



POLICY AND/OR PROCEDURE	NUMBER HR 98-01
	EFFECTIVE 01-02-98
	CANCELS N/A
	DISTRIBUTION
SUBJECT PRE-DETERMINATION CONFERENCE	DISTRIBUTION ALL DEPARTMENT HEADS AND GENERAL EMPLOYEES.
APPROVED <i>William J. Hunter</i> CITY MANAGER	PAGE 1 OF 3

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Netha Perry
DIRECTOR OF HUMAN RESOURCES

PURPOSE: The purpose of the pre-determination conference is to allow full-time regular employees, hereinafter called "employees", excluding sworn police officers and uniform fire personnel, an opportunity to present oral or written statements to refute the charges against the employee. Further, it is to allow the employee the opportunity to provide such other information which would constitute a defense or mitigation to the charges or the proposed action.

I. NOTIFICATION:

- A. The employee will receive written notice of the date, time, and location of the pre-determination conference from the Department of Human Resources.

II. ATTENDANCE:

- A. The Director of Human Resources or designee along with the department head or designee and the City's Legal Counsel, shall be present to conduct the pre-determination conference.
- B. The employee may bring one (1) representative to assist and advise the employee, and the employee shall be permitted to testify orally and/or submit written sworn statements to refute or explain the charges against the employee.
 - 1. If the employee chooses not to attend the pre-determination conference, or if the employee attends the pre-determination conference and offers nothing



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in defense or in mitigation of the charges, the City will proceed on the basis of the best information it can obtain without such a response from the employee.

III. CONDUCT OF HEARING:

- A. The pre-determination conference will be informal and shall not be in the nature of an evidentiary hearing.
- B. The pre-determination conference will be recorded by the City staff and all parties present will be identified for the record.
- C. The Director of Human Resources or designee will explain that the purpose of the conference is to hear the employee's side of the charges, to protect the employee from erroneous or arbitrary adverse action.
 1. The Director of Human Resources or designee reserves the right to conduct further investigation or inquiry, if the employee provides information which the Director of Human Resources or designee deems necessary to substantiate.

IV. RECOMMENDATION:

- A. After allowing the employee the opportunity to address the charges against the employee and after considering all of the evidence, the Director of Human Resources or designee and the City's Legal Counsel, shall make a recommendation to the City Manager regarding the appropriate discipline. If the Director of Human Resources or the City's Legal Counsel



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or designee, decides that the department head's recommended discipline is not appropriate, the Director of Human Resources or the City's Legal Counsel may recommend that other action be taken, as he/she deems appropriate. The City Manager may accept or reject the recommendations of the department head, Director of Human Resources or designee, and the City's Legal Counsel. Once the City Manager makes a final decision, the employee will be advised in writing as to the final action.

V. APPEAL:

- A. If the City proceeds with adverse disciplinary action, the employee may exercise the right to appeal, through the proper grievance procedure, as provided for in the City's Code of Ordinances or the Union contract.