



POLICY AND PROCEDURE

SUBJECT:

PROGRESSIVE DISCIPLINE

DATE: JUNE 11, 2021

NUMBER: HR 21-03

1. PURPOSE OF THE POLICY

The purpose of this policy is to clarify guidelines for employee conduct and to outline appropriate disciplinary steps.

Employment with the City of Riviera Beach is "at will," which means it is subject to termination by either the City or the employee at any time, for any reason. Nothing in this policy provides any contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between the City and its employees.

When employee performance, conduct, or behavior concerns occur, it is the responsibility of all supervisors, managers, and Department Directors to administer disciplinary action in a fair and consistent manner. Disciplinary actions involving suspension, demotion, or termination require the approval of the City Manager, in concert with the Human Resources Director.

2. SCOPE

This policy applies to all employees unless otherwise covered by a Collective Bargaining Agreement.

3. POLICY STATEMENT

The City has adopted a progressive discipline policy to identify and address employee and employment related problems. This policy applies to any and all employee conduct that the City, in its sole discretion, determines must be addressed by discipline. Of course, no discipline policy can be expected to address each and every situation requiring corrective action that may arise in the workplace. Therefore, the City takes a comprehensive approach regarding discipline and will attempt to consider all relevant factors before making decisions regarding discipline.

4. DEFINITIONS

City – City of Riviera Beach

Performance Improvement Plan (PIP) is a formal document stating any recurring performance issues along with goals that an employee needs to achieve in order to regain good standing in the City. The PIP will include a specific timeline to complete the outlined goals.

Verbal Warning is a documented conversation that occurs when a supervisor verbally counsels an employee about performance, conduct, or behavioral issue or concern. A record of such shall be documented by the issuing supervisor or Department Director. The form is forwarded to the Human Resources Department for signature and finally to the City Manager for final execution. A copy shall be provided to the employee, and the original shall be maintained by the Human Resources Department for the personnel file.

Written Warning is the next step in the progressive discipline process. It is a document to formally indicate a concern about an employee's performance, conduct, or behavioral issue in the workplace. A written warning is used for behavior or performance that a supervisor considers serious or when a verbal warning has not helped change unacceptable behavior or performance.

Demotion – is a permanent reassignment to a lower position than the employee worked previously.

Suspension - is the temporary separation of employment between a City employee and the City for a definite period of time and without pay.

Termination – is a permanent separation of employment between a City employee and the City.

5. RESPONSIBILITIES OF EMPLOYEES

It is the duty and the responsibility of every City employee to be aware of and to abide by existing policies and work rules.

It is also the responsibility of employees to perform their duties to the best of their ability and the standards outlined in their job descriptions or as otherwise established. Employees are encouraged to take advantage of all learning opportunities available and to request additional instruction when needed.

6. RESPONSIBILITIES OF SUPERVISORS, MANAGERS, AND DIRECTORS

The immediate supervisor, manager, or director should approach corrective measures in an objective manner.

If the employee's performance of assigned tasks is the issue, the supervisor, manager or director should confirm that proper instructions, appropriate orientation and adequate training have been given and that the employee is aware of their job expectations. Both single incidents and patterns of poor performance should be of concern.

If misconduct is the issue, the supervisor, manager or director should take steps to ensure that the employee is aware of the City's policies and regulations regarding employee conduct.

If, in either case, appropriate instruction or information was not communicated, the supervisor, manager or director should immediately develop a plan for delivering such instruction or information and should review the content with the employee.

7. PROGRESSIVE DISCIPLINE PROCESS

The City supports the use of progressive discipline to address issues, such as poor work performance or misconduct to encourage employees to become workers that are more productive and to adapt their

behavior to City standards and expectations. Generally, a supervisor gives a warning to an employee to explain behavior that the supervisor has found unacceptable. There are two types of warnings: verbal and written.

A verbal warning occurs when a supervisor verbally counsels an employee about an issue of concern. A written record of the discussion, noting the date, event and recommended action, is placed in the employee's personnel file for future reference.

The Department Director, in consultation with Human Resources (HR), may place the employee on a Performance Improvement Plan (PIP) not to exceed 90 days. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and work requirements specified by the supervisor and the organization. The supervisor and employee should meet regularly to assess the progress of the PIP. If the employee has met, the goals and expectations described in the PIP, the supervisor will document that he or she has successfully completed the PIP. If established goals are not met, dismissal may occur.

The City reserves the right to skip or modify one or more steps in the progressive discipline framework as deemed appropriate, meaning, a first offense could result in a higher level of discipline than the policy recommends.

8. EMPLOYEE CONDUCT THAT CAN RESULT IN DISCIPLINARY ACTION

The City has established general guidelines to govern the conduct of its employees. No list of rules can include all instances of conduct that can result in discipline, and the list of examples below is not exhaustive.

Examples of employee conduct that would lead to discipline and the usual course of disciplinary action have been separated into groups according to the usual severity and impact of the violation. Violations may be handled differently depending on the group they are in and the specific circumstances. Disciplinary action includes oral and written warnings, suspension without pay, demotion, and discharge.

Group 1

Disciplinary process:

1st offense: Documented verbal warning.

2nd offense: Documented written warning.

3rd offense: Three-day suspension.

4th offense: Termination of employment.

Examples:

1. Arguing with co-workers, supervisors, visitors or volunteers.
2. Failing to follow instructions as needed for the job assignment.
3. Contributing to unsafe working conditions and/or environment.
4. Smoking in nonsmoking areas.
5. Leaving the assigned work area or facility without the supervisor's permission.
6. Loitering or loafing while on duty.

7. Disregarding the City's dress code.
8. Using City-owned equipment without authorization.
9. Damaging, intentionally or unintentionally, City-owned equipment.
10. Abusing lunch and rest break periods.
11. Removing, posting or altering notices on any bulletin board on City property without permission from the employee's department or the HR Department.
12. Violating other rules or policies not specifically listed.

Group 2

Disciplinary process:

1st offense: Written warning.

2nd offense: Suspension.

3rd offense: Termination.

Examples:

1. Failing to report job-related injuries.
2. Failing to report damage to City equipment.
3. Failing to report an accident involving City equipment.
4. Failing to report an injury to the immediate supervisor.
5. Violating any safety rule.
6. Disregarding or violating safety rules.
7. Engaging in horseplay that results in personal injury or equipment damage.
8. Spreading malicious rumors.
9. Engaging in vulgar or abusive language (profanity or cursing) or conduct toward others.
 - Initiating a verbal assault while on duty.
10. Copying City documents for personal use.
11. Using City communication systems inappropriately.
12. Treating customers or co-workers in a discourteous, inattentive or unprofessional manner.
13. Being absent or tardy or leaving early without notification or permission.
14. Failing to follow department guidelines concerning notification of an absence.
15. Unauthorized use of City vehicles, property or equipment.
16. Demonstrating insubordination, including:
 - Refusal to do an assigned job.
 - Refusal to work overtime or holiday shifts when required.
 - Disrespectful response to a supervisor's directive.
 - Deliberate delay in carrying out an assignment.

Group 3

Disciplinary process:

1st offense: Dismissal.

Dismissal is the immediate termination of an employee for a serious breach of responsibility, unsatisfactory performance or misconduct. A supervisor or department head may recommend dismissal after consultation with HR. Employees covered by the Civil Service Board or a Collective Bargaining Agreement are subject to suspension and/or termination as outlined in agreements or the City's Code of Ordinances.

Examples:

1. Being absent for three or more days without notification or permission (also referred to as a voluntary quit or job abandonment).
2. Fighting in the workplace.
3. Initiating a fight in the workplace.
4. Violating timecard procedures.
5. Sabotaging the facility, grounds or equipment of the City.
6. Falsifying City records, such as employment applications, timecards, purchase orders, invoices or any other City documents in any way.
7. Engaging in indecent behavior.
8. Possessing or drinking intoxicants on the job.
9. Being under the influence of or drinking intoxicants on the job.
10. Sleeping while on duty.
11. Concealing defective work.
12. Disclosing confidential records or information.
13. Soliciting gifts or tips from business-related contracts.
14. Using the City's computer systems, including accessing confidential computer files and data, without authorization.
15. Demonstrating gross misconduct or other serious violations of the City's policies or procedures.
16. Failing to comply with licensure and certification requirements
17. Dishonesty, including deception, fraud, lying, cheating or theft.
18. Threatening a co-worker or supervisor.
19. Excessive accidents resulting in injury to self, others or damage to City equipment.

Departmental Sponsor:

HUMAN RESOURCES DEPT.

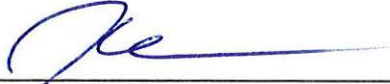
Policy Review Date:

References: Replaces Policy HR 95-02 Policy for Discipline and Control

Departments Affected:

ALL EMPLOYEES

Approved by:



City Manager

6-11-21

Date



Human Resources Director

6-11-2021

Date



PROGRESSIVE DISCIPLINE ACKNOWLEDGEMENT FORM

I _____ hereby confirm that I have
(employee's full name)
received and will abide by the City of Riviera Beach Progressive Discipline (HR 21-03).

Print Name

Employee's Signature

Date

