

Section I - General

The purpose of discipline is to assure adherence to policies and to give employees the opportunity to correct inappropriate work behavior. Accordingly, it is the policy of the City to impose appropriate penalties. The paragraph headings and structure contained herein are for the convenience of use and are not intended to limit, vary, define or expand the terms and provisions contained in this policy. As such, they shall not be used to interpret or construe the terms, provisions or rules of this policy.

Regulations for the acceptable conduct of employees are necessary for the orderly operation of any organization and for the benefit and protection of the rights and safety of all employees. The purpose of rules and regulations is not to restrict the rights of anyone, but to define the rules which protect the rights of all.

It is impossible to describe every standard of conduct for every circumstance in this policy. However, all employees are expected to comply with and abide by all of our rules, policies and standards at all times, and discipline up to/and including discharge may be imposed for unacceptable conduct or performance. The level of discipline or discharge imposed by the City for unacceptable conduct will depend upon, among other things, the seriousness of the employee's conduct, the circumstances under which it occurred, the employee's record prior to discipline, and the employee's record of work performance.

Some of the City's rules and standards, a violation of which can result in disciplinary action up to/and including suspension and/or discharge, are listed below. These rules are **not** all inclusive. Any conduct, even if not specifically described below, that could result in personal accident, injury, a breakdown in discipline, disruption of work, or is otherwise harmful to the City will result in disciplinary action.

Section II - Supervisory Responsibilities

Note: The information contained in section II A-C is for information purposes only. It is not intended to restrict or imply that one form of discipline must be used prior to another.

- A. Informal Disciplinary Actions - Verbal warnings are often the first step in constructive discipline. Such actions can be taken by the supervisor on their own initiative in negative situations of a minor nature. The employee should be advised of the specific infraction or breach of conduct, when it occurred and should be permitted to explain their conduct or act of commission or omission. The supervisor will document the verbal warning. This documentation should include the time, place and infraction, and any suggested corrective actions taken. This documentation should be kept in the supervisor's records for a period of not

more than one year or such time sooner when the employees performance evaluation is complete and the information is no longer of constructive use.

- B. Formal Disciplinary Actions - Formal disciplinary actions consist of written reprimands, suspensions, demotions, and dismissal. Formal disciplinary actions are initiated by supervisors through Department Managers to the Human Resources Director. The discipline of any City employee may be initiated by the Human Resources Director or the City Administrator. Formal action on demotions and dismissals must be approved by the City Administrator.
- C. Investigation - Upon receiving a report of violation of a departmental or disciplinary regulation from a member of the City Government or from any citizen, the department manager or Human Resources Director will investigate. The investigation of a written citizen complaint against an employee, a copy of the complaint, and the report of investigation will be forwarded to the City Administrator. The report may include a written statement from the employee against whom the complaint was filed.
- D. Management at all levels will:
 - 1. Assume discipline as a part of their daily responsibility.
 - 2. Emphasize the prevention of incidents requiring discipline. The most effective means of maintaining discipline is through the promotion of cooperation and sustained good working relationships.
 - 3. Ensure employees are aware of policies and regulations for which they may be disciplined.
 - 4. Ensure that disciplinary actions are commensurate with the offense committed and all employees are treated fairly.
 - 5. Be aware of employee's morale, concerns and attitudes and be available to give advice on problems and help address legitimate complaints.
- E. The Human Resources Department may provide advice and guidance to supervisors on handling specific instances when discipline may be warranted.

Section III - Discipline Procedures - Department Managers

The City Administrator has the authority to discipline Department Managers. Managers of Departments may be removed by the City Administrator with the advice and consent of the Mayor and Council¹. Section 804 of the City Charter places the City Administrator and department managers in the category of "unclassified service". Unclassified employees are expected to comply with these rules and regulations. These positions are not afforded any of the merit, protections or due process provisions described in the Human Resources Manual. Penalties (up to and including suspension and/or removal from office or termination) will be determined by the City Administrator in accordance with the City Charter and Code.

Section IV - Rules and Regulations

The rules listed below have been established for the benefit of all classified City Employees. The purpose of these rules and regulations is to assure continued efficient City operations and to insure the rights and safety of all employees.

Part A - Attendance/Hours of Work

No. 1 - Failure to keep Human Resources Department and Department Head notified of current address or telephone number within seven (7) calendar days of a change.

Penalty Code #1

No. 2 - Failure to work overtime, special hours or special shifts after being scheduled.

Penalty Code #4

No. 3 - Unauthorized Absence (including AWOL and unauthorized absence from a regular work shift) in excess of authorized vacation, personal or sick leave or compensatory time.

Penalty Code #3

No. 4 - Repeated Tardiness (Excessive is defined as two times in a two week period, three times in a thirty day period or six times within a six month period.).

Penalty Code #2

No. 5 - Repeated Failure to Punch In or Out (Repeated is defined as two times in a two

¹Code of the City of Hagerstown Maryland, 1990, Article IV, 10-15

week period, three times in a thirty day period or six times within a six month period.).

Penalty Code #1

- No. 6 - Failure of the employee to notify a supervisor or superintendent within 15 minutes of the scheduled starting time of the shift that he/she will be absent from work for any reason.

Penalty Code #2

- No. 7 - Quitting work, leaving assigned work area during working time without permission, or leaving work area before the end of the shift or before being properly relieved.

Penalty Code #2

- No. 8 - Taking more than specified time for meals, loitering, or otherwise wasting time.

Penalty Code #1

- No. 9 - Abuse of sick leave.

An abuser forms patterns of sick leave usage, such as a minimum of six days in a six month period one or two days at a time. Suspect also would be those employees who often call in sick on Mondays, Fridays, and the days before and after holidays or vacations.

Any time an employee presents a doctor's certificate or other satisfactory **proof of illness** upon returning to work, that sick leave usage would not be applicable in determining sick leave abuse. This may not preclude the possibility of action being taken under Work Rule # 3 for non-FMLA occurrences.

Penalty Code #2

- No. 10 - Refusal to work overtime, special hours or special shifts required in an emergency situation.

Penalty Code #5

Part B - Attention to Work

- No. 11 - Sleeping on the job.

Penalty Code #4

- No. 12 - Conducting an excessive amount of personal business during work time.

Penalty Code #1

- No. 13 - Interfering with the duties of other employees. This includes disturbing other employees by excessive visiting and or discussing non-work related topics.

Penalty Code #1

- No. 14 - Excessive use of the telephone for personal use.

Penalty Code #1

- No. 15 - Failure to follow Departmental or City policy or procedures.

Penalty Code #1 - #5 (Depending on circumstances)

- No. 16 - Dereliction of duty. (The willful neglect of duty (assigned or if unassigned if it is an integral part of an individual's duty or duties.))

Penalty Code #4

Part C - Health and Safety

- No. 17 - Violation of posted safety and operating procedures, including engaging in unsafe work practices, horse play, or failure to use or wear proper safety equipment and apparel.

Penalty Code #2 - #5 (Depending on circumstances)

- No. 18 - Failure to report immediately, personal injuries incurred during working hours.

Penalty Code #2

- No. 19- Failure to fulfill the responsibilities of the job to an extent that might or does cause injury to self, an employee or other person or substantial loss or damage to equipment, facilities, or other property of the City or other individuals.

Penalty Code #3 - #5 depending on circumstances or costs incurred. (City's Discretion)

- No. 20- Creating or contributing to unsanitary conditions or poor housekeeping or unsanitary personal conditions.

Penalty Code #1

Part D - Personal Conduct

No. 21 - Falsification of official records or documents, giving false testimony at official hearings or inquiries.

Penalty Code #5

No. 22- Falsification of daily and/or operating reports.

Penalty Code # 3

No. 23- Punching time card for another employee or unauthorized altering of a time card.

Penalty Code #4

No. 24- Gambling, lottery or engaging in any other games of chance on City premises at any time. Gambling, etc., during working hours - on or off City premises or work site.

Penalty Code #3

No. 25 - Giving false information to obtain special leave, sick leave, vacation time or any other privileges, or knowingly giving false information to any City official.

Penalty Code #4

No. 26 - Failure of group leaders or supervisory personnel to report violation of Rules and Regulations to their immediate supervisor.

Penalty Code #4

No. 27 - Falsely reporting injuries which were not incurred during working hours as having occurred during working hours for the purpose of obtaining compensation pay or any other benefit.

Penalty Code #5

No. 28- Failure to report a qualifying event (marriage, divorce, adoption, birth, death) within 30 days to Human Resources.

a. If there is no financial impact or eligibility impact to the City or the City's insurance Plans.

Penalty Code #1

- b. If the failure to report a qualifying event within 30 days to Human Resources results in an ineligible dependent on the City's health, dental, and other benefit plans.

Penalty Code #5

- No. 29- Operating, using or possessing machines, tools, and/or equipment, for other than City work, unauthorized use of City facilities, or performing other than City work using any City resources (including performing other than City work on City time).

Penalty Code #3

- No. 30 - Operating, using or possessing machines, tools, and/or equipment to which the employee has not been assigned.

Penalty Code #3

- No. 31- Insubordination - Failure to obey an order or direction given by a group leader or supervisor.

Penalty Code #4

- No. 32- Harassment of other employees or any other individuals including, but not limited to, verbal and physical conduct, posting of printed material or other media or unwelcome advances with regard to or on the basis of sex, race, gender identity and expression, genetic information, color, national origin or ancestry, age, religion, creed, marital status, status as a Vietnam Era or Disabled Veteran or handicapped person or any other status protected by law.

Penalty Code #4

- No. 33- Provoking, or instigating a fight or fighting at any time on City premises or at any work site.

Penalty Code #5

- No. 34- Minor disorderly conduct (to include uncivil, contemptuous, vicious, malicious language, and inappropriate physical conduct).

Penalty Code #2

No. 35 - Disorderly Conduct

Penalty Code #4 - #5 (Depending on circumstances)

No. 36- Consuming, purchasing, selling, distributing or possessing alcoholic beverages, illegal drugs, or any other controlled substances on City premises or work sites at any time or off City premises or work sites during scheduled working hours.

If suspected of intoxication or being under the influence of alcohol, any illegal drug, or other controlled substance on City premises or work site, employee's refusal to submit to a medical test shall constitute acknowledgment of guilt.

Penalty Code #5

No. 37- Immoral conduct or indecency during working hours on or off City premises or immoral conduct or indecency at any time on City premises.

Penalty Code #5

No. 38 - Failure of any employee to report a violation of the safety work rules.

Penalty Code #2

Part E - Non-City Activities

No. 39 - Vending or soliciting for personal or political gain, from fellow employees and/or the general public during working hours, or collection of contributions for any purpose whatsoever at any time, on the premises, unless with the authorization of the Human Resources Director and Department Head. Includes the use of one's position for personal gain or solicitation of private business or the acceptance of gratuities of any nature.

Penalty Code #3

No. 40 - Distributing written or printed matter not related to the operation of the City, during working hours, unless approved by the Human Resources Director and Department Head.

Penalty Code #2

No. 41- Posting, altering, or removing any printed matter on bulletin boards, or City property at any time unless specifically authorized by the Human Resources Director and/or Department Head.

Penalty Code #1

Part F - Quality and Quantity of Work

No. 42 - Productivity and/or workmanship below reasonable quality and quantity levels (to include unsatisfactory work performance).

Penalty Code #1

No. 43- Deliberately restricting production output or adversely affecting the quality or production of City operations.

Penalty Code #4

Part G - Security

No. 44 - Revealing confidential or classified information.

Penalty Code #4

No. 45- Theft or removal from the premises, without proper authorization, any City property, the property of any employee, or the property of any other individual, or the misappropriation of City funds or property.

Penalty Code #5

No. 46- Unauthorized possession of weapons or explosives on the City premises or work site at any time. Unauthorized possession of weapons or explosives during working hours on or off City property.

Penalty Code #5

No. 47 - Threatened or actual physical violence against a fellow employee, supervisor or member of the public.

Penalty Code #4 - #5 depending on circumstances

If any specific policy or procedure contains rules and penalties that are in conflict with this Policy, the more specific policy and its rules and penalties shall govern any disciplinary or punitive action that may be taken.

Actual penalties and points may be modified at the discretion of the department manager

BUT only with the approval of the Human Resources Director, AND only if the circumstances of the case warrant special consideration.

Terminations and suspensions must be approved by the Human Resources Director and City Administrator, respectively, prior to the action taking place.

Any action taken involving sworn Police Department personnel cannot be in conflict with the Law Enforcement Officer's Bill of Rights or other statutory rules or regulations.

Any employee with reprimands totaling seven (7) points for violation of the rules herein specified within any two (2) calendar year period will be additionally penalized as follows:

Seven (7) Points1 Week Off
Nine (9) Points Discharge

Points are accumulated as follows:

Warning	1 Point
One Day Off	2 Points
Three Days Off	3 Points
1 Week Off	5 Points

Penalty Code #1

First Offense	Warning
Second Offense	One Day Off
Third Offense	Three Days Off
Fourth Offense	Five Days Off
Fifth Offense	Discharge

Penalty Code #2

First Offense	Warning
Second Offense	Three Days Off
Third Offense	Five Days Off
Fourth Offense	Discharge

Penalty Code #3

First Offense	Three Days Off
Second Offense	Five Days Off
Third Offense	Discharge

Penalty Code #4

First Offense
Second Offense

Five Days Off
Discharge

Penalty Code #5

First Offense

Discharge

Section V - Driving Offenses

Any employee whose job requires a valid driving license and whose driving privilege has been lost by suspension of license or by refusal of the City's Fleet Insurance carrier to insure them will be subject to the following action:

For First Offense:

Employee is demoted to a non-driving position, if such an opening exists and no additional training is required. If no such position exists, employee is placed in a "laid-off" status until a vacancy occurs for which he/she can qualify.

For Second Offense:

Employee is discharged.

Section VI - Sexual Harassment

Sexual harassment is a violation of City policy and against the law. Any violation of the Sexual Harassment policy will be dealt with in accordance with the City's Sexual Harassment Policy.

Section VII - Disciplinary Actions

- A. All violations and supporting data will be submitted to the Human Resources Department. The Human Resources Department will, when necessary submit a copy of the reprimand to the City Administrator.

Section VIII - Grievance Procedure

The City provides a timely and fair method for resolution of disputes which may arise between the City and its employees below the level of department manager. Therefore, an individual employee may file a grievance when they believe that there has been unfair treatment concerning seniority, hours of work, vacation and holiday eligibility, and other related terms or conditions of

employment; or when they believe a mistake has been made in the administration of a rule, plan, or human resources policy as it affects work activity. This does not include negotiation of wages, salaries or fringe benefits. **This procedure does not apply to those City employees covered by a collective bargaining agreement that contains a specific grievance procedure.**

An employee filing a grievance will have the right to follow all the steps of the Grievance Procedure with complete freedom from reprisal.

Step I

An employee who has a grievance shall submit in writing a non-union grievance form to their immediate supervisor. The grievance must be submitted within five (5) working days of incident causing the grievance. As promptly as possible, the immediate supervisor and the employee shall discuss the grievance and make every attempt to reach a resolution at this step. The outcome of this discussion shall be in writing by the supervisor and a copy made available to the aggrieved party.

Step II

If the grievance is not resolved within five (5) working days after the completion of Step I, the employee may forward the grievance to the department manager. The employee's immediate supervisor and department head will then meet with the individual within five (5) working days of receipt of employee's request. If more than one level of supervision exists between the aggrieved party and the department head these individuals may also attend this meeting if so requested by the department head or the employee. (Further, the employee also may have a witness as to said grievance at this meeting.)

A written reply by the department head shall be made to the employee within five (5) working days following the completion of this step. A copy of the grievance and the response shall be given to the Human Resources Director.

Step III

If the department manager's response does not resolve the grievance, the employee may proceed with the grievance within five (5) working days from receipt of the department head's response by forwarding the grievance to the City Administrator. All parties involved in Step II may be required to attend such a meeting which shall be held within ten (10) working days of the employee's request. The City Administrator shall render a decision in writing to the aggrieved employee within ten (10) working days after the meeting. The decision rendered by the City Administrator will be considered as final.

Any time constraints may be changed upon mutual agreement of the parties.

Section IX - Mayor and Council Hearings

A Department Manager or any employee who is not represented by a bargaining unit with a grievance procedure and who feels he/she has been unjustly dismissed may request a hearing with the Mayor and Council. The request will be submitted in writing to the City Administrator. The Mayor and Council will determine whether or not a hearing shall be held. Only those employees that have been dismissed can request a hearing by the Mayor and Council. All other grievances will be handled as referenced in Section VIII.