

	<p><b>City of Albany</b>  <b>Administrative Policy</b>  Employee Relations  Policy #: HR-ER-02-002  Title: Discipline and Discharge</p>	<p><b>Human Resources</b></p>
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**Purpose** This policy is meant to provide all employees and management staff with an understanding of the discipline and discharge process.

**Policy** **Discipline**  
The principle of progressive discipline shall normally be used for all discipline which is intended to address performance-related deficiencies. The goal of progressive discipline is to correct inappropriate and unproductive behavior and to allow the employee a reasonable opportunity to modify his/her behavior. Good supervision includes coaching sessions between the supervisor and the employee as a means to correct a behavior before it leads to written discipline. Progressive discipline is not appropriate to address “serious offenses” such as theft, workplace violence, harassment, or dishonesty which would warrant immediate discharge. Employees who are the focal point of an employer investigation related to an alleged “serious offense,” or actions that create a hindrance to the effective performance of city functions, reflect discredit upon the city, or otherwise render the employee unfit for duty; may be subject to administrative leave without pay pending the conclusion of the investigation. Serious violations, as determined by the City, may be dealt with by any of the disciplinary measures listed below on the first or subsequent offenses. It is not the intent of this policy to promote or require a lock-step progression of disciplinary measures to every disciplinary action.

- A. Disciplinary actions may be invoked in the following order:
1. written reprimand
  2. demotion, suspension with loss of pay,\* reduction in salary\*, or loss of paid leave
  3. discharge

\*For exempt employees, any reduction in pay must be in accordance with the provisions of the Fair Labor Standards Act.

B. Disciplinary action shall be for just cause. If a supervisor has reason to discipline an employee, s/he shall make reasonable efforts to impose such discipline in a manner that will not embarrass or humiliate the employee. Upon request, any employee required to appear before a City representative to discuss matters for which disciplinary action is being contemplated may be allowed to have a witness present at the discussion.

- C. Cause for disciplinary action shall include but not be limited to the following:
1. Incompetence, inadequate performance or nonperformance of assigned duties.
  2. Neglect of duty or negligence in performance of duty causing a substantial risk of personal injury or damage to property.
  3. The use of drugs and/or alcohol, or illegal use or possession of



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controlled substances on the job; reporting for work under the influence of drugs and/or alcohol; or the use of drugs which create a substantial risk of injury to self or others or which impair work performance.

4. Habitual or excessive absence or tardiness, or abuse of sick leave privileges.
  5. Absence from duty without authorization or failure to notify one's supervisor when unable to report to work on time.
  6. Conviction of a felony or a conviction of any crime where the conviction would tend to impair effectiveness as a City employee or tends to bring discredit or reproach upon the City.
  7. Violation of safety rules or policies.
  8. Violation of the provisions of federal or state law, or of the City Charter, ordinances, or any City rules or regulations including City policies.
  9. Discourteous treatment of the public or other employees, offensive conduct or conduct unbecoming a City employee.
  10. Insubordination, willful disobedience or failure to follow a lawful supervisory directive.
  11. Inappropriate or unauthorized personal use of City resources, including, but not limited to tools and equipment, materials and supplies, vehicles, facilities and grounds, work time and information resources and technologies.
  12. Fraud in securing employment.
  13. Falsification of timesheets or any other City paperwork or documentation.
- D. Before undertaking discipline, the supervisor and the appropriate department management staff shall meet with the Human Resources Director or designee to review the proposed action.
- E. Prior to the imposition of discipline, the department management staff and the Human Resources Director shall determine the procedure to be used in each phase of the disciplinary process. The procedure will be intended to provide the affected employee with the full due process rights to which s/he is entitled by law or by any applicable collective bargaining agreement.
- F. Management staff is strongly encouraged to utilize the *Disciplinary Action Form* to encourage consistency and proper documentation.
- G. All written documentation must be sent to the Human Resources Department for appropriate filing. The only exception is Police Internal Investigation files which shall be securely housed in the Albany Police Department. An employee shall receive a copy of all written reprimands and the original shall be kept in the employee's personnel file.

**Discharge**

- A. Training period, probationary period, and temporary employees shall serve at the pleasure of the City and may be released at anytime. However, prior



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approval of the Human Resources Director shall be obtained before such an action is taken.

- B. All employees having satisfactorily completed his/her training period shall be discharged only for cause. However, prior approval of the Human Resources Director shall be obtained before such an action is taken.

**Appeal**

Employees may appeal a discipline decision in accordance with the HR Policy on Administrative Grievance or in accordance with their Collective Bargaining Agreement.

**Exemption**

This policy does not apply to management employee’s who serve the City on an “at-will” contractual basis. Such employees will serve at the discretion of the City Manager and may be terminated at anytime.

**Definitions**

Temporary Employment: A temporary worker hired on the City’s payroll or through a temporary agency to perform a specific duty, task or job for a specified period of time not to exceed one year unless approved by the Director of Human Resources. Temporary workers hired through a temporary agency are not employees of the City, but are employees of the temporary agency. All temporary workers serve at the pleasure of the City.

Training Period: New regular hires serve a training period, this period may last anywhere from 12 to 18 months, refer to collective bargaining agreements for designated length. Non-bargaining employees serve a 12-moth training period.

Probationary Period: Promoted employees serve a probationary period, this period usually lasts for 12 months, refer to collective bargaining agreements for designated length. Non-bargaining employees serve a 12-moth training period.

**References**

Refer to specific Collective Bargaining Agreements  
 Disciplinary Action Form

**Review and Authorization**

Supercedes: HR-ER-02-001 08/31/2004	Created/Amended by/date: SR; 09/01/2007	Effective Date: 09/01/2007
HR Director:		City Manager:

- 1. Form or worksheet revision related to this document? No  Yes

If yes, attach a copy of the revised form or worksheet.

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2. Training required? No  Yes