

	City of Cedar Park Human Resources Policy Manual		
	Disciplinary Action		
	Number: I-1	Revision: 1	Effective Date: 5/10/2018

1.0 Policy

- 1.1 It is the policy of the City, when appropriate, to resolve problems and conflicts utilizing reasonable means through an informal process between the supervisor and employee. It is the intent of the City to provide for its employees and supervisors a framework for correcting and improving employee behavior and performance and if necessary, administering discipline, in a manner that is fair and consistent. Some employee behavior or work performance will result in immediate termination. Other problems are more appropriately handled by warnings, counseling, additional training, or written reprimands, which will lead to termination if improvement is not shown.
- 1.2 **The procedures outlined below are guidelines and are not mandatory.**
- 1.3 The provisions of Texas Local Government Code Chapter 143, as amended, and any City meet and confer agreement shall control over this policy for employees covered by those provisions, to the extent of any conflict.

2.0 Procedure/Rule

- 2.1 The City's disciplinary process provides a guideline of available options to address employment problems. **The process does not require that disciplinary action be administered in progressive steps or in a particular order.** Discipline may begin with any disciplinary action warranted by the particular circumstances.
- 2.2 A department may establish other disciplinary procedures that meet unique needs of the department, provided these rules are not in conflict with rules in this and other policies of the Human Resources Manual, are reviewed by the Human Resources Director and approved by the City Manager.
- 2.3 The disciplinary process serves the following functions:
- To recognize and identify an employment problem(s);
 - To specify expectations;

- To provide an opportunity, when appropriate, for the employee to correct the employment problem(s);
- To inform the employee of consequences if the issue is not resolved; and
- To take necessary actions whenever an employee does not correct the employment problem(s) or whenever a situation warrants immediate suspension or termination of employment.

2.4 Progressive Discipline. The progressive steps of discipline outlined below may be taken with an employee whose performance is unsatisfactory or needs improvement. **The procedures outlined here are not mandatory, and discipline is not required to be administered in a certain order.** In some cases, with approval from the Department Head, the seriousness of the problem may warrant immediate suspension or termination of employment.

2.4.1 Administrative Leave with Pay. In order to avoid undue disruption of work or to protect the safety of persons or property or for other serious reasons, an employee may be immediately placed on administrative leave with pay, pending investigation, for causes relating to personal conduct or performance detrimental to the City.

If the administrative leave with pay is related to suspected drug or alcohol intoxication, the employee shall not be permitted to drive away from the workplace. The supervisor or Department head will arrange for transportation and will otherwise comply with the procedures of the *Drug and Alcohol-Free Workplace* policy.

When an employee is placed on administrative leave with pay, the supervisor or appropriate supervisory staff member shall instruct the employee to leave the worksite at once and to remain away from the workplace until further notice. The supervisor shall immediately contact the Department Head, who shall contact the Human Resources Director.

2.4.2 Counseling. Counseling may be done informally with the supervisor meeting with the employee to be certain that the employee realizes that his/her behavior or work performance is unsatisfactory and understands what is expected. The supervisor should record the date of the interview and other necessary

information for any future use and keep such record in the employee's file within the department.

- 2.4.3 Verbal Reprimand. As with counseling, the employee's supervisor and/or another supervisory staff member meets with the employee to discuss problem behavior or work performance and what is expected of the employee. The supervisor should document the verbal reprimand, including its date, a brief summary of the conversation, and any understandings reached with the employee about future conduct, and keep such record in the employee's file within the department.
- 2.4.4 Written Reprimand. The supervisor shall prepare a written summary of the performance/conduct problem, and such document shall be reviewed and approved by the Department Head or designee. The City's Employee Evaluation/Appraisal Form may be used as a written reprimand. The supervisor and/or other supervisory staff member shall present the written reprimand to the employee and discuss its contents, which should include a description of specific performance problem(s), reference to any previous warnings, any action(s) the employee needs to take to improve performance to a satisfactory level, a general time frame allowed for improvement (when appropriate--most reprimands should expect immediate and sustained improvement), and a notice that continuation of the performance problems shall result in a more severe disciplinary action, up to and including termination of employment. The supervisor and employee should sign the written reprimand. The employee's signature indicates receipt of the document only, not necessarily agreement with the contents. A copy of the reprimand shall be forwarded to Human Resources for placement in the employee's personnel file.
- 2.4.5 Suspension. The employee's supervisor may make a recommendation to the Department Head for a suspension without pay. The Department Head shall review the circumstances and supporting documentation and has the authority to authorize the suspension. Human Resources should be consulted prior to administration of suspension. The contents of the document informing the employee of the suspension should follow the guidelines listed under Written Reprimand, and shall include the length of the suspension, including beginning and ending dates. A copy of the signed document shall be forwarded to Human Resources for placement in the employee's personnel file.

Except in cases where a judicial procedure is pending, a compulsory suspension without pay is limited to a total of 30 days

in a 12-month period unless prior approval is obtained from the City Manager. An FLSA-exempt employee may be placed on disciplinary suspension without pay for at least one full day for violation of written work rules, but not for poor job performance.

If the employee is suspended and later is determined not at fault, he/she may be reinstated to his/her same duties, classification and rate of pay.

- 2.4.6 Demotion. The employee's supervisor may make a recommendation to the Department Head for an employee's demotion. A demotion is the change in duty assignment of an employee from a position in one pay class to a position in a lower pay class. The salary of the demoted employee shall be reduced at least 5%. The Department Head shall review the circumstances and supporting documentation and consult with Human Resources. A Department Head shall authorize a demotion prior to its being effected.

The contents of the document informing the employee of the demotion shall follow the guidelines listed under Written Reprimand and shall also include the title of the position to which the employee is being demoted. A copy of the signed document shall be forwarded to Human Resources for placement in the employee's personnel file

- 2.4.7 Termination of Employment. The employee's supervisor may make a recommendation to the Department Head for an employee's termination of employment.

A written summary of the reason(s) for recommendation for termination shall be prepared by the supervisor and reviewed with the Department Head or designee and Human Resources before a termination decision may be made.

Prior to terminating an employee, the Department Head will discuss the reason(s) for such termination with the employee. The Department Head will allow ample time (not to exceed 36 hours) for the employee to respond in person or in writing if the employee believes any information presented is inaccurate and/or give reason(s) as to why he/she should not be terminated.

A Department Head shall authorize a termination prior to its being effected. The supervisor shall provide the employee written notice of the decision. A copy of the notice shall be forwarded to the Human Resources Department to be placed in the employee's file.

- 2.8 Conflict Resolution/Appeal Process. An employee may challenge or appeal a disciplinary action taken against him/her through the City's *Conflict Resolution or Appeal Procedure* Policies.