



CITY OF BOWLING GREEN
ADMINISTRATIVE INSTRUCTION NO. 30

DISCIPLINARY ACTION

These Administrative Instructions set forth guidelines to be used by supervisors for appropriate disciplinary response to employee violations of City policies.

INSTRUCTIONS

The City subscribes to the philosophy of progressive discipline. Normal progression includes the following:

- verbal admonition
- written reprimand
- suspension with pay
- suspension without pay
- reduction in pay rate
- demotion (reduction in position)
- termination (discharge/removed from employment)

However, a combination of various disciplinary actions against an employee, an act of a serious nature, or repeated acts may justify bypassing one or more of the disciplinary steps outlined above.

Supervisors at all levels have the authority to verbally admonish or prepare written reprimands to employees whenever circumstances deem such responses as being appropriate. When appropriate for issuance, a letter of reprimand serves as a counseling tool in response to an employee's unacceptable work performance. It is typically issued for lesser infractions and often precedes suspensions as a disciplinary response. To be effective, the performance standards must be clearly communicated and must be understood by all employees. Lastly, supervisors must use sound judgment and enforce those standards consistently.

Supervisors have the responsibility, when writing a reprimand, to document an employee's failure to perform assigned duties in accordance with his/her job description or in a manner allowable by City policy. Whenever a written reprimand is issued, the supervisor must schedule a meeting with the employee in order to discuss the appropriate issues resulting in the reprimand.

However, there will be occasions when an employee, who is in receipt of a letter of reprimand, disagrees with the facts that prompted the letter. When this occurs the employee may send a written letter of appeal, stating the grounds for the appeal, through the chain-of-command. There is no requirement that any special form be used. The letter of appeal must be submitted to the Personnel Director within ten (10) days of the employee's receipt of the letter of reprimand. A copy of the written appeal will be reviewed and considered. Following management's review of the submitted letter of appeal the employee will receive a response from the appropriate member of the City's management staff, usually the Personnel Director, regarding the submitted letter of appeal. The letter of appeal and a copy of the management response correspondence will be placed in the employee's personnel file.

Supervisors may recommend suspensions without pay, reductions in pay or position (demotions), or termination of employment to the Mayor, who normally will be the only person authorized to invoke such discipline. The Mayor will invoke these disciplinary actions after receipt of the findings of neutral hearing officer(s). The neutral hearing officer(s) will be appointed by the Mayor. The hearing officers will schedule a hearing during which the employee will be afforded the opportunity to present his/her case. Whenever the Mayor is absent from the City, which would necessitate the appointment of an Acting Mayor, the Municipal Administrator will perform the aforementioned duties of the Mayor relating to discipline.

In cases of suspensions without pay of 24 or more hours for employees required to be paid overtime compensation, suspensions without pay of 40 hours or more for employees exempt from being paid overtime compensation, reductions in pay or position (demotions), or termination (discharge/removal from employment) information will be contained in the Mayor's disciplinary letter to the employee that establishes the actions he/she must take in order to file a proper appeal to the Civil Service Commission. The timelines will be those established in the appropriate section of the Ohio Revised Code (ORC) at the time the disciplinary action was invoked. Currently the appropriate section of the ORC is 124.34.

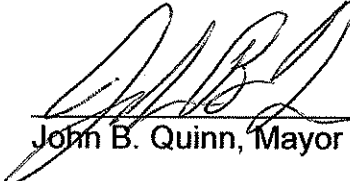
However, in cases when a suspension with pay is invoked, a suspension without pay of 24 hours or less is invoked for employees required to be paid overtime compensation, or a suspension of less than 40 hours for employees exempt from payment of overtime compensation is invoked, the disciplined employee does not have an appeal right to the Civil Service Commission. In these cases the employee may submit a letter of appeal to the Personnel Director. The Personnel Director will take the appeal directly to the appropriate City

management staff. After consideration of the appeal, the Personnel Director will provide a written response to the employee explaining the City's response and action to the appeal.

The discharge from employment (termination) of a probationary employee is not appealable either to the Civil Service Commission or to City management.

Non-bargaining personnel are not entitled to representation or to be accompanied by another party during disciplinary or investigatory meetings with City management.

Special circumstances might require the removal of an employee from the worksite, if the person's continued presence could jeopardize his/her safety or the safety of other employees. Such circumstances could include, but not be limited to, suspected alcohol usage while on duty, intoxication, drug use, insubordination, or excessive belligerence of an employee. In these cases, supervisors above foreman level may decide to send an employee home with pay as a means of neutralizing a potentially harmful situation. Such action will not constitute as discipline. However, within one workday, the supervisor will commence the appropriate disciplinary action as established in this policy.


John B. Quinn, Mayor 10-8-07
Date