

A. Statement of Purpose

Reasonable rules concerning conduct of employees in the workplace are necessary for the City of Waco to function safely and effectively. Effective discipline discourages initial or repeated violations of workplace rules. Nothing in this policy shall supersede the city's "at will" employment status, its collective bargaining agreement with city fire fighters, or its civil service procedures.

B. Investigations

The facts of alleged workplace misconduct must be determined prior to the application of any disciplinary action. If allegations include possible criminal activity, the department will inform the EEO/Staffing Officer of such allegations. The EEO/Staffing Officer will in turn contact the Waco Police Department so that a law enforcement officer may conduct an investigation. Employees must cooperate if they are asked to provide a statement or assist in an investigation; otherwise, they may be subject to disciplinary action, up to and including discharge from employment. If allegations include possible criminal activity, the accused employee or any employee required to cooperate must be warned that they are required to give a statement as a part of their job; however, the statement will not be used as part of a criminal investigation.

C. Disciplinary Actions

1. In making a decision as to what type of discipline shall be imposed, the department shall consider such factors as the type and severity of the offense(s), and any mitigating circumstances, which may be relevant to the situation. Only one method of discipline shall be administered for a given incident(s). It is not required that disciplinary action be administered in the order of the list below but disciplinary action should be administered as the circumstances warrant.
2. Only the following disciplinary actions are to be used when disciplining an employee:
 - a. **Informal Counseling**

An informal counseling is designed to provide constructive feedback to the employee for basic performance improvement. During informal counseling, the supervisor addresses desired performance or behavior in contrast to the specific performance or behavior not desired. The supervisor shall reaffirm the employee's sense of responsibility and offer support or assistance for affecting positive change. The employee must understand that if informal counseling is not sufficient to bring about the desired results, the supervisor may take more serious action. A written notation of the counseling will be maintained within the employee's department.

b. Written Warning

A written warning is a formal warning, which serves to put an employee on written notice of an unacceptable rule infraction or work-related conduct. It is used in lieu of a reprimand. A written warning shall include prior efforts, if any, to correct the employee's unacceptable behavior or performance. A written warning shall be documented in a memorandum, with the signed original forwarded to the employee and a copy submitted to the Human Resources Department for inclusion in the employee's personnel file. The memorandum shall quote specific policy violations by the employee and any background or other information pertaining to the warning.

c. Suspension

A suspension is time off from work without pay and may be appropriate to address severe or frequent unacceptable rule infractions or work-related conduct or when prior attempts to correct such behavior have not been successful. Suspension should be considered only if it is reasonably likely to correct such unacceptable rule infractions or work-related conduct. A non-exempt employee may be suspended without pay, and it must be in increments of a day. Exempt employees may be suspended without pay, and it must be in increments of a workweek. A suspension shall be documented in a memorandum, with the signed original forwarded to the employee and a copy submitted to the Human Resources Department for inclusion in the employee's personnel file. The memorandum shall quote specific policy violations by the employee and any background or other information pertaining to the suspension. A suspension may be given only upon prior approval of the department director.

d. Demotion

A demotion is a reduction in salary, benefits, or other compensation provided an employee, which may also be appropriate to address severe or frequent unacceptable rule infractions or work-related conduct or when prior attempts to correct such behavior have not been successful. A demotion will result in a decrease in the salary of the demoted employee, as set forth in the Employee Classification and Pay Plan Policy, CMP-1. A demotion shall be documented in a memorandum, with the signed original forwarded to the employee and a copy submitted to the Human Resources Department for inclusion in the employee's personnel file. The memorandum shall quote specific policy violations by the employee and any background or other information pertaining to the demotion. Prior to demoting an employee, a department shall present all relevant facts, circumstances and information for review to the EEO/Staffing Officer of the Human Resources Department. The director and EEO/Staffing Officer may discuss available options in lieu of demotion. The City Attorney's Office shall be consulted on legal matters pertaining to the demotion. The EEO/Staffing Officer may present a recommendation to the director regarding whether a demotion

should be given. A demotion may be given only upon prior approval of the department director.

A change in position or duties within a department, or from one department to another, is not a demotion if the employee requests and voluntarily agrees in writing to such change, even if the change results in a reduction in salary, benefits, or other compensation. Additional information is included in Employment Classification and Pay Plan policy, CMP-1.

e. Discharge

A discharge is a separation from employment for violations of standards of conduct or safety regulations, unsatisfactory job performance, or any other reason deemed by the city to warrant discharge. A discharge may be appropriate to address severe or frequent unacceptable rule infractions or work-related conduct, which cannot be corrected by lesser discipline or for which discharge is the most appropriate discipline under the circumstances. The procedure for discharging non-civil service employees must be followed when considering and carrying out a discharge. For civil service employees, civil service law must be followed. Additional information is included in the Separation From Employment policy, DTG-2.

D. Performance Improvement Plans

Performance improvement plans are appropriate when addressing performance issues. They may be used independently or in conjunction with disciplinary action. The plan shall include documentation of the noted weakness or deficiency in the employee's performance, performance expectations, any assistance that may be provided (such as additional training or closer supervision), and the consequences of not meeting performance expectations. A performance improvement plan can also be used to explain in more detail or to clarify job expectations or directions that the employee may not have understood. A performance improvement plan shall be documented in writing, with the signed original forwarded to the employee and a copy submitted to the Human Resources Department for inclusion in the employee's personnel file.



Larry D. Groth, P.E., City Manager
October 22, 2004