

TOWN OF MIDDLETON CODE D - PERSONNEL	
Subject: Disciplinary Procedures	Number: 3.3
Coverage: Staff & Council	Approved by:
Effective Date : December 3, 1990	Revision Date: February 5, 2001 October 2, 2006

Rationale

The following policy establishes standard disciplinary procedures for dealing with unacceptable conduct by Town Officials. Well-articulated disciplinary procedures help deter infractions, ensure uniform handling of discipline matters, and protect Town interests.

Policy Statement

1.0) Fair Treatment

- 1.1) It shall be the policy of the Town of Middleton to be fair and just in dealing with each and every employee.
- 1.2) The Town shall clearly articulate what constitutes unacceptable conduct and act consistently in the event of violations.
- 1.3) Any person in a supervisory position finding it necessary to reprimand an employee should keep the following points in mind:
 - a) Every type of disciplinary action taken against an employee should be based upon just cause attributable to the employee,
 - b) Reprimands are best administered in private,
 - c) The employee should be given a chance to tell his/her story,
 - d) Offences and punishments must be carefully explained to the individual. If a suspension is involved, the employee must fully understand what it means, and if s/he faces discharge, it must be clearly stated.

2.0) Authority

- 2.1) Department Heads are given authority to hire, fire, discipline and discharge employees under their charge.
- 2.2) Whenever it becomes necessary to discharge an employee, the Department Head shall discuss the matter with the CAO prior to dismissal. Such discussion is desirable to ensure that the Town is acting within the limits of the law.
- 2.3) Where it becomes necessary to discharge a full-time permanent employee, the CAO and Council must approve the discharge.

- 2.4) Disciplinary complaints against the Chief Administrative Officer shall be referred to the Mayor, who shall make a recommendation to the Council for approval on any action proposed.

3.0) Standards Disciplinary Procedure

- 3.1) The following procedures describe the possible disciplinary actions that may be taken in the event of infraction:

- a) **Verbal warning:** The employee is privately reprimanded, and a note of the verbal warning is made in the employee's personnel file,
- b) **Written warning:** A written notice of infraction and explanation of acceptable behaviour is given to the employee, and a copy retained in the employee's personnel file with the employee's signature acknowledging receipt. If the employee declines to sign, a note recording as much signed by the supervisor and a witness shall included in the personnel file.
- c) **Suspension:** The employee is privately informed of the suspension, and provided with a written account of the infraction, references to previous disciplinary action and length of suspension. A copy of the notification retained in the employee's personnel file.
- d) **Discharge:**
Permanent Staff: The Department Head shall report in writing to the CAO detailing the disciplinary history of the employee along with the recommendation for dismissal. With approval from the CAO, the employee is given a termination slip indicating the reason for the discharge, with reference to previous disciplinary action and effective date of discharge.
Part-Time Staff: The employee is given a termination slip indicating the reason for the discharge, with reference to previous disciplinary action and effective date of discharge.

- 3.2) The following procedure shall be followed for repeated infractions by the same individual:

- a) **First Offence** – If not in itself serious enough to warrant suspension or discharge, an employee will be given a verbal warning and advised that another offence will result in a written warning as a minimum.
- b) **Second Offence** – If not in itself serious enough to warrant suspension or discharge, an employee will be given a written warning and advised that another offence will result in suspension as a minimum.
- c) **Third Offence** – If not in itself serious enough to warrant discharge, an employee will be given up to five (5) days suspension without pay and warned that another offence will result in discharge as a minimum.
- d) **Fourth Offence** – An employee will be discharged, and it will be pointed out to the employee that he/she brought the action on him/herself and left the Town without any alternative.

4.0) Employee Records

- 4.1) Disciplinary action will become a permanent part of the employee's record for a period of two (2) years.
- 4.2) At the end of the two (2) years, if the employee is still on payroll, and if the employee has a good record for that two (2) year period, the disciplinary action report shall be removed from the employee file and given to him/her. The employee should be told that his/her record has been wiped clean as a result of his/her good conduct over this given period.
- 4.3) After a period of 24 months an employee may apply to have entries of a detrimental nature removed from his/her file, and such an application shall not be unreasonably refused.
- 4.4) No entry of a detrimental nature which may be used in subsequent disciplinary action shall be maintained on an employee's record without his prior knowledge.
- 4.5) An employee shall have the right at any time to have access to and review his/her file and shall have the right to respond in writing to any document contained therein. Such reply shall become part of the document referred to therein.

5.0) Grievance Procedure

- 5.1) The Town recognizes the right of the employee to appeal any disciplinary action or supervisor's directive on the basis of being unjust or too harsh.
- 5.2) Employees covered by union contract shall follow procedures set out in their respective contracts.
- 5.3) Employees not covered by a collective agreement, or special legislation shall adhere to the following procedures when seeking redress of a grievance.

STEP 1 - The employee shall first seek to resolve the grievance with his/her immediate supervisor within seven (7) days of the immediate supervisor's disciplinary action.

STEP 2 - Failing satisfactory resolution of the grievance in Step 1, the employee may appeal the decision of the immediate supervisor to the Chief Administrative Officer. The appeal shall be in writing and submitted within seven (7) calendar days of date of meeting with the immediate supervisor.

STEP 3 - The Chief Administrative Officer shall review the grievance with the Solicitor and, in cases involving dismissal, shall report actions taken to the Council. The Chief Administrative Officer shall respond within twenty-one (21) calendar days of receipt of the appeal.

- 5.4) Grievances involving suspension, lay-off, or dismissal may start at Step 2.
- 5.5) The Council may confirm or vary any previous decision made on a grievance.

6.0) List of Offences

The following is a list of typical offences which may occur which will lead to the disciplinary action noted. Offences subject to disciplinary action are not restricted to this list. Although there are normally four progressively more severe steps in the disciplinary process, however, depending on the severity of the offence any of the first three steps may be dispensed with.

LEGEND:

- VR - Verbal Reprimand
- WR - Written Reprimand
- LO - Lay off
- D - Discharge
- Z - Any action from verbal warning to dismissal, depending on the nature of the offense.

	<u>OFFENCE</u>	<u>INCIDENT</u>			
		<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>
1.	Exceeding authority, breach the law or ask others to do so.	Z			
2.	Use of public property without approval.	Z			
3.	Granting special consideration, treatment or advantage to any person beyond what is available to every other citizen.	Z			
4.	Conflict of interest.	Z			
5.	Incompatible employment.	Z			
6.	Disclosure of confidential information.	Z			
7.	Receiving gifts and flowers.	Z			
8.	Representing private interests in an action in which the Town is involved (beyond that required by law).	Z			
9.	Violating Code of Ethics contracts provision.	Z			

	<u>1st</u> Z	<u>2nd</u>	<u>3rd</u>	<u>4th</u>
10. Political activity (Code of Ethics).				
11. Reporting to work intoxicated.	LO	D		
12. Using alcoholic beverages or drugs during working hours.	LO	D		
13. False statements on application.	D			
14. Intentionally reporting incorrect information or falsifying records.	Z			
15. Stealing – either from fellow employees, Town or private citizens (in course of employment).	D			
16. Refusal to do work assigned.	Z			
17. Carrying or using firearms, fireworks or any other weapon on Town property (except in the course of performing duties).	D			
18. Posting and/or removing and/or tampering with bulletin board notices without authorization.	LO	D		
19. Willful destruction or defacing public or private property.	D			
20. Fighting during working hours.	Z			
21. Abusive or threatening language to any supervisor or to any fellow employee.	LO	D		
22. Failure to report to your supervisor any accident you have while at work.	Z			
23. Horseplay.	Z			
24. Insubordination (refusal to perform work assigned by immediate supervisor or by management).	D			
25. Leaving place of work during working hours without permission.	VR	WR	LO	D
26. Repeated failure to report to work on time or leaving early.	VR	WR	LO	D
27. Unreported absence from work.	VR	WR	LO	D
28. Vulgar and/or profane language.	VR	WR	LO	D

	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>
29. Interfering with work of fellow employees.	VR	WR	LO	D
30. Disobeying safety regulations and common sense health and safety precautions.	VR	WR	LO	D
31. Disorderly conduct.	Z			
32. Immoral conduct or indecency on Town property.	Z			
33. Sleeping during working hours.	VR	WR	LO	D
34. Speeding and/or careless driving of Town equipment.	VR	WR	LO	D
35. Willful neglect and/or mishandling of a machine or other equipment.	VR	WR	LO	D
36. Inefficiency or lack of application or of effort on the job.	VR	WR	LO	D
37. Poor quality of work or production.	VR	WR	LO	D
38. Dressing incompatible with employment position.	VR	WR	LO	D
39. Violation of Town policies other than those covered in this policy.	Z			

Previous Policies

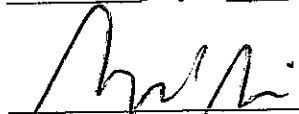
The previous policy 9/3 "Disciplinary Procedures" amended by Council on February 5, 2001 is hereby amended.

Certification

THIS IS TO CERTIFY that this policy was duly passed by a majority vote of the whole Council at a duly called Council meeting held on the 2nd day of October, 2006.

GIVEN under the hand of the CAO and under the seal of the Town of Middleton this

5th day of March, 2007


 Raymond C. Rice
 Chief Administrative Officer