

SECTION: Personnel SUBJECT: Degrees of Discipline
CHAPTER: Discipline

PURPOSE

Discipline refers to upholding a standard of conduct in the work place which is conducive to achieving the goals and objectives of the organization. Managerial reaction to unsatisfactory conduct should be constructive and tend to correct rather than punish.

POLICY

1. The City expects and is entitled to loyal and honest service on the part of its employees. Management has a responsibility to ensure that employee conduct which serves to hinder rather than achieve the City's goals and objectives is met with corrective measures. Corrective measures are generally referred to as "disciplinary actions".
2. In order of increasing severity, disciplinary actions are:
 - a) oral reprimand;
 - b) written reprimand;
 - c) suspension or demotion;
 - d) rejection on probation;
 - e) dismissal.
3. Depending on the seriousness of the breach of conduct, disciplinary actions commence with an oral reprimand progressing in successive steps to a more severe action until the desired results are achieved. Where serious breaches of conduct occur it may be necessary to immediately suspend or terminate the employee.
4. Management recognizes that the maintenance of the required standards of conduct and discipline involves a hearing of the employee's side of the story and a consideration of each case on its own merit.
5. An employee has the right to present a grievance in respect of a disciplinary action with which the employee is not satisfied. In doing so, the employee should follow the grievance procedure described in the appropriate Collective Agreement or Employment By-law.

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APPLICATION

This Policy applies to all employees.

PROCEDURE

Responsibility

Action

Supervisor

1. Ensures proper conduct of the employees he is charged to supervise. The supervisor may make oral reprimands with or without notifying any higher authority.

"Oral Reprimand" is a verbal disciplinary measure which includes a statement of what the employee has done wrong, how it should be corrected and what will happen should it not be corrected.

If an oral reprimand does not achieve the desired results and it is necessary to proceed to a written reprimand, the Department Head must be consulted and involved in the decision to proceed.

"Written Reprimand" is a formal warning that conduct is unsatisfactory. Its use should establish a clear understanding between an employee and the Supervisor as to what is expected. If more severe disciplinary action should later become necessary, the record of the reprimand(s) would demonstrate that the employee was made aware of the consequences of future misconduct.

Where the Supervisor is of the opinion that an employee has been guilty of misconduct or incompetence, the Supervisor may recommend, to the Department Head, suspending the employee for a period of up to two (2) weeks or he may recommend, to the Department Head, that the employee be suspended for a period of up to six (6) months or he may recommend the transfer, demotion or dismissal of the employee.

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"Suspension" is the temporary removal of the employee from the place of work, without pay, for the following reasons:

- a) to protect the City, persons or property pending the investigation of an alleged misconduct or the outcome of criminal proceedings when the presence of the employee at work cannot be tolerated; or,
- b) to impose a penalty for an act of misconduct by preventing the employee from working.

The Department Head may demote an employee on the recommendation of a Supervisor or he may impose the suspension of an employee for a period not exceeding six (6) months when it is desirable to investigate an allegation that an employee has been guilty of misconduct or incompetence or, where criminal proceedings against an employee are pending or, he may dismiss an employee.

"Dismissal" is the separation of an employee from the City's employ for cause when the employee has been guilty of misconduct or incompetence. Dismissal is a serious matter and the decision to proceed should only be taken after careful consideration and when it is determined that the employee is no longer suitable for continued employment.

- 2. The Supervisor should consider the following before any disciplinary action is taken:
 - a) that a breach of conduct has taken place or is alleged to have taken place;

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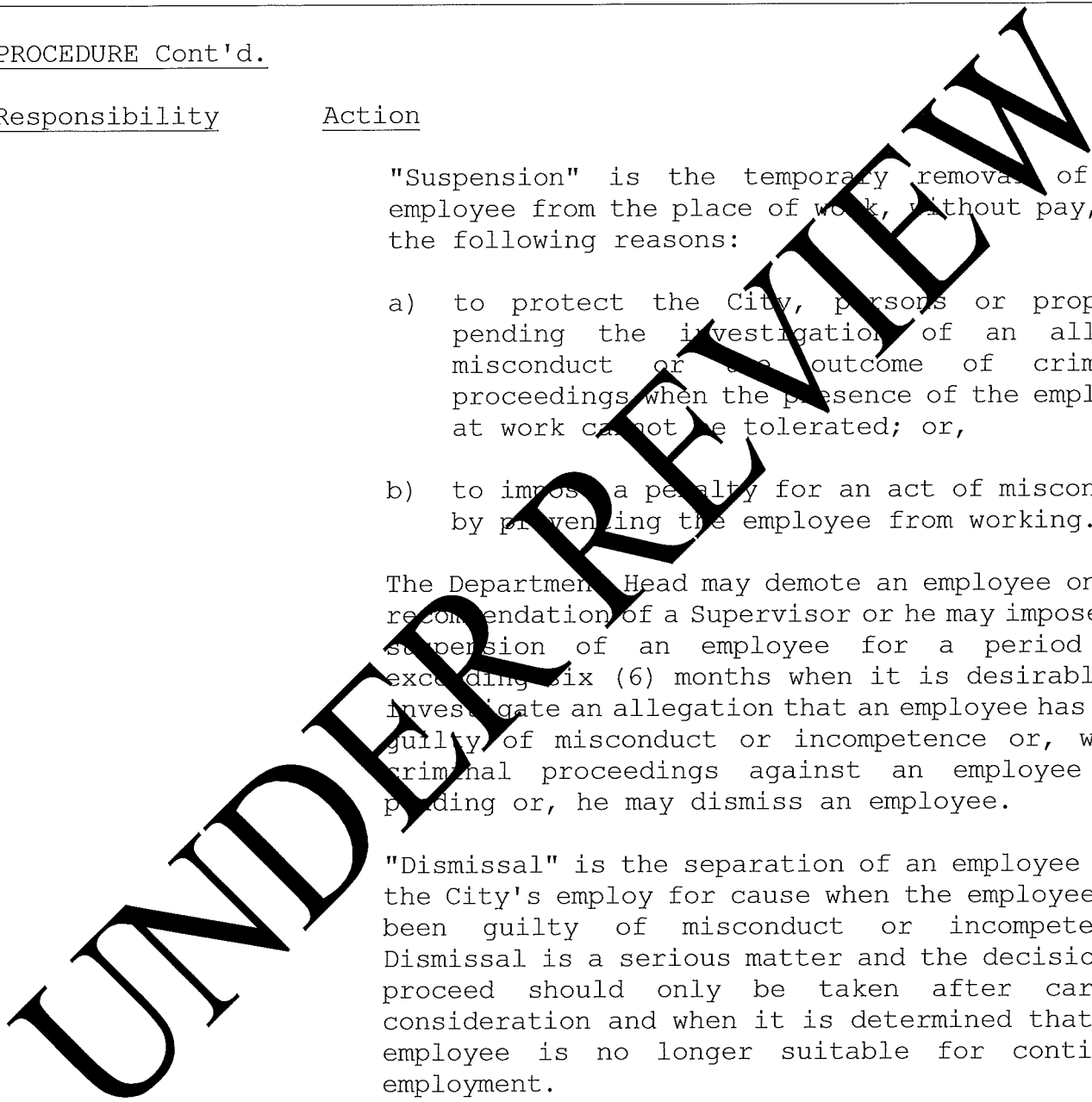
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- b) that a fair and objective investigation has been conducted;
- c) that the employee has been given advance warning of the possible or probable disciplinary consequences in the event of further misconduct;
- d) that the standards of conduct have been applied consistently and without discrimination; and
- e) that the corrective method to be applied is consistent with the circumstances.

Supervisor/Manager

3. The Supervisor or Manager makes certain that proper documentation, factual and pertinent to the case, is prepared.

Fundamental to the administration of discipline is the keeping of clear and concise records. Grievances may arise from certain disciplinary actions which may ultimately involve adjudication; in such cases, management records may have to be presented to justify the disciplinary action taken.

4. The Supervisor or Manager is responsible for informing the employee in writing of any disciplinary action (other than an oral reprimand) taken against him. A record of the disciplinary action must be placed on the personnel file of the employee concerned and nothing of a disciplinary nature should be placed on the personnel file of an employee without the employee's knowledge. If an employee declines

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to acknowledge the content of the document placed on the personnel file, a notation should be made to this effect prior to filing the document.

5. The Supervisor or Manager must check the appropriate Collective Agreement or Employment By-law to ensure that any clause in the Agreement or By-law or any clause of this manual regarding placement, retention or use of disciplinary reports from the personnel file of employee is respected.

6. The Supervisor or Manager makes recommendations for action of a disciplinary nature, including recommendations for extension of or rejection on probation, suspension, demotion or dismissal, to the Human Resources Director for investigation and review to ensure:

- a) each case is considered on its merits;
- b) that substantiating documents are obtained;
- and,
- c) that the proper notification documents are prepared.

7. Notwithstanding the foregoing, and keeping in mind that good judgement must be exercised in each circumstance, the following guidelines are provided:

- a) The primary responsibility for the maintenance of discipline rests with the Supervisor and forms an important part of the Supervisor/Employee relationship. It must be stressed, however, that serious breaches of conduct which may require further or more extreme disciplinary action should always involve higher authorities in the process.

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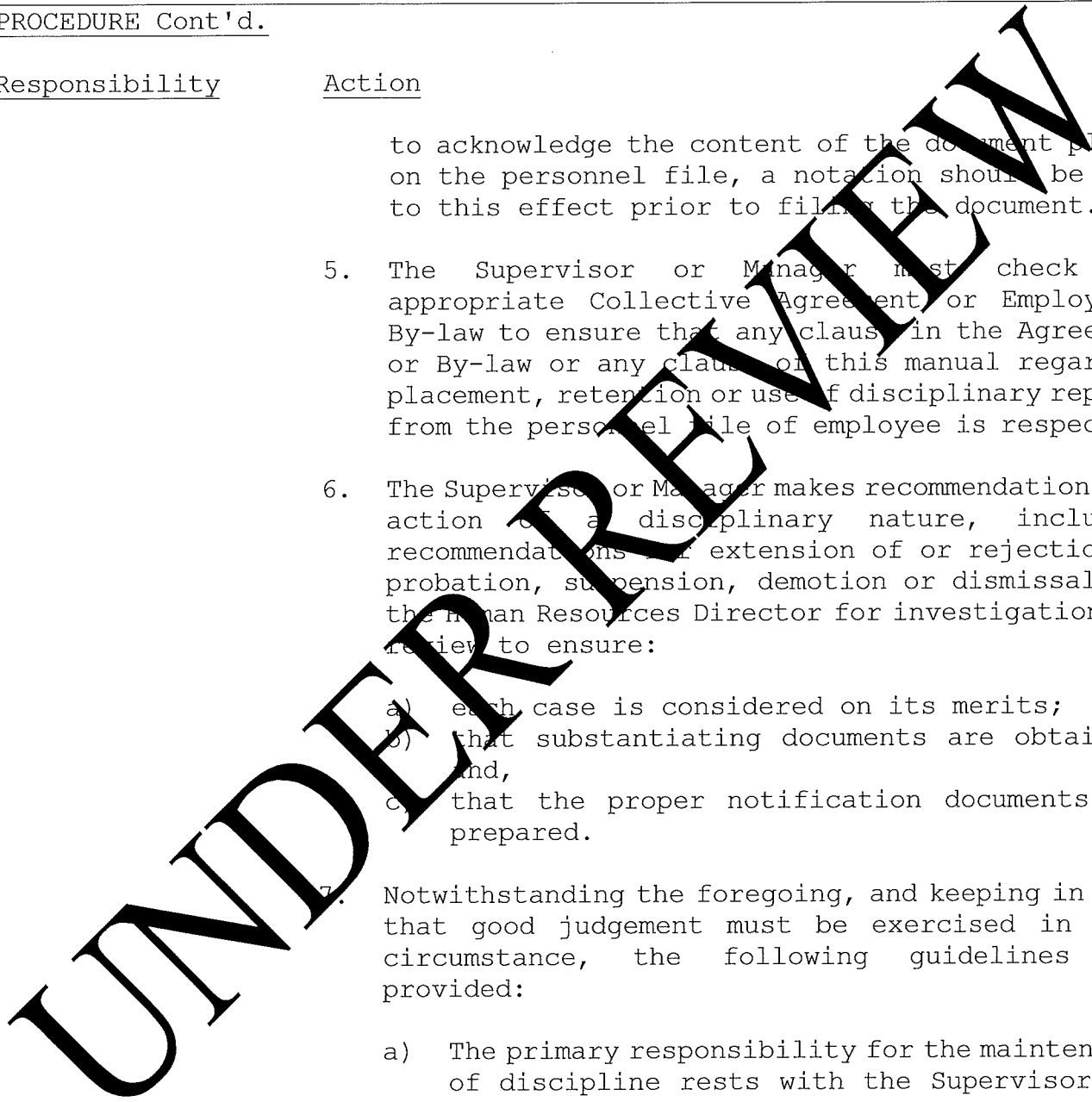
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b) Important aspects of discipline may involve breaches regarding standards of general conduct or standards of particular conduct. General conduct refers to accepted social standards which should require no set rules to ensure compliance with them. Particular conduct relates to the specific nature of the work performed, or to the work environment, that requires clear and formal rules or orders to be applied to them. In reference to the latter conduct, it is dependent on management to have informed the employee of any particular rules or orders in order for a breach of conduct to have occurred.

c) The failure of an employee to maintain the required standards of conduct must be considered on individual merit. Managerial reaction to such conduct should be constructive and tend to correct rather than punish. Disciplinary action should not be an act of retribution, but a positive response which indicates that the employee's actions are unacceptable, while motivating and encouraging the employee to develop better attitudes and performance.

d) In assessing misconduct, consideration should be given to such factors as the employee's length of service, past record, the seriousness of the offense, and any other pertinent facts. An employee whose unsatisfactory behavior is attributable to physical, personal or domestic problems should be encouraged to seek professional advice or treatment. If this is unsuccessful, it may be necessary to resort to disciplinary measures.

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Generally, habitual offenders whose conduct is governed by conditions over which they as individuals have little or no control, are unlikely to respond to corrective disciplinary measures. In these circumstances, where the conduct of the employee is incompatible with the minimum requirements of the work situation, or where corrective measures have been unsuccessful, separation may be unavoidable.

e) Before disciplinary action is taken, an employee should be given the opportunity to explain the circumstances surrounding the suspected misconduct to the Supervisor. A private interview should take place. Disciplining an employee in front of fellow workers causes resentment and hostility and may nullify efforts to maintain a useful and productive employee. The requirement of privacy does not necessarily exclude from the discussion a representative of an employee or a management representative where this is required or desirable.

f) Circumstances may well require variations in management's response to apparently similar offenses but, whatever the response it must be made evident to all employees that disciplinary actions depend upon the nature of the offense and the attendant circumstances. A sound response can only be made after due consideration of all aspects of the situation and preferably after consultation with Personnel

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advisors and other Supervisors. Disciplinary action should not be delayed an unwarranted length of time. Too great a time gap between the breach of discipline and management's response tends to disassociate the offense from the corrective action.

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