

## **INTRODUCTION**

The City of Taft shall initiate appropriate disciplinary action should an employee engage in any practice inconsistent with published municipal rules or with ordinary, reasonable, common sense rules of conduct conducive to welfare of the City of Taft, its citizens and its employees.

Disciplinary action may consist of an oral reprimand, written reprimand, suspension, reduction in step within a range, demotion without consent, or dismissal depending upon the offending employee's attitude and the frequency and/or seriousness of the offense.

Disciplinary action shall be applied only after full consideration of the seriousness of the offense, the intent and attitude of the offending employee and the conditions under which the offense occurred.

All disciplinary actions administered under this policy, however, shall seek to correct non-conforming behavior, be proportionate to the severity of the misbehavior, and restore conformity.

Disciplinary actions shall be accomplished in such a manner as to avoid, whenever possible, the unnecessary public embarrassment of the employee disciplined. All employees must be thoroughly appraised of the basis of disciplinary actions before, during, and after actions are taken.

These employees safeguard requirements relate to any disciplinary action regarding the reduction of work hours or pay of a permanent, non-probationary, City employee. This policy shall not apply to either verbal or written reprimands by the appointing authority unless specifically provided for herein or by law. This policy does not apply to probationary, temporary, part-time, or "At-Will" employees.

## **RIGHT TO APPEAL**

Except where otherwise prohibited, suspension, reduction in step within a range, demotion without consent and dismissal administered under this policy shall be subject to appeal in accordance with the City of Taft grievance procedure.

## **ADMINISTERING EMPLOYEE DISCIPLINE**

1. Should a permanent, non-probationary, employee violate municipal rules, the individual's immediate supervisor shall notify the employee of the violation and advise the employee that disciplinary action may be considered.

2. After evaluating the seriousness of the employee offense, the intent and attitude of the offending employee and the conditions under which the violation occurred, the employee's immediate supervisor shall initiate disciplinary action, if warranted.
3. If the offense is of a minor nature, the employee's immediate supervisor may elect to administer an oral reprimand to the offending employee.
4. Should the employee's immediate supervisor determine that a written reprimand is warranted, the supervisor, upon approval of the appropriate department head, shall prepare such reprimand for presentation to the employee and for inclusion in the employee's permanent personnel file.
  - a. In accordance with Section 3304(b) of the California Government Code, sworn peace officers shall be entitled to appeal written reprimands to the Police Chief.
  - b. At the time of filing a response to a reprimand, an officer may seek to appeal the reprimand by submitting a written statement signed by the officer and addressed to the Police Chief, explaining the matter being appealed, the action sought and the reason for seeking such action.
  - c. The Police Chief shall act on the officer's appeal through a review of documentation provided by the officer as well as the Taft Police Department. Such review shall be completed within thirty days following receipt of the appeal.
  - d. Following the review of the documentation, the Police Chief shall provide a written response to the appellant.
5. Should the employee's immediate supervisor determine that suspension, reduction in step within a range, demotion without consent, or dismissal is warranted, the supervisor shall submit documentation of the offense to the department head for consideration.
6. Should the department head determine that suspension, reduction in step within a range, demotion without consent, or dismissal is warranted, the department head shall notify the Personnel Officer that a violation of municipal rules has occurred and the proposed penalty for such violation.
7. Upon receiving such notification, the Personnel Officer shall assist the department head in preparing the appropriate "Notice of Intent" for presentation to said employee.

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8. Documentation to be presented to the offending employee shall include the proposed action, copies of all written materials, reports, or documents upon which the action is based, the date the intended action is to become effective, and the right to respond either orally or in writing.
9. The appointing authority intending to impose disciplinary action shall provide the appropriate "Notice of Intent" and all documentation to the offending employee at least five (5) working days in advance of the intended action during which time the employee has the right to respond to the charges.
10. After reviewing all documents relating to the proposed discipline, the offending employee shall have the opportunity to respond either orally or in writing to the appointing authority.
  - a. If the employee fails to respond to the appointing authority either orally or in writing, the proposed action shall be implemented.
11. After consideration of the offending employee's response, the appointing authority shall provide written response to the employee as to final disposition of the proposed action.
12. If the offending employee is not satisfied with the decision of the appointing authority, he/she may appeal the decision utilizing the Employee Grievance Procedure.

## **AUTHORITY TO DISCIPLINE**

The appointing authority has the authority to take disciplinary action. The following standards of employee conduct are designed to serve as a framework within which employees are expected to conduct themselves and within which department heads and supervisors are expected to administer discipline should these standards be violated. Such standards shall include, but are not limited to:

### **STANDARDS OF EMPLOYEE CONDUCT**

1. Employees shall perform their duties in a manner which earns and maintains the trust and respect of their supervisors, other employees and the public.

#### **CONDUCT UNBECOMING A CITY EMPLOYEE**

- a. Using official position or office for personal gain or advantage.
- b. Engaging in any employment, activity, or enterprise which constitutes a conflict of interest.

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- c. Accepting favors or gratuities for services required or performed on the job.
  - d. Disclosing confidential information.
  - e. Using City time, property or equipment without authorization.
  - f. Malicious destruction of City property or equipment.
  - g. Misconduct, on or off the job, seriously reflecting on City employees or employment.
  - h. Commission of acts, which if proved, constitute a felony, misdemeanor or other violation of law as established by proper investigation.
  - i. Conviction of a felony. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction.
  - j. Unauthorized possession of City equipment or property.
  - k. Unauthorized use of City equipment or material in fabricating articles for private use.
  - l. Conduct or activities tending to interfere with personal efficiency.
  - m. Personal difficulties interfering with job performance or City business.
  - n. Willful failure to maintain proper decorum during working hours, causing discredit to the employee's department or division. Using loud, abusive or obscene language; fighting, rude, discourteous or uncivil behavior; commission of a public offense involving moral turpitude.
2. Employees shall provide high quality of service to the public and shall consistently perform their duties effectively and efficiently.

#### JOB PERFORMANCE BELOW STANDARD

- a. A violation of City rules.
- b. Requiring excessive supervision or instruction in performance of duties after completion of training for the position, i.e., the probationary period.
- c. Misusing, or failing to use, delegated authority in the performance of duties.

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- d. Failure to carry out assigned work or supervisory responsibilities adequately, directly, promptly or safely.
  - e. Inattention to or dereliction of duty.
  - f. Loss of required motor vehicle operator's license or other licensure or certification required to perform the duties of an employee's position.
3. Employees shall perform all duties reasonably required of them, and report for work as scheduled, unless ill, injured, or involved in an emergency.

NEGLECT OF, OR INEXCUSABLE ABSENCE FROM, DUTY

- a. Neglect of duty.
  - b. Unexcused, excessive or patterned absenteeism.
  - c. Failure to make reasonable effort to notify supervisor of inability to report to duty.
  - d. Leaving assigned work location without proper approval or appropriate reason.
  - e. Frequent and unexcused tardiness.
  - f. Sleeping on the job.
  - g. Taking too long for lunch or rest periods.
  - h. Habitual use of sick leave for trivial indispositions.
4. Employees shall cooperate and work well with other employees and the public.

IMPROPER BEHAVIOR IN RELATIONS WITH SUPERVISORS, FELLOW EMPLOYEES, OR THE PUBLIC

- a. Flagrant refusal to perform reasonable work assignments or to cooperate with supervisors or management in the performance of duties (insubordination).
- b. Failure to cooperate with fellow employees or the public.
- c. Unnecessarily disrupting the work of other employees.

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- d. Discourteous treatment of the public. Using threats or attempting to harm another employee or the public.
  - e. Making false, vicious, or malicious statements concerning any employee, or concerning City government or management.
  - f. Unauthorized use of dangerous weapons, such as firearms or knives, on City property.
  - g. Unauthorized use of dangerous weapons, such as firearms, knives or tools which could result or results in harm to another employee or the public.
  - h. Actions on the job intended to destroy or inflict bodily injury (weather or not the destruction or injury actually occurs).
  - i. Creating unsanitary conditions.
5. While at work, employees shall not do anything which would impair their ability to perform their duties, or discredit the City or its employees.

#### GAMBELING, DRUNKENNESS, OR USE OF LIQUOR OR NARCOTICS

- a. Gambling on the job, on City property, or using City equipment.
- b. Operating or conducting organized gambling for profit on the job, on City property, or using City equipment.
- c. Drinking alcoholic beverages on the job site or during the work period.
- d. Drinking of alcoholic beverages which result in unfitness to work with reasonable efficiency, or which may endanger the employee, or other employees, City property, or the public; or use of marijuana or any non-prescribed drug or drugs or narcotic substances which may impair employee judgment or performance capability on the job site or on City property.
- e. Reporting for duty under the influence of drugs or alcohol.
- f. Operating City vehicles or other equipment while under the influence of any alcoholic beverage, or any drug or drugs or narcotic which will impair operative capability.
- g. Illegal possession of marijuana or other controlled substances or narcotic drugs on the job site or on City property.

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6. Employees shall perform their duties in a safe manner. This standard is not restricted to operating equipment or motor vehicles.

#### SAFETY

- a. Operating City equipment unsafely or carelessly.
  - b. Causing or contributing to an accident by operating City equipment in an unsafe manner, as established by proper investigation.
  - c. Violating safety rules or practices which endanger the employee or others or which damages City property or equipment.
  - d. Playing tricks or jokes, or engaging in horseplay on the job which may lead to physical injury to employees or others, or damage to equipment or property.
  - e. Failure to report on-the-job injuries.
7. Employees shall be characterized by personal integrity both in securing employment and in the performance of their duties.

#### FRAUD, DISHONESTY, THEFT, OR FALSIFICATION OF RECORDS

- a. Soliciting, accepting, or offering a bribe.
- b. Theft of or aiding or encouraging the theft of cash, or City property or equipment, as established by proper investigation.
- c. Intentionally falsifying or destroying, without proper authorization, City records.
- d. Unauthorized possession, control and/or duplication of City records, regardless of physical form or characteristics.
- e. Intentionally falsifying an application for employment or medical information which would have otherwise caused employment disqualification.
- f. Deliberately withholding information related to work from supervisors or others requiring the information.

- g. Falsifying time reports, mileage reports, expense accounts or similar work oriented documents, falsely claiming sick or allowed pay, falsifying reasons for absence.
  - h. Failure to pay amounts due to the City.
8. The City of Taft shall follow a practice of equal employment opportunity without regard to race, creed, color, religion, sex, age, marital status, disability or national origin in recruitment, selection and placement of employees at all levels.

#### AFFIRMATIVE ACTION

- a. Failure to hire eligibles, or to promote, train, or apply disciplinary actions equally to employees regardless of race, national origin, sex, age, religion, marital status, or physical disability (not related to essential job function).
- b. Making derogatory racial, ethnic, or sexually related remarks in the presence of the public or other employees while on duty.

#### ENUMERATED GROUNDS NOT EXCLUSIVE

The above grounds for disciplinary actions are not intended to be exclusive and may be supplemented by departmental regulations or directives. Each department may establish and administer additional departmental rules and regulations which enumerate disciplinary action procedure and define grounds for disciplinary actions consistent with this policy. The degree of severity of disciplinary actions shall be in proportion to the violation involved and taking into consideration the subject employee's overall record with the City.

#### TYPES OF DISCIPLINARY ACTIONS

The types of disciplinary actions which may be taken, in order of severity, are: dismissal, demoting without consent, reduction in step within a range, suspension, written reprimand, oral reprimand. Any appropriate combination of preceding may be used. Disciplinary actions shall be defined as follows:

1. Dismissal: The discharge of and employee from City employment on the initiation of the appointing authority.
2. Demotion without consent: The movement of an employee from one class to another class having a lower maximum pay may be permanent or temporary.
3. Reduction in step within a range: The withdrawal of increments granted for merit, efficiency, and/or length of service may be permanent or temporary.

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4. Suspension: The temporary separation from City employment of an employee without compensation or accrual of employee benefits, for a period of time designated by the appointing authority as a disciplinary measure.
5. Written reprimand: An official notification, in writing, by the appointing authority to the employee, that there is cause for dissatisfaction with his/her services and that further disciplinary measures may be taken if the cause is not corrected.
6. Oral reprimand: An oral warning verbally notifying the employee that his/her performance or behavior must be improved.

#### **EMERGENCY DISCIPLINARY ACTIONS**

Should an employee's violation of municipal rules jeopardize the health, safety and welfare of the City of Taft, its citizens and employees; the health, safety and welfare of the offending employee or otherwise require an immediate management response, the cognizant department head or a designated representative may suspend the employee with no loss of pay or benefits until such time as a proper investigation can be conducted and a decision has been rendered in accordance with the provisions of this policy.