations and other discretionary decisions can be made with regard to improving an employee's work performance and cooperation.

4. Suspension without pay. Suspension is an ordered absence from duty, without pay, to impose a financial penalty, and to emphasize good work and compliance with standards as a condition of continued employment. Suspension of classified Civil Service employees is limited to thirty (30) calendar days, unless the employee is under investigation for criminal acts.
5. Involuntary demotion. This is changing an employee's classification to one having a lower flat or experienced level salary by issuing a written memorandum (PM-180).
6. Discharge. Removal from the public service for misconduct or unsatisfactory work is the most severe disciplinary action. Complete discussion of discharge is contained in PM-560.

Suspension with pay is not a disciplinary action. It is an ordered absence from work while in full pay status for a specified period of time generally not more than a few days. It allows for:

- a. Responding to a serious allegation, not fully substantiated, and allowing time to pursue an investigation of the alleged offense.
- b. Avoiding a grievance or appeal by an employee should charges not be upheld.
- c. Removing an employee from the work situation where he or she could interfere or appear to interfere with an investigation.

Before suspending an employee with pay agencies should discuss this action with the Office of the Labor Commissioner.

WRITTEN NOTICE

Written reprimands (PM-350-1), warnings (PM-350-2) and other disciplinary notices serve several purposes. First, they provide descriptions of the unsatisfactory behavior that are usually more precise than those given orally. Supervisors are frequently able to say things more carefully in memorandum than they can face to face. Second, written notice conveys the message when meetings are not convenient or possible. Minor reprimands can sometimes be handled in writing more quickly than oral reprimands that require scheduling. Third, written notice provides a record. Employees will not be able to deny the action occurred or deny receiving the notice. Memorandums and

letters can also serve as evidence when appeals or disputes occur later on. Written records are potentially permanent records.

Written disciplinary actions can be very mild or very severe. Written reprimands may be placed in the employee's file, although memorandums dealing with minor infractions generally need not be made a part of the file. Warnings and notices for more serious offenses are taken more seriously by the employee when they are kept in the employee's file, available for future use. Suspensions (PM-350-3), demotions and discharges require written notice. The written notice should include:

- a. An explanation of the offense.
- b. The rule covering the offense.
- c. The impact on the agency's or unit's operation.
- d. What action will be taken at the next occurrence of the offense.

In general, an employee should receive a written notice only after the discussion of the offense with the immediate supervisor.

Prior to disciplinary terminations or suspensions exceeding thirty (30) days, agencies must consult with the Law Department to review the proposed action and to insure adequate documentation. Prior consultation with City attorneys is strongly recommended whenever there are potential administrative hearings before the Civil Service Commission or Equal Opportunity agencies, and whenever there is potential litigation in State or Federal courts. Agencies should contact the Chief of the Litigation Division at 396-3659 for assignment of a Law Department staff attorney.

PRINCIPLES OF DISCIPLINARY ACTION

There are several general principles to follow when acting to discipline employees.

1. Apply discipline promptly. Action should be taken as soon as an investigation is completed and proper authorization is secured. Disciplinary actions for minor infractions should generally be taken immediately; discharges, on the other hand, may require several weeks. Discipline that is late is ineffective. Supervisors who delay corrective action appear

inattentive, disorganized or arbitrary. Employees will not value actions that a supervisor puts off or disregards.

2. Start at the appropriate level. If the supervisor notes an offense which will require only an oral reprimand, it is not necessary to supply the employee with written charges and a warning. A strong oral reprimand may be more harsh than a weakly worded written reprimand. Some offenses are so serious that a suspension or discharge should be the first action taken. Penalties imposed should be commensurate with the seriousness of the problem. The degree of discipline should be consistent with the degree of the offense.
3. Use progressive discipline. Problem employees require progressively stronger actions to correct repeated offenses. The first disciplinary action should be followed by subsequent disciplinary actions for the same offense that are equally or more severe.
4. Treat separate problems separately. If an employee has work problems that are independent, treat them independently. An employee who is late and can't get along with co-workers should be disciplined specifically for each problem. If the problem causes the other problem, however, both problems should be handled at once.
5. Allow for good behavior. If an employee improves and does good work for a long time, wipe the slate clean. After prolonged good behavior, treat the next violation as a first offense and use progressive discipline again. Minor offenses that recur more than 12 months apart should be treated independently. Disciplinary documents, however, should remain in the employee's personnel files for at least two years.

PERSONNEL FILES

Written warnings, suspension letters, and documents concerning disciplinary actions should be placed in the employee's personnel file (PM-390). To be eligible for inclusion in the employee's personnel files, the documents should be written to the employee and, if possible, the file copy should be signed by the employee as an acknowledgement of receiving the document. If the employee refuses to sign, it should be noted on the document. Meeting notes and discussion documents should not be placed in the personnel file, but retained by the immediate supervisor in secure files. Employees are entitled to see all documents as they are put in the personnel file. Supervisors

should review files periodically to purge dated materials. Personnel files are open to inspection only by the employee by the record custodian and by any of the employee's direct supervisors. Personnel files must be made available for inspection at any reasonable times.

APPEAL

Employees belonging to collective bargaining units may appeal any action requiring written notice by following the procedure described in the Grievance and Arbitration Procedure in the Memorandum of Understanding for the respective year. Civil Service employees may appeal a suspension of more than thirty (30) days, demotion or discharge to the Civil Service Commission as described in PM-180 and PM-560, respectively.