

	<h1 style="color: blue;">City of Helena</h1> <h2 style="color: blue;">Personnel Policy</h2>	Policy number	9-1
		Original Adoption	02-09-1987
		Revision #	9
		Last revision date	October 2015
Section Title	Discipline and Grievance		
Subject	Guidelines for Disciplinary Action		

All regular City employees are covered by this section.

For the purpose of this section, the definition of a supervisor is anyone who has control over the movement of an employee, i.e. conducts performance evaluation, recommends hiring, discharge, promotion, etc.

None of the disciplinary actions within this policy will be placed in an employee's personnel file without the employee receiving a copy first.

The supervisor will make a written memo or report of the facts leading up to discipline. A copy of this memo or report will be read and signed by the employee, indicating receipt of the report and placed in the employee's personnel file.

The orderly and efficient operation of the City requires that employees maintain discipline and proper personal standards of conduct at all times. City employees who fail to perform their jobs in a satisfactory manner or whose behavior interferes with or disrupts department operations may be subject to disciplinary action up to and including discharge. Appropriate disciplinary action may involve progressive disciplinary measures; or may result in immediate discharge. Different disciplinary procedures can be followed by supervisors as described below. The procedure utilized will be determined based on the City's evaluation of all circumstances involved.

Verbal Counseling

Supervisors have the authority to issue verbal counseling for violation of City or department policies or for improper conduct. These should be documented in the employee's personnel file in the Human Resources Office. Documented verbal counseling may be removed from the employee's official personnel file at the request of the employee and their supervisor's concurrence after (1) one year of no documented deficiency. However, if an employee has further documented disciplinary deficiencies, the initial verbal counseling will remain in the personnel file until related, more recent warnings have remained for their required time and are removed. A verbal counseling would normally be given for a first offense violation or a minor infraction of the rules.

Written Warnings

Supervisors have the authority to issue written warnings to employees who violate City policies, exhibit poor work performance, for improper conduct or for other issues where just cause exists. These warnings must be signed and placed in the employee's personnel file in the Human Resources Office. The employee may request that these documented written warnings be removed from their official personnel file after (3) three years of no further documented deficiencies. The request for removal must be made in writing to the department head who will then require approval from the Human Resources Director and City Manager prior to removal.

Written warnings may be removed before the three year period is complete by agreement between the department head, Human Resources Director and City Manager.

Adverse Actions: Administrative Leave (with or without pay), Suspensions (with or without pay), Discharges and Demotions

The City Manager has sole responsibility to authorize penalties affecting an employee's work hours, pay or employment status. Such penalties are imposed for serious offenses.

A department head shall initiate an adverse action for an employee and submit the proposed action to the City Manager in writing for approval via the Human Resources Director. As a minimum the document will include the following:

- a. Name of employee
- b. Date of violation(s)
- c. Details of violation(s)
- d. Proposed penalty

In no case will any adverse action be imposed by a department head or supervisor without approval by the City Manager. The temporary removal of an employee from their position required under the City's Substance Abuse Policy and the DOT regulations is not considered an "adverse action" under this section.

The Human Resources Director and the City Manager will be notified of any impending adverse actions as soon as possible. The Human Resources Director is available to assist supervisors and department heads with disciplinary procedures and documentation.

It is the policy of the City of Helena to place employees on leave during investigations of certain actions or activities, including but not limited to harassment, theft or misappropriation of company funds or property, workplace violence or other conduct which warrants removing the employee from the work environment. If deemed necessary by the City Manager or his/her designee, an employee may be immediately placed on administrative leave with pay, during the investigatory stage.

The Department Director or designee will inform the employee that he or she is being placed on administrative leave with pay and that an investigation will be conducted. The employee will be told the reason for the leave and may be asked to surrender company property (keys, files, equipment, tools, etc.). The employee may be escorted from the work site.

When an employee is placed on administrative leave, the leave will be confirmed in writing no later than five (5) working days after leave commences. The confirmation will state the reason for the leave and the expected duration, and will inform the employee that he or she should be available to participate in the investigation. A copy of the letter should be placed in the employee's personnel file. When the investigation is concluded, the employee will be informed of the return date and whether the leave will be paid or unpaid.

Once an investigation has been completed, the department head through the Human Resources Director may recommend placing the employee on administrative leave without pay. The City Manager or his/her designee is the only person that may authorize this action. The employee will be notified immediately in writing that they are being placed on administrative leave without pay.

Upon the receipt of the request for Adverse Action from the department head the employee will be advised of the recommendation and given an opportunity to respond to the City Manager before the final decision is made. The employee must contact the City Manager's office to schedule an appointment within 48 hours of notification. If the employee does not contact the City Manager's office within the time frame, the City Manager will meet with the Human Resources Director, department head and supervisor to make a determination.

If the employee requests a meeting with the City Manager under this step, the Human Resources Director, department head or designee, and supervisor will be present at the meeting. The City Manager will issue a decision within five (5) working days unless additional information is required after the meeting.

When the City Manager decides to impose a penalty of administrative leave or suspension or disciplinary demotion, the employee will be notified in writing. This notification and disciplinary action will be placed in the employee's official personnel file. The employee may request that the documentation of administrative leave or suspension be removed from their personnel file after (5) five years of no further documented deficiencies. The request for removal must be made to the department head in writing who will then require approval from the Human Resources Director and City Manager prior to removal.

These disciplinary warnings may be removed before the five year period is complete by agreement between the department head, Human Resources Director and City Manager.

In the case of an adverse action, an employee may request a hearing before the Civil Service Board. This request must be made in writing to the City Manager within 72 hours of the aggrieved action. Discharges occurring within the probationary period are not subject to appeal to the Civil Service Commission (§39-2-904, MCA)

Upon receipt of the written request, the City Manager will call for a meeting of the Civil Service Board (CSC) to be scheduled as soon as practical.

Responsibilities

It is the responsibility of the Human Resource Office to remove documented warnings in accordance with the rules of each type of disciplinary action. The employee must initiate the request for removal of disciplinary actions in writing to his or her department head.

THE CITY RESERVES THE RIGHT TO IMPOSE THE APPROPRIATE PENALTY ON AN EMPLOYEE FOR A FIRST OFFENSE DEPENDING ON THE SEVERITY OF THE ACT. AN INDIVIDUAL COULD BE DISCHARGED WITHOUT BEING GIVEN AN ORAL OR A WRITTEN REPRIMAND FOR A FIRST OFFENSE.