

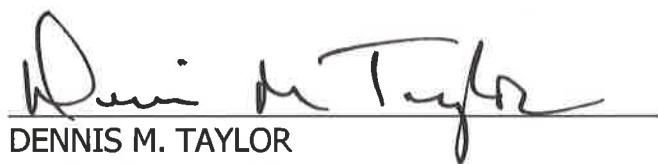
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ADMINISTRATIVE ORDER NO. 72

An Administrative Order creating the following Human Resources Policy for the City of Billings: Corrective Action dated November 2002.

Dated this 2nd day of December, 2002



DENNIS M. TAYLOR
CITY ADMINISTRATOR

Corrective Action

This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.

Purpose

This policy sets forth a set of guidelines for the corrective action process to be followed when an employee has performance, attendance or behavior problems that interfere with work, customer service or operations of the City of Billings.

Policy

Corrective action should be used to correct inappropriate behavior or performance issues. Supervisors are responsible for accurate and timely documentation of inappropriate behaviors or performance. Corrective action should be used consistently.

Supervisors should identify and inform employees of:

- What is expected behavior and the performance standards of their job
- When they are not meeting these expectations
- What must be done to correct the deficiencies identified and an improvement plan with a time line for its accomplishment
- Consequences if improvement does not occur

The corrective action process is meant to assist employees in recognizing the seriousness of their behavior or performance deficiency and encouraging their commitment to improvement. In many situations, informal counseling may be utilized to resolve issues prior to the formal corrective action process.

Informal counseling is used by management to remind employees of City and/or Department policies and practices. Supervisors can utilize informal counseling to explain the performance expectations of the job to the employee who is not meeting the performance standards or job requirements. Notes of an informal counseling session should be retained by the supervisor and may be referenced at a later time. Supervisors may choose to have the employee acknowledge the informal counseling session in writing by initialing the notes.

Supervisors must complete a Corrective Action Form after each formal step of the process. Employees will be asked to sign this form indicating that they have had an

opportunity to review it. If an employee elects not to sign, this should be noted on the form. Employees should be given a copy at the time of the discussion. The original of the Corrective Action Form is sent to Human Resources for review and is then placed in the employee's personnel file. If the documentation regarding discipline is not related to Equal Employment Opportunity legislation, including sexual harassment, it may be removed two years after the date of the incident, unless a related offense is repeated during this time. The employee may petition that discipline be removed from his/her file. This petition is submitted to the employee's immediate supervisor who then forwards the request through management channels to Human Resources. Human Resources will: review the request, review the individual's personnel file, and make a recommendation to the City Administrator. The decision of the City Administrator is final and binding.

In some cases, an immediate suspension pending an investigation is appropriate. There may be situations where an employee may be terminated without progressing through the steps outlined in this policy. Some steps can be repeated or omitted if the facts of the situation warrant it. Human Resources should be contacted throughout the corrective action process as a resource and to ensure consistency throughout the City.

Suspensions in excess of one shift (8-hours, 10-hours, or 12-hours) must be approved by the City Administrator (see Procedure). Requests for a suspension of 40 or more hours will rarely be approved. In all cases involving suspension of any time or discharge, the situation and relevant information shall be reviewed by the Human Resources Office prior to issuance. (Administrative Order 32)

Procedure

Informal Counseling Session

This may be used before proceeding to the following formal documentation stages.

Step 1 – Oral Warning/Reprimand (*encouraged to coordinate with Human Resources*)

This step serves as a reminder to the employee as to the behavior and/or performance that is expected of them. The goal of the meeting is to ensure that there is both understanding and commitment by the employee to correct the inappropriate behavior or performance issues. The employee should be informed that should similar behavior recur, he/she would face additional disciplinary action up to and including termination of employment from the City of Billings

Step 2 - Written Warning/Reprimand (*required to coordinate with Human Resources*)

During this meeting, the supervisor should stress the seriousness of this action and what is expected behavior and/or performance. The employee should be informed that should similar behavior recur, he/she would face additional disciplinary action up to and including termination of employment from the City of Billings.

Step 3 - Suspension Without Pay (required approval of Department Head and coordination with Human Resources if for 8 hours or one-shift; for suspensions in excess 8 hours or one shift, City Administrator Approval is required) or Transfer/Demotion (required approval of Department Head and coordination with Human Resources)

As with all previous steps, the problem should be identified along with an indication of the expected behavior and/or performance. (Be sure that this is clear to the employee.)

Any previous incidents of similar nature resulting in discipline should be reviewed along with the conclusions reached at those meetings. The employee must realize that a suspension without pay normally is a "last chance" and that future incidents of a similar or related nature will likely result in termination of employment from the City of Billings.

Step 4 – Termination (required approval of Department Head and City Administrator and coordination with Human Resources)

Termination of employment by its very nature is the most severe form of discipline that can be imposed. The facts surrounding the rule infraction or unacceptable behavior and/or performance must be investigated before a termination proceeding is finalized.

Grievance Procedure

A grievance is a dispute or a difference of interpretation of City and/or Departmental policies between an employee and the City. These disputes may involve economic issues or disciplinary actions that affect the employee's wages, fringe benefits or working conditions. All parties to the grievance should make every attempt to resolve problems at the lowest possible level.

Step 1: Within ten (10) working days of the incident's occurrence or the employee's first reasonable knowledge of it, the employee shall discuss the grievance with his or her immediate supervisor. If the supervisor cannot correct the problem:

Step 2: Within the next five (5) working days, the employee must submit the grievance in writing to his or her division head. The division head must reply, in writing, within ten (10) working days. If the grievance is still unresolved:

Step 3: Within the next five (5) working days, the employee must submit the grievance in writing to the department head along with the response from the division head. The department head may meet with the employee to discuss the grievance prior to acting on the grievance. The department head will, in any case, provide a written response to the employee within ten (10) working days of receipt of the grievance. If the grievance is still unresolved:

Step 4: Within the next five (5) working days, the employee must forward the written grievance, all written responses, and a request for further review to Human Resources. Human Resources will then make a recommendation to the City Administrator. The employee must include their reasons for not accepting the resolution offered by the department head. After the Administrator reviews the grievance and all of the supporting information, a written response will be submitted to the employee. The City Administrator's reply will be final and binding.

Time limits may be extended by written mutual agreement of the parties at that step. Reasonable requests for time extensions shall not be denied.

Working days are defined as Monday through Friday, not including holidays, in regards to this section.

Pre-Discharge Procedure and Disciplinary Action

An employee of the City who is facing possible discharge due to the seriousness of an infraction are afforded, by Administrative Order 16, the opportunity to present information pertinent to his/her situation before disciplinary measures are taken. In addition, the employee will be informed in writing of the charges against him/her, of the possible disciplinary action that may be taken, and of the time, date and place at which the employee will be given an opportunity to respond to the charges. Following the meeting, the City will determine the appropriate disciplinary action to be taken and will promptly inform the employee, in writing, of that decision. Probationary employees may be afforded any or all of these procedural steps, on a case-by-case basis, at the department head and the Human Resources Office discretion.

Guidelines for Corrective Action

The following are meant to give assistance to supervisors in assessing the seriousness of an offense, provide consistency, and establish the appropriate discipline.

These are not work rules. They are guidelines only.

To ensure the fair interpretation of the following guidelines, supervisors should review each situation for the following:

- Is the "rule" necessary for the orderly, effective, and safe operation of the City of Billings?
- Was the employee previously informed of the "rule" or work expectation; did he/she acknowledge that they understood the expectation?
- Has the "rule" been applied consistently? Each case is unique; therefore, "consistently" does not mean rigid enforcement of "rules." Consider the

specifics of each incident (i.e., theft of a 5-cent item would not necessarily be a Group III offense although "theft" is listed under Group III).

Group I

The following behaviors are usually subjected to all five steps of the corrective action process beginning with the Oral Warning/Reprimand. Repeated offenses may be followed by a documented Written Warning/Reprimand, Suspension, Transfer/Demotion and ultimately Termination:

1. Reporting to work in improper attire or failure to maintain a clean, neat appearance
2. Loitering, neglecting work or loafing during working hours
3. Interference with work of other employees
4. Horseplay or disorderly conduct
5. Disregard for safety rules or practices, dependent on degree of violation and results
6. Unauthorized posting, removal or defacing of City notices, signs or writing in any form on any City bulletin boards
7. Distribution of literature and/or solicitation of employees or the public on City time, unless prior permission is received from Administration (examples are Boy Scout popcorn and/or Girl Scout cookies)
8. Stopping work before specified stopping time
9. Being out of the department or assigned working areas during working hours without permission of a supervisor, except for the use of the rest rooms
10. Rude or discourteous behavior
11. Excessive tardiness
12. Excessive absences from work
13. Not meeting work and/or job performance standards
14. Unauthorized use and/or misuse of the telephone or cell phone

15. Unauthorized overtime

Group II

These offenses may begin with a Written Warning/Reprimand. Repeated offenses or more serious incidents may result in Suspension, Transfer/Demotion or Termination:

1. Accepting gratuities or tips from the public in violation of Sec. 2 – 706 of the Billings City Code
2. Sleeping or appearing to be asleep while on duty
3. Threatening, intimidating or coercing fellow employees or the public on City property at anytime for any reason
4. Harassment of employees or the public based on equal employment opportunity protected categories
5. Use of obscene or abusive language or gestures
6. Deliberate falsification of timekeeping records or other data related to work assignments
7. Careless operation and/or use of City property which results in its damage

Group III

Incidents in Group III are very severe infractions of City policies and may result in a Suspension, Transfer/Demotion or Termination.

1. Refusal to carry out instructions of supervisory personnel pertaining to work
2. Deliberate slowdown of work
3. Deliberate refusal to complete work shift without approval of immediate supervisor
4. Immoral or indecent conduct on City property
5. Possession of alcoholic beverage or illegal drugs on City property

6. Reporting for work with the odor of alcohol on one's breath, or appearing to be under the influence of alcoholic beverages or any drug that impairs judgment or work performance
7. Refusal to comply with a directive to undergo a drug or alcohol test
8. Willfully falsifying any application for employment or other health condition or employment related data requested by the City
9. Defacing or intentional destruction in any manner of the City's property, the property of fellow employees, or the public
10. Theft of City, other employees', or public property
11. Fighting, agitating a fight, or attempting bodily harm or injury to anyone on City property
12. Bringing a firearm or weapon onto City property (see Weapons Policy for detail)
13. Breach of ethics concerning confidentiality of employee or institutional information.

Last Updated: November 2002

Next Scheduled Review: November 2003



Corrective Action Form

Name of Employee

Job Classification

Date of Discussion

Department

Work Unit

ISSUE (Employment or HR Policy Violated):

POINTS TO COVER (List prior disciplinary actions, date, and violation):

EXPECTED IMPROVEMENT/SUGGESTIONS FOR IMPROVEMENT/TIME FRAME:

CONSEQUENCES IF IMPROVEMENT DOES NOT OCCUR: Continued violations of this type will result in further discipline up to and including termination of your employment.

EMPLOYEE COMMENTS:

ACTION BEING TAKEN:

- ▲ **Oral Warning/Reprimand**
- ▲ ***Written Warning/Reprimand**
- ▲ ****Suspension for _____ working days, from _____ through _____.**
Return at scheduled starting time on _____.
- ▲ ****Transfer/Demotion**
- ▲ *****Discharge**

***Requires coordination/consultation with Human Resources.**

****Requires the approval of the Department Head and coordination/consultation with the Human Resources.
If more than 8 hours or one shift suspension, approval of City Administrator is required.**

*****Requires the approval of the Department Head and City Administrator and coordination/consultation with the Human Resources.**

Additional Person(s) Present During Discussion

Date

Employee Signature

Date

(This is to certify that I have been given a copy. My signature does not imply agreement)

Supervisor Signature

Date

Director Signature

Date

Human Resources Signature

Date

Original: **Human Resources**
Copy: **Employee**
Supervisor
Union (if applicable)

November 2002



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Supervisor
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