THE VILLAGE OF MONTROSE

POLICY TITLE: DISCIPLINARY POLICY AND PROCEDURES **POLICY #**2680

POLICY STATEMENT:

It is expected that all employees conduct themselves in a manner that reflects well on the organization. If matters arise where an employee's conduct is problematic, wherever possible, the Village would prefer to resolve the problem informally. However, the Village recognizes that some circumstances may require formal steps to be taken. It is the policy of Council to ensure that the Village has a fair and systematic approach to the enforcement of standards of conduct for all employees.

POLICY BACKGROUND:

The Village aims to have a fair and systematic approach to the enforcement of standards of conduct for all employees. The purpose of the disciplinary procedure is to deal with unsatisfactory conduct. The policy and procedures set out below will normally be followed, if in the Village's opinion, an employee acts in a manner contrary to normal acceptable standards of conduct/behaviour or to the terms and conditions of employment.

POLICY GOAL:

To ensure that in the application of discipline, all employees are treated equally and in a fair and consistent manner; that all are aware of the procedures to be followed in the disciplinary process; and that penalties resulting from unacceptable conduct are clearly stated.

DEFINITION:

1. Discipline:
   - Action taken to correct unsatisfactory conduct or performance that requires a change.
   - Generally the Village views "discipline" as a positive process which has the purpose of correcting an unsatisfactory situation.

ROLES AND RESPONSIBILITY:

1. Council
   - Approves Policy and Procedure.

2. Chief Administrative Officer
   - Maintains an effective disciplinary policy and related procedures;
   - Administers the policy and procedures.
   - Advises Departments in the correct application of the policy and procedures;
   - Maintains records of all disciplinary actions; and
   - Oversees the disciplinary process.

- Ensures that all employees are familiar with the disciplinary policy;
- Administers the policy within the organization;
- Recommends changes in policy and procedures;
- Initiates necessary disciplinary action according to the policy.

3. Public Works Foreman
   - Ensures all employees in the crew are aware of the discipline policies and procedures and reports on any breaches by Public Works employees to the Chief Administrative Officer.

LEVELS OF THE DISCIPLINARY PROCEDURES:

NOTE: Any employee may be subject to immediate dismissal or suspension for cause.

1. Level One: Verbal Warning

   If the problem by itself is not serious and it is the first offence, the employee should be given a verbal reprimand and be advised that another offense will result in written warning. The verbal reprimand should form part of a discussion of the problem with the employee. The verbal reprimand is an important step in the disciplinary process, because it is at this point that cause for further action may be prevented, or, if the cause persists, it provides the foundation for further action. The verbal reprimand normally takes the form of a caution to the employee that further action may be taken if the matter is not resolved.

   Verbal warnings of this nature are generally recorded in the employee's personnel file. They will be noted for later reference if necessary.

2. Level Two: Written Warning

   a. In the event of a second offense, or for a serious first offense which is not determined to warrant suspension or discharge, an employee will be given a written warning and be advised that another offense will most likely result in suspension or discharge.

      i. The written reprimand is most often used in circumstances where the employee has failed to respond to an earlier verbal warning. The written reprimand shall contain full disclosure of the reasons, grounds for action, and/or penalty.

      ii. Where a first offense is sufficiently serious an immediate written reprimand is appropriate.

   b. A copy of the written warning should, whenever possible, be delivered in person or otherwise forwarded by registered mail to the employee. One

copy should be forwarded to the Union, and one copy to the immediate supervisor.

c. The employee should be requested to initial an acknowledgement of receipt, which is then to be filed in his or her personnel file.

3. Level Three: Suspension

a. In the event of a third offense, or for a first offense which is deemed very serious but which does not warrant immediate discharge, the employee will normally be given up to five (5) days' suspension without pay, and will be warned that another offense may result in discharge.

The decision to suspend without pay is the sole responsibility of the Chief Administrative Officer. The written notice of suspension must contain the reasons for discipline and the case history of the situation, if appropriate. Normally the employee will be interviewed by the Chief Administrative Officer and the interview be documented.

b. A detailed report on the suspension prepared by Chief Administrative Officer shall be placed in the employee's personnel file.

4. Level Four: Discharge

a. Level 4 discipline is the sole responsibility of the Chief Administrative Officer.

b. The most common reasons for dismissal are:

i. A lack of response by an employee to corrective forms of discipline;
ii. An initial offense of a significantly serious nature; and
iii. A "culminating incident," which in itself would not normally result in dismissal, but in consideration of other verified problems with the employee justifies dismissal.

c. When it becomes necessary to discharge an employee, he or she shall be given a termination letter indicating the reason for the discharge. The termination letter may make reference to the failure of previous corrective disciplinary action. The letter will specify when the discharge is to become effective. Whenever possible, discharge shall be communicated verbally by the Chief Administrative Officer.

UNION NOTIFCATION:

1. The Union shall be notified of Level 2 discipline including all written warnings within four (4) working days of such discipline.
2. The Union shall be notified immediately of level 3 and Level 4 discipline including all dismissals and suspensions.

APPEAL OF DISCHARGE OR DISCIPLINE:

Should a disciplined employee consider the disciplinary action to be improper, a grievance may be presented in writing through the established grievance procedure.

DOCUMENTATION OF DISCIPLINE RECORDS:

The following points are to be emphasized with respect to the preparation of reports and records:

1. The records concerning the incident must be complete in detail.

2. The records shall be dated and signed by the Chief Administrative Officer and, where appropriate, by the employee affected.

3. The records shall state the action taken to remedy the situation.

4. The incident(s), as well as the effects or potential effects of the incident(s), shall be noted.

5. The factors which are considered relevant to the penalty shall be specified.

6. Verbal discussion or written reprimands previously given shall be indicated, as well as specific dates and other relevant material.

GUIDELINES:

1. Every situation requires careful consideration to identify extenuating circumstances. For example:

- Time interval between offenses;

- Length and quality of past service;

- Emotional stress from other sources;

- Other aggravating factors;

- Allowances for temperament.

2. The following lists typical infractions grouped roughly according to level of severity. This is a guide only and may be reduced or increased, depending upon the circumstances:

   <u>Group One</u>

   First Offense . . . . . Verbal warning
   Second Offense . . . . . Written warning

Third Offense . . . . . Suspension
Fourth Offense. . . . . Discharge

- Absence from duty without prior permission from the appropriate authority;
- Leaving the working area without permission from the supervising authority;
- Undesirable conduct;
- Neglect of work;
- Tardiness;
- Failure to commence work at the beginning of the work period, and/or leaving prior to the end of the work period;
- Creating or contributing to unsanitary or unsafe conditions;
- Stopping work or making preparations to leave work without specific prior authorization before any official break in work or before the specified quitting time (i.e. washing up or changing clothes before the official quitting time);
- Failure to report immediately any personal injury or equipment damage;
- Unsatisfactory work;

Group Two

First Offense . . . . . Written warning
Second or Third Offense . . . . . Suspension
Fourth Offense . . . . . Discharge or long-term suspension

- Neglect or carelessness in following safety or Departmental rules, or disregard of common safety practices;
- Sleeping on the job;
- Being in possession of, or using, alcohol or non-prescription drugs at work;
- Use of abusive or threatening language towards other employees or members of the public;
- Soliciting/canvassing of other employees, without permission, during working hours;
- Failure to report an accident in which the employee was involved;
- Unauthorized use of Municipal property to do private work;

- Threatening or intimidating employees or supervising authority at any time;

- Making or publishing of false, misleading or malicious statements concerning any employee, supervising authority, the Municipality or its operation.

  Group Three

  First Offense . . . . . .Suspension or Discharge

- Wanton or wilful neglect in the performance of assigned duties, or while caring for, using, or in custody of Municipal property;

- Abuse or deliberate destruction of Municipal property;

- Altering another's or one's own record without authority;

- Wilfully giving false information or withholding information called for in making application for employment;

- Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits;

- Attacking or fighting with another employee;

- Use of confidential Municipal information for private gain;

- Unauthorized removal from the Municipality of information such as drawings, blueprints, lists, Municipal records, or confidential information of any nature, or unauthorized release of any such information;

- Dishonest conduct: e.g. theft, pilfering, snooping through property of other employees or property of the Municipality. Making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made inaccurate or false reports concerning any absence from work; making or joining in a false statement to influence any official action by the Municipality, or making a false statement concerning any matter pertaining to work or to employment. (The foregoing are examples only and do not limit the definition of the term "dishonest");

- Insubordination;

- Refusal to perform work as assigned, except as authorized under Safety Regulations.

Amended as per Council Request on October 5, 2010
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