

**PERSONNEL POLICIES AND GUIDELINES
CITY OF CLAY CENTER, KANSAS**

ARTICLE G. DISCIPLINE

G-1. Authority to Discipline. Department heads are responsible for the conduct and effective performance of all employees under their jurisdiction and shall have the authority and the responsibility to discipline employees for violations of the city's personnel policies and any departmental guidelines.

G-2. General Policy. The purpose of discipline is to ensure high standards of performance and efficiency, to maintain good working relationships among employees, and to provide the citizens of the city with the highest possible level of courteous and professional public service. Discipline in the city organization is for the most part "self" discipline. It is the duty of employees to make conscientious effort to work and behave in accordance with the values, service standards, policies and guidelines of the City and the Department in which they work. Each Employee is expected to be self-disciplined and to work hard at being the best at what he or she does and in helping the City provide a high level of public service. When an Employee does not exercise adequate self-discipline or is not successful in meeting the requirements of their job, it may be necessary for his or her Department Head or Supervisor to consider disciplinary actions to correct the problem.

An Employee is subject to disciplinary action if:

- (a) The Employee violates these personnel policies and guidelines, or any other written guidelines or procedures applicable to the department in which the employee works.
- (b) The Employee's conduct reflects discredit to the City or hinders the effectiveness or efficiency of City operations.
- (c) The Employee has performed an act of misconduct, or has failed to perform an act which results in misconduct.

G-3. Disciplinary Actions. The following types of disciplinary actions are officially recognized by the Governing Body:

- (a) *Verbal Warning.* A verbal warning is an oral reprimand given to an Employee by his or her Supervisor or Department Head. A record of the warning shall be recorded in the Employee's file.
- (b) *Reprimand.* A reprimand is a written censure to an Employee by his or her Supervisor or Department Head, a copy of which shall be recorded in the Employee's file and shall remain there for one year.
- (c) *Probation.* Probation is a trial period of a specific length of time, during which an Employee is required to fulfill a set of conditions, or to improve work performance, or to improve on the job behavior. Failure to meet the probationary requirements may result in additional disciplinary actions.
- (d) *Salary Reduction.* A salary reduction is the lowering of an Employee's rate of pay within the pay range to which the Employee's position is assigned.
- (e) *Demotion.* A demotion is the placement of an Employee into a position of a lower pay range.
- (f) *Suspension.* A suspension is the removal of an Employee from service, with or without pay, for a specific period of time.
- (g) *Termination.* Termination is the removal of an Employee from City employment.

G-4. Procedure for Disciplinary Action. Whenever the misconduct of an Employee occurs, that in the judgment of the Employee's Supervisor or Department Head, justifies the application of disciplinary actions, other than a verbal warning, the Supervisor or Department Head shall:

- (a) Document the misconduct in writing.
- (b) Determine the appropriate disciplinary action to correct the problem.
- (c) Meet with the Employee to review the problem and the proposed disciplinary action. The meeting should be private and include only the Employee, Supervisor, Department Head or other persons requested to be present by the Department Head.
- (d) Give the Employee an opportunity to refute the facts or argue against the proposed disciplinary action. The Employee may submit comments in writing to be attached to the record of the disciplinary action.
- (e) Make a final decision as the disciplinary action.

- (f) Notify the Employee of the action, in writing, except for verbal warnings. A copy of the documentation of misconduct and a note as to the form of disciplinary action taken shall be provided to the City Clerk for insertion into the Employee's personnel file.
- (g) At the time a disciplinary action commences, the Employee's Supervisor or Department Head shall notify the Employee in writing of his or her right to file a grievance under the City's grievance procedure as set out in Article H.

G-5. Misconduct Subject to Disciplinary Action. *The following is a list of misconduct which may subject an Employee to disciplinary action. This list is not exclusive, it is only representative of the types of misconduct which subject an Employee to disciplinary action.*

- (a) Conviction of a violation of any State or Federal criminal law.
- (b) Conviction of a violation of any City law.
- (c) Failure to follow prescribed safety procedures, including failure to notify his or her Supervisor of unsafe working conditions.
- (d) Violation of personnel policies and guidelines or Departmental policies and guidelines.
- (e) Inattention to duty, carelessness, breakage or loss of public property or funds.
- (f) Incompetency or inefficiency in the performance of the duties of his or her position.
- (g) Insubordination or other breach of discipline.
- (h) Discourteous or disruptive conduct or other offensive behavior in public, to the public or to Employees and Officers of the City.
- (i) Abuse of leave, excessive absenteeism or tardiness.
- (j) Temporarily leaving the workplace without the approval of his or her Supervisor.
- (k) Failure to give proper notice of absence.
- (l) Sleeping on the job.
- (m) Use of alcohol or drugs, off the job, to the extent that the Employee's job performance or effectiveness as a City Employee, is impaired.
- (n) Inducing or attempting to induce any Officer or Employee of the City to commit an unlawful act or to act in violation of any lawful or official order or regulation.
- (o) Unauthorized possession of firearms or other weapons on the job.

In the case of acts of violence or other flagrant misconduct, serious safety violations, or criminal offense, any Employee may be suspended immediately, with or without pay, pending an investigation and review of the matter.

An Employee may be suspended with pay when he or she has been arrested for a crime and is awaiting legal adjudication. An Employee may be suspended with pay when he or she has been charged with misconduct while on the job and an internal investigation is being conducted.

G-6. Causes for Termination. Examples of serious misconduct for which an Employee may be terminated, following notice and an opportunity for a hearing, as provided for in Article H, are listed below. *The following list is not exclusive, it is only representative of the types of misconduct which subject an Employee to termination.* Causes for termination under this section also institute misconduct for which an Employee may be subjected to disciplinary action, other than termination.

- (a) Conviction of a felony or conviction of driving under the influence while operating a City vehicle.
- (b) Willful or continued violation of City or Departmental safety policies and procedures or willful or negligent creation of unsafe conditions in the workplace.
- (c) Willful or continued violation of personnel policies and guidelines or Departmental guidelines.
- (d) Negligent or willful damage to public property or waste of public supplies or equipment.
- (e) Taking or using any funds or property of the City for personal use or for sale or gift to others or the making of any false claim against the City.
- (f) Gross incompetency, neglect of duty or willful or continued failure to render satisfactory service.
- (g) Refusal to abide by any lawful official regulation or order, failure to obey any proper direction made by a Supervisor or Department head or knowingly making a false statement to any Employee or Officer of the City.
- (h) Claiming leave time under false pretenses or falsifying attendance records for oneself or another Employee.
- (i) Absence without leave.

- (j) Possession or use of alcohol or drugs, except where prescribed by a physician, after being afforded the opportunity to seek professional attention, or use of alcohol or drugs, except where prescribed by a physician, while on duty. Sale of or offering for sale or giving away alcohol or drugs while on duty or at the workplace.
- (k) Sexual harassment.
- (l) Disclosing confidential records or information unless directed to do so by his or her Department Head or Supervisor.
- (m) Revocation or suspension of a certification or license, including a driver's license, when such is required as a condition of City employment.
- (n) Material falsification of application for City employment or making a false statement or report in regard to any test, certification or appointment or any attempt to commit any fraud that violates the merit principles of personnel administration.
- (o) Giving or attempting to give any monetary consideration or the delivery of undeserved service to or from any person or organization for, or in connection with, any test or appointment.
- (p) Taking or offering to take, from any person, for the Employee's personal use, any fee, gift or other thing or service of value, in the course of his or her work, or in connection with it, when such gift or other valuable thing or service is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person; accepting a bribe, gift, money or other thing of service or value intended to perform or refrain from performing any official act; engaging in any act of extortion or other means of obtaining money or other things or service of value through his or her position in the service of the City.
- (q) Discharge of duties in a manner which results in discrimination to any person on the basis or race, creed, color, sex, age, physical or mental disability or national origin.