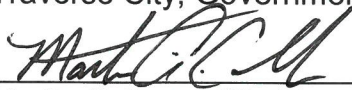
	CITY OF TRAVERSE CITY PERSONNEL POLICY TITLE: EMPLOYEE DISCIPLINE POLICY	POLICY NO: 231-P
		SUBMITTED BY: Martin Colburn, Kristine Bosley, Penny Hill, Lauren Tribble-Laucht APPROVED BY: Martin Colburn
Adopted Date: 03-25-2022 Effective Date: 03-25-2022 Supersedes No: Undated "Rules for Personnel" Procedure Reference No: N/A Page 1 of 7		HISTORY: Initial Adoption Date: <u>3-25-2022</u>

I hereby certify that this Policy was authorized by the City Manager for the City of Traverse City, Governmental Center, 400 Boardman Avenue, Traverse City Michigan.


3-25-2022

Martin Colburn, City Manager Date

I. Purpose:

The purpose of this policy is to ensure that City of Traverse City employees provide consistent, appropriate, professional behavior, and render efficient service; that discipline is administered fairly, consistently and objectively; and that proper disciplinary procedures are followed, including documentation of disciplinary actions.

II. Additional Authority


- Act 279 of 1909 (Home Rule City Act) as amended; Chapter 117.3 (a) and (d)
- Charter of the City of Traverse City, MI: Chapter V. Section 36; Section 38; Section 39; Section 41 and Section 45

III. Scope/Applies to

All City Employees

Responsibility

- a) The City Manager, through the Human Resource Department, is responsible for the development and implementation of this policy.
- b) The individual Department Heads shall be responsible for the conduct of employees in their department and for any discipline of all employees in their department.

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IV. Definitions/Acronyms

- **A.C.T. Employee** means any employee who is not represented by or subject to an approved collective bargaining agreement with the City of Traverse City.
- **CBA** means any one of the Collective Bargaining Agreements entered into between the City of Traverse City and an organized Union

V. Policy Statement

All employees are expected to meet the City's standards of work performance, including but not limited to attendance, punctuality, personal conduct, ethics, job proficiency and compliance with the City's policies and procedures. Employees are expected to work to create a positive environment between and amongst departments and co-workers. If an employee does not meet the required standards, the City may administer discipline. The intent of disciplinary action is to provide the employee with clear performance expectations and a reasonable timeframe within which to improve performance.


Where the terms of a CBA conflict with the terms of this policy, the terms of the applicable CBA shall apply.

VI. Procedure

Supervisors and department heads must keep complete written records of all disciplinary actions taken and provide copies of these records to the Human Resources Department.

A. Investigations

The City may complete an investigation when it receives credible information that could lead to disciplinary action. An investigation may also be conducted in order to exclude the possibility that wrongdoing occurred within the City Organization.

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The primary purpose of an investigation is fact-finding. Investigations may be performed by the Department Head, Human Resources staff, or by a third party approved by the City Manager or City Attorney.

B. Discipline

Once there is a determination that disciplinary action is warranted, the following progressive discipline steps will generally be followed. While it is not possible to list all the offenses or infractions for which an employee will be disciplined, this policy provides illustrative examples. The City reserves the right to make unilateral changes and reserves the right to forgo progressive discipline when it deems it appropriate. This policy is not a contract, is not intended to create a contract and shall not be construed to create a just cause employment relationship.

C. Forms of progressive discipline


i. Verbal reprimand

A verbal reprimand occurs when the supervisor or Department Head meets with an employee to discuss problem performance or behavior and delivers an oral warning of potential further disciplinary action if the problem, performance or behavior persists.

After meeting with the employee, the supervisor or Department Head shall record the date, salient facts and the subject of the verbal reprimand in writing and send the documentation to the Human Resource Director to be entered into the employee's official personnel file.

ii. Written Warning

A written warning may be initiated either by a Department Head or City Management, and should clearly identify the problem and outline a course of corrective action within a specific time frame as well as the potential consequences if the problem is not corrected or reoccurs. The proposed written warning shall be reviewed by the City Attorney or his or her designee and Human Resources Department prior to a Department Head or City Management issuing the written warning.

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The employee shall be given an opportunity to add comments to the written warning and asked to sign it with the notation that the employee's signature signifies only that the employee read the warning notice but that the signature is not an admission he or she agrees with the warning. If the employee refuses to sign the warning notice, the supervisor should indicate that on the notice. A copy of the warning notice shall be given to the employee.


The written warning will be placed in the employee's personnel file in the Human Resources Department.

iii. Suspension

An employee may be suspended with or without pay for a period not to exceed ten (10) work days. Notice of suspension must be documented by the Department Head and reviewed by the City Attorney, Human Resources Director, and City Manager and a copy of the notice is to be sent to the Human Resources Director, to be inserted in the employee's official personnel file. With the approval of the City Manager, an employee may be suspended for a longer period pending any investigation (or trial) of any charge against him or her.

An employee shall not be suspended until (s)he is given prior notice of the suspension, the effective date(s) of the suspension, and the reasons for the suspension. Such notice may be verbal, but must be followed by written notice within three (3) business days of the verbal notice. The written notice shall specifically state the offenses with which the employee is charged, which shall be signed by the employee's Department Head or supervisor.

The employee shall be given an opportunity to add comments to the written notice and asked to sign it with the notation that the employee's signature signifies only that the employee read the notice but that the signature is not an admission he or she agrees with it. If the employee refuses to sign the notice, the supervisor should indicate that on the notice. A copy of the notice shall be given to the Human Resources Department for the employee's file and shall be given to the employee.


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iv. Immediate Termination (at the discretion of the City Manager)

The City reserves the right to forgo progressive discipline and immediately terminate an employee in certain circumstances. The following list provides examples of situations that may result in disciplinary action, up to and including immediate termination of an employee.

Instances of serious misconduct normally will not be the subject of progressive discipline, but will result, in most cases, in immediate termination. While no complete list of such misconduct can be contemplated, the following list is intended to be representative of the types of activities that may result in termination:

- Willful violation of an established policy or rule
- Breach of trust or dishonesty
- Conviction of a felony, or conviction of a misdemeanor involving moral turpitude
- Falsification of City documents
- Gross negligence
- Insubordination
- False representation of another employee
- Deliberate non-performance of work
- Larceny or unauthorized possession of, or the use of, property belonging to the City, any coworker or resident
- Unauthorized possession, use or copying of any records that are the property of the City
- Excessive absenteeism or lateness
- Marring, defacing or other willful destruction of any supplies, equipment or property of the City
- Theft
- Gambling, conducting games of chance or possession of such devices on the premises or during work hours

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- Leaving the work premises without authorization during work hours
- Solicitation or acceptance of bribes, fees, or other items of value to influence performance of work for the City
- Making or publishing of false, vicious or malicious statements concerning any employee, Supervisor, Director, or the City.
- Conduct or actions in any manner, including offensive language, which degrades the City service, City programs, his/her fellow employees, or the general public.

Any recommendation(s) for termination of an employee, for any reason, must have the prior authorization of the City Manager. The recommendation shall be reviewed by the Human Resources Department, the City Attorney or his/her designee, and the City Manager in a joint meeting prior to any action.


In the event of termination, all employee benefits terminate at the end of the month in which the termination occurred.

D. City Clerk and City Treasurer Positions

While the City Clerk and City Treasurer positions are subject to the same disciplinary rules and provisions as the A.C.T. group, the termination of either of these positions falls under the provisions of the City Charter.

The City Clerk and City Treasurer positions are subject to the appointment and removal provisions of the City Charter. The City Manager may remove the City Clerk and City Treasurer only with the consent and approval of five (5) members of the City Commission.

Should a removal of the City Clerk or City Treasurer be recommended by the City Manager, the employee may be suspended from duty, but pay shall continue until the City Commission adopts a resolution stating its consent and approval for the recommended removal. There shall be no appeal from the action of the City Commission in removing an employee from either position.

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VII. Effective Date

This Administrative Order shall have immediate effect.