

## RESOLUTION NO. 1313

### A RESOLUTION OF THE CITY OF DAYTON, WASHINGTON AMENDING THE CITY OF DAYTON PERSONNEL POLICIES AND PROCEDURES MANUAL, SECTION 5.2 REGARDING THE FORMS AND PROCEDURES FOR DISCIPLINARY ACTION

**WHEREAS**, the Mayor has proposed amending Section 5.2 of the City of Dayton Personnel Policies and Procedures Manual regarding the forms and procedures for disciplinary action; and,

**WHEREAS**, the City Council has studied the amendment proposed by the Mayor and finds and determines that adopting same is in the best interest of the City and its residents and will promote the general health, safety and welfare;

**NOW, THEREFORE**, the City Council of the City of Dayton does hereby resolve as follows:

**Section 1.** Section 5.2 of the City of Dayton Personnel Policies and Procedures Manual, which currently reads as follows:

#### **5.2 FORMS OF AND PROCEDURES FOR DISCIPLINARY ACTION**

The degree of disciplinary action administered depends on the severity of the infraction and will be carried out in accordance with this policy or in accordance with applicable Civil Service Rules and Regulations or labor contracts. It is the responsibility of the supervisor or Department Manager to evaluate the circumstances and facts thoroughly and objectively. The Department Manager will then recommend the most suitable form of disciplinary action.

5.2.1 Verbal Warning. Verbal warning should be given to the employees in private, if possible. This type of discipline should be applied for infractions of a relatively minor degree. Supervisors should inform the employee that he or she is administering a verbal warning, that the employee is being given an opportunity to correct the condition, and that if the condition is not corrected, the employee may be subject to more severe disciplinary measures.

5.2.2 Written Warning.

- a) This notice may be issued by the supervisor or Department Manager in the event the employee continues to disregard a verbal warning, or if the infraction is severe enough to warrant a written record in the employee's personnel file.
- b) The supervisor or Department Manager will put in writing the nature of the infraction in detail and sign the notice. The Department Manager will discuss

the written warning with the employee and the immediate supervisor to be certain that the reasons for the warning are understood.

- c) A copy of the written warning will be given to the employee at the time of the discussion of the warning. The original copy will be placed in the employee's personnel file.
- d) A written warning may be removed at the request of the Department Manager from the employee's personnel file after a period of one year (12 calendar months) provided that no further disciplinary action is taken during the 12-month period. If subsequent disciplinary action is necessary, the written warning becomes a permanent record in the employee's file.

#### 5.2.3 Written Reprimand

- a) A written reprimand may be issued by the supervisor or Department Manager in the event the employee continues to disregard previous disciplinary measures of verbal or written warnings, or the severity of the infraction as such to warrant a written reprimand be made a permanent record in the employee's file.
- b) The supervisor or Department Manager will put in writing the nature of the infraction in detail and sign the notice. The Department Manager will discuss the reprimand with the employee and the immediate supervisor to be certain that the reasons for the reprimand are understood. A copy of the written reprimand will be given to the employee at the time of the discussion of the infraction. The original copy will be placed in the employee's personnel file.
- c) A written reprimand becomes a permanent record of the employee's file and may not be removed at the discretion of the Department Manager.

#### 5.2.4 Suspension

- a) This form of discipline must be recommended by a Department Manager or the Mayor and can only be used for a severe infraction of rules or standards.
- b) The Department Manager will put in writing all facts leading to the recommended suspension, and the duration recommended. A pre-disciplinary meeting will be held with the employee to make certain that the employee is fully aware of the reasons for the considered action and has an opportunity to respond and supply additional information.
- c) Exempt personnel are not subject to unpaid disciplinary suspensions except in increments of full work weeks unless the infraction leading to the suspension is for a violation of a safety rule of major significance.

#### 5.2.5 Termination. Subject to any applicable state or federal laws, or specific provisions in employment contracts, the Mayor, or his/her designee, may discharge any employee at any time with or without cause.

- 5.2.5.1.1 Pre-termination Hearing: When a Department Manager or the Mayor determines, after appropriate investigation, that the nature of a violation warrants termination, or if the termination is a result of the disciplinary procedure where the desired corrective action was not achieved by one or all of the steps above (written warning, suspension, etc.), the Department Manager or in the case of a Department Manager, the individual designated by the Mayor will prepare a written report. The written report should include the reason(s) for the termination;

information on any previous warnings or disciplinary actions which may be relevant; a brief summary of the regular employee's part work record and length of employment with the City; and any other relevant information. The Department Manager will process the case and present his/her findings, including a statement of just cause, and recommendations to the Mayor. Before the final decision is made regarding a termination, a hearing shall be convened as follows:

- 5.2.5.1.1 Pre-Termination Hearing. No regular employee shall be terminated without a pre-termination hearing, nor can any regular employee be terminated without just cause. The employee shall be provided with a written notice of the charge or grounds for termination and a summary of the City's evidence. The employee shall be given an opportunity to respond to these charges, either orally or in writing, and to explain why the City should not go ahead with the termination. Although the Department Manager's explanation of the City's evidence should be sufficient to inform the employee of the basis for termination, this procedure shall not be construed to limit the City at any subsequent hearing or proceeding from presenting a more detailed and complete case, including the presentation of witnesses and/or documents not introduced at the discharge hearing. Should the Mayor determine to proceed with the discharge, or some alternative disciplinary action, the City will give the employee written notice of discipline without undue delay.
- 5.2.6 Documentation. Copies of all disciplinary actions and termination letters are to be placed in the appropriate personnel record. A final written performance appraisal will be completed on any terminated employee.

**is hereby amended to read as follows:**

## **5.2 FORMS OF AND PROCEDURES FOR DISCIPLINARY ACTION**

The degree of disciplinary action administered depends on the severity of the infraction and will be carried out in accordance with this policy or in accordance with applicable Civil Service Rules and Regulations or labor contracts. It is the responsibility of the supervisor or Department Manager to evaluate the circumstances and facts thoroughly and objectively. The Department Manager will then recommend the most suitable form of disciplinary action.

5.2.1 Verbal Warning. Verbal warning should be given to the employees in private, if possible. This type of discipline should be applied for infractions of a relatively minor degree. Supervisors should inform the employee that he or she is administering a verbal warning, that the employee is being given an opportunity to correct the condition, and that if the condition is not corrected, the employee may be subject to more severe disciplinary measures.

5.2.2 Written Warning.

- a) This notice may be issued by the supervisor or Department Manager in the event the employee continues to disregard a verbal warning, or if the infraction is severe enough to warrant a written record in the employee's personnel file.
- b) The supervisor or Department Manager will put in writing the nature of the infraction in detail and sign the notice. The Department Manager will discuss the written warning with the employee and the immediate supervisor to be certain that the reasons for the warning are understood.
- c) A copy of the written warning will be given to the employee at the time of the discussion of the warning. The original copy will be placed in the employee's personnel file.
- d) A written warning may be removed at the request of the Department Manager from the employee's personnel file after a period of one year (12 calendar months) provided that no further disciplinary action is taken during the 12-month period. If subsequent disciplinary action is necessary, the written warning becomes a permanent record in the employee's file.

#### 5.2.3 Written Reprimand

- a) A written reprimand may be issued by the supervisor or Department Manager in the event the employee continues to disregard previous disciplinary measures of verbal or written warnings, or the severity of the infraction as such to warrant a written reprimand be made a permanent record in the employee's file.
- b) The supervisor or Department Manager will put in writing the nature of the infraction in detail and sign the notice. The Department Manager will discuss the reprimand with the employee and the immediate supervisor to be certain that the reasons for the reprimand are understood. A copy of the written reprimand will be given to the employee at the time of the discussion of the infraction. The original copy will be placed in the employee's personnel file.
- c) A written reprimand becomes a permanent record of the employee's file and may not be removed at the discretion of the Department Manager.

#### 5.2.4 Suspension

- a) This form of discipline must be recommended by a Department Manager or the Mayor and can only be used for a severe infraction of rules or standards.
- b) The Department Manager will put in writing all facts leading to the recommended suspension, and the duration recommended. A pre-disciplinary meeting will be held with the employee to make certain that the employee is fully aware of the reasons for the considered action and has an opportunity to respond and supply additional information.
- c) Exempt personnel are not subject to unpaid disciplinary suspensions except in increments of full work weeks unless the infraction leading to the suspension is for a violation of a safety rule of major significance.

#### 5.2.5 Termination. Subject to any applicable state or federal laws, or specific provisions in employment contracts, the Mayor, or his/her designee, may discharge any employee at any time with or without cause.

##### 5.2.5.1 Pre-termination Procedures: When a Department Manager or the Mayor determines, after appropriate investigation, that the nature of a violation

warrants termination, or if the termination is a result of the disciplinary procedure where the desired corrective action was not achieved by one or all of the steps above (written warning, suspension, etc.), the Department Manager or in the case of a Department Manager, the individual designated by the Mayor will prepare a written report. The written report should include the reason(s) for the recommended termination; information on any previous warnings or disciplinary actions which may be relevant; a brief summary of the regular employee's part work record and length of employment with the City; and any other relevant information. The Department Manager will present his/her recommendations to the Mayor. The mayor reserves the right to provide the employee with an opportunity to respond to the written report before the final decision is made regarding a termination. Should the Mayor determine to proceed with the discharge, or some alternative disciplinary action, the City will give the employee written notice of discipline or discharge without undue delay.

5.2.6. Documentation. Copies of all disciplinary actions and termination letters are to be placed in the appropriate personnel record. A final written performance appraisal will be completed on any terminated employee.

**Section 2.** Except as amended herein, all other provisions of the City of Dayton Policies and Procedures Manual shall remain unchanged.

**Adopted** by the City Council of the City of Dayton on this 12<sup>TH</sup> day of June, 2017.

City of Dayton



By: Craig George, Mayor

Attest:



Trina Cole, City Clerk-Treasurer