

EMPLOYEE DISCIPLINE POLICY

DATE APPROVED: October 31, 1995

EFFECTIVE DATE: November 1, 1995 REVISED: December 12, 1996

GENERAL STATEMENT OF POLICY: EMPLOYEE DISCIPLINE

The Town of Yarmouth wishes to establish, through a system of regulations, procedures, and disciplinary measures, condition of employment that will lead to the orderly acceptable conduct of the Town staff, and to the fair and consistent treatment of all employees.

OBJECTIVES

The objectives of this policy will be to:

1. Encourage good employee/employer relations by providing a fair and consistent treatment of staff throughout the organization;
2. Ensure that employees of the Town are aware of their obligations as staff, and the consequences of disobeying those regulations, etc.;
3. Assist Department Heads, Managers and other Town Supervisors in the motivation and control of their staff.

GENERAL STATEMENTS OF RESPONSIBILITY AND PROCEDURE RELATING TO THE POLICY ON EMPLOYEE DISCIPLINE

DEFINITION

Discipline in the Town should be seen as corrective measure(s) applied to an employee(s) in order to improve unsatisfactory conduct.

Disciplinary action(s) may be defined as:

- a) Action taken in instances where the employee should be aware of the performance and conduct expected of his/her; where the employee has the capacity to meet the performance conduct expected, but the employee fails to provide satisfactory performance or conduct.
- b) Action taken where the employee is not aware of the performance standard, reflects a requirement for improved communication between the supervisor and the employee, and may be considered as a mitigating circumstance in certain discipline investigations and penalty assignments.

DISCIPLINE POLICY AMENDMENT

NOVEMBER 8, 1996

It is recommended that the Discipline Policy approved by Council on October 31, 1995, be amended as follows:

Appendix "A"

Group 1 — List of Typical Offences

It is recommended that the word "sickness" be replaced with the words "medical emergencies" as it appears in the fourth line of Section 1.

The revised paragraph would read as follows:

1. Absence from duty without prior permission of the Supervisor. The employee should notify his/her Department Head or, if that is not possible, the Chief Administrative Officer (prior to his/her shift start if possible) of the reasons for his/her absence and the expected time or date of return, except in the case of medical emergencies or other cause beyond the control of the employee which prevents him/her from obtaining prior approval.

It is also recommended that we amend Item 4 of Group II Offences, which reads as follows:

4. Being in possession of or drinking alcoholic beverages on the job.

Recommended revision:

4. Being in possession of, drinking alcoholic beverages, or being under the influence of an alcoholic beverage or non-

-4-

prescription drug on the job.

I. TOWN COUNCIL'S RESPONSIBILITIES

The Town Council will:

- 1) review and evaluate, in consultation with the Chief Administrative Officer, the disciplinary program policies and procedures in the Town;
- 2) adopt modifications, deletions, or additions in the discipline program of the Town.

II. CHIEF ADMINISTRATIVE OFFICER'S RESPONSIBILITIES

The Chief Administrative Officer will:

- 1) recommend additions, modifications, or deletions in the disciplinary program of the Town;
- 2) ensure the implementation and evaluation of all Town discipline programs;
- 3) assist and advise Departments in the application and monitoring of municipal policies and procedures currently in place;
- 4) ensure the collection and maintenance of permanent records of all disciplinary actions;
- 5) take appropriate disciplinary action in accordance with the municipal discipline program.

III. DEPARTMENT HEADS' RESPONSIBILITIES

The Department Head will:

- 1) be responsible to the Chief Administrative Officer for discipline in his/her Department;
- 2) ensure that all Department employees are aware of all aspects of the discipline program in the Town;
- 3) recommend to the Chief Administrative Officer any changes to the discipline program in the Department and the Town;
- 4) take necessary disciplinary action as appropriate per the disciplinary program;
- 5) assist Supervisors in matters pertaining to the disciplinary program.

IV. SUPERVISORS' RESPONSIBILITIES

The Supervisor will:

- 1) ensure all employees in his/her charge are aware of the discipline program of the Town;
- 2) assist the Department Head and/or other Department Managers in the application of the discipline program;
- 3) take necessary disciplinary action as appropriate per the disciplinary program.

V. **LEVELS OF THE DISCIPLINE PROCEDURES**

There are four categories of disciplinary action — in general the applications of these categories will reflect the number of times an offence has occurred:

1) **Level One**

- 1.1 First Offence — if not in itself serious enough to warrant suspension or discharge, an employee will be given an oral reprimand, and advised that another offence will result in a written warning.
- 1.2 The Oral Reprimand follows discussion of the program with the employee. The oral reprimand is an important step in the disciplinary process, because it is at this point that cause for further action can be prevented or, if cause persists, it provides the foundation for further action. The oral reprimand normally takes the form of a verbal warning to caution the employee that further action may be taken if the matter is not resolved.
- 1.3 Verbal Warnings shall be recorded and noted in the employee file.

2) **Level Two**

- 2.1 Second Offence — If not in itself serious enough to warrant suspension or discharge, an employee will be given a written warning and advised that another offence will result in suspension.

2.2 The Written Reprimand is normally applied in circumstances where the employee has failed to respond to an oral reprimand. However, where a first offence is sufficiently serious, a written reprimand may be applied in the first instance. The written reprimand may contain a warning in respect of future recurrences. The written reprimand shall be documented in a report to the Chief Administrative Officer.

2.3 A copy of the written warning will be hand delivered or forwarded by registered mail to the employee, one will be forwarded to the Chief Administrative Officer, and a copy will be placed in the employee's personnel file. The employee will be required to sign or initial an acknowledgment of receipt, which will also be filed in his/her personnel file.

3) Level Three

3.1 Third Offence If not in itself serious enough to warrant discharge, an employee will be given up to five (5) days' suspension without pay, and warned that another offence will result in discharge. Where suspension without pay is not deemed to be an appropriate form of discipline, an equivalent form shall be substituted.

- 3.2 Written notice of suspension or other disciplinary action requires authorization and/or investigation by the Department Head or Chief Administrative Officer. The written notice of discipline is used to indicate the application of discipline, the reasons for discipline, and the actions that have been taken to modify the behaviour by the Supervisor and/or Manager. These factors, as well as other relevant matters, will be included in the notification report to the employee and his/her Department Head, Chief Administrative Officer, etc. The employee will be interviewed and the report will be the documentation of the interview.
- 3.3 A report on the suspension of an employee shall be placed in the employee's personnel file. In addition to verbally informing the employee of a suspension, he/she should be informed in writing with reference made to previous disciplinary action received by the employee.

4) Level Four

- 4.1 Fourth Offence — An employee will be discharged. It will be pointed out to the employee that he/she brought the action on himself/herself and left the Department Head and/or other Managers without alternative.
- 4.2 Dismissal may result from:
- i) a lack of response by an employee to corrective forms of discipline;
 - ii) an initial offence, if such offence is of a serious nature;

- iii) a “culminating incident”, which in itself would not normally result in dismissal, but in consideration of other documented problems with the employee, justifies dismissal. The documentation of the incident prior to such a culminating incident shall specify all previously documented incidents of discipline, and must contain notice of warning to the employee that the next incident will be considered a “culminating incident” and dismissal will result.

4.3 When it becomes necessary to discharge an employee, he/she shall be given a termination slip indicating the reason for the discharge. The termination slip should make reference to previous disciplinary action and should specify when discharge is to become effective.

5) Other Penalties

Other Penalties, as noted in Level 3. Other penalties such as disciplinary demotion or transfer may be imposed. However, the ability of the Town to unilaterally impose these penalties may be limited by the collective agreement. When such penalties are contemplated, the specific collective agreement and the Chief Administrative Officer shall be consulted and, if necessary, union approval sought prior to the penalty application.

6) Employee Discipline Records

6.1 Disciplinary action will become a permanent part of the employee’s record for a period of two years. At the end of that time, if the employee is still on payroll, and if the employee has a good record for that two years’ period, all disciplinary action will be removed from his/her personnel file and given to the employee in a private conference. The employee shall be told that his/her record has been wiped clean by his/her good conduct over this given period.

6.2 In imposing any discipline on a current charge, the Supervisor will not base his/her decision upon any prior infractions of Town or departmental rules or regulations which occurred more than two (2) years previously nor impose discipline on an employee for falsification of his/her employment application after a period of two (2) years from his/her date of hire unless such falsification is related to the current charge.

7) **Notice of Discharge or Discipline**

7.1 The employee will be notified in writing of the discharge or discipline. Upon request, the Director, Department head and/or Chief Administrative Officer will discuss the discharge or discipline with the employee.

8) **Appeal of Discharge or Discipline**

8.1 Should the discharged or disciplined employee consider the action to be improper, a grievance may be presented in writing through the grievance procedure.

VI. DISCIPLINE RECORDS MAINTENANCE

The following points should be emphasized with respect to the report and records:

- 1) the records in respect of the incident shall be as complete and detailed as possible.
- 2) the record shall be dated and signed by the Supervisor, and, where appropriate, by the employee affected.

- 3) the records shall state the action taken by the Supervisor to remedy the situation.
- 4) the incident(s), as well as the effects or potential effects of the incident(s) shall be recorded.
- 5) those factors which were considered as relevant to the degree of penalty shall be specified.
- 6) Verbal discussion or reprimands given previously shall be indicated, as well as specific dates and other relevant material.
- 7) the record shall be made in a clean, concise fashion, and must be objective.

VII. SAMPLE OFFENCES AND DISCIPLINE

In the application of discipline in the Town of Yarmouth, the following factors should be considered in addition to the nature and severity of the offence:

- ▶ the cost involved to the Town (direct and/or indirect costs);
- ▶ the time interval between offences;
- ▶ the length and quality of service record;
- ▶ the ability of the employee concerned.

The following guideline will assist Supervisors, Department Heads and other senior levels of management in the application of discipline.

NOTE: A comprehensive listing of typical offences, and a suggested level of severity is included in Appendix A.

<u>Group 1</u>	<u>Suggested Disciplinary Action</u>
First Offence	Oral warning
Second Offence	Written warning
Third Offence	One day off without pay
Fourth Offence	Three days off without pay
Fifth Offence	Long term suspension or discharge when employee shows no signs of reform or interest in change.

APPENDIX "A"

Group One — List of Typical Offences

1. Absence from duty without prior permission from the Supervisor. The employee should notify his/her Department or, if that is not possible, the Chief Administrative Officer (prior to his/her shift start, if possible) of the reasons for his/her absence and the expected time or date of return, except in case of medical emergencies or other cause beyond the control of the employee which prevents obtaining prior approval.
2. Leaving the working area at any time without permission from the Supervisor.
3. Undesirable conduct.
4. Disregarding job duties by neglect of work or reading for pleasure during working hours.
5. Tardiness.

6. Failure to commence work at the beginning of the work period, and leaving prior to the end of the work period. All employees are expected to work from the beginning to the end of the work period and neither arrive late nor leave early.
7. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping, (examples are: throwing refuse or objects on the floor or out of windows or placing or failing to remove hazardous objects from assigned work area; these examples do not limit the generality of the rule).
8. Use or possession of another employee's working equipment without the employee's consent.
9. Wilful failure to make required time or production reports.
10. Stopping work or making preparations to leave work without specific prior authorization before the lunch period, or for any official break in work, or before the specified quitting time. (Examples are: washing up or changing clothes before the official quitting time).
11. Distracting the attention of others, or causing confusion by unnecessary shouting, catcalls, or demonstration on the job.
12. Where the operations are continuous, an employee shall not leave his/her post at the end of his/her scheduled shift until he/she is relieved by his/her Supervisor or his/her relieving employee on the incoming shift.
13. Failure to report any personal injury or equipment damage immediately to one's Supervisor.
14. Unsatisfactory work and/or failure to maintain required standards of performance.

<u>Group II</u>	<u>Suggested Disciplinary Action</u>
First Offence	Written warning
Second Offence	Reprimand and suspension
Third Offence	Discharge or long-term suspension

List of Typical Offences

1. Neglect or carelessness in observance of official safety or departmental rules, or disregard of common safety practices.
2. Leaving the job during regular working hours without notice to, and permission from, his/her Supervisor.
3. Sleeping during working hours (except fire fighters).
4. Being in possession of, drinking alcoholic beverages, or being under the influence of an alcoholic beverage or non-prescription drug on the job.
5. The use of abusive or threatening language towards subordinate, fellow employees, or members of the supervisory force.
6. Soliciting /canvassing of municipal employees without permission during working hours.
7. Failure to report an accident in which the employee was involved.
8. Refusing to give testimony when accidents are being investigated.
9. Unauthorized use of municipal property for private work or performing private work on Town time.
10. Threatening, intimidating, coercing, or interfering with employees or Supervisors at any time.

11. The making or publishing of false or malicious statements concerning any employee, Supervisor, the Town or its operation.
12. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.

Group III

Suggested Disciplinary Action

First Offence

Discharge

List of Typical Offences

1. Wanton or wilful neglect in the performance of assigned duties or in the care, use or custody of any of the Town's property. Abuse, or deliberate destruction in any manner of municipal property, tools, equipment, or the property of employees.
2. Altering another employee's time card, or unauthorized altering of own time card.
3. Falsifying testimony when accidents are being investigated or falsifying or assisting in falsifying personnel or other records, including production or work performance reports; or giving false information or withholding pertinent information called for in making application for employment.
4. Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits or Worker's Compensation.
5. Bookmaking or gambling of a similar serious nature.
6. Stealing or similar conduct, including the damaging, concealing, or destruction of any property of the Town or of other employees.

7. The sale of narcotics.
8. Fighting or attempting to injure another employee.
9. Carrying or possession of firearms, explosives or weapons on Town property at any time (unless authorized by nature of position).
10. Knowingly having and keeping secret a communicable disease which may endanger other employees.
11. Conviction of an indictable offence in respect of a matter which directly affects the employees work activities and conviction of an indictable offence for which, if convicted, the employee is liable to imprisonment for ten years or more if the offence is unrelated to the employee's work activities.
12. Misuse or removal of information such as blueprints, lists, Town records or confidential information of any nature, or revealing such information without prior written authority from the Town.
13. Instigating, leading, or participating in any illegal walkout, strike, sitdown, or standing refusal to return to work at the scheduled time for the scheduled shift; or other actions which curtail or restrict production, or interfere with work in or about the Town's work stations.
14. An employee guilty of dishonesty or any dishonest action. Some examples of what is meant by dishonesty or dishonest action are: theft, pilfering, opening lockers assigned to other employees, opening lunch boxes, tool kits, or other property of the Town or of other employees; making false statements to secure employment or 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 Town or making a false statement concerning any matter pertaining to work or employment. The foregoing are examples only and do not limit the term "dishonest" or "dishonest action".

15. An employee shall not engage in unlawful or improper conduct off the plant premises or during non-working hours which affect or which tends to affect the employee's relationship to his/her job, fellow employees, Supervisors or the Town's products, property, reputation or goodwill in the community.
16. Insubordination by the refusal to perform work assigned or to comply with written or verbal instructions of the supervisory force which the employee may be reasonably expected to perform.

VOLUNTEERS

This policy shall apply to volunteer members connected with any Town committee, department or activity; however, a Town committee or department may recommend, and Council may waive, application of paragraph 11, group 3, Appendix A, of this policy in the event that the conviction for an indictable offence, in the opinion of the committee, department or Council would not affect the volunteer's continuing connection with the Town.

GRIEVANCE PROCEDURE

This Grievance Procedure (non-union employees) is to be used in conjunction with Section 8.1 of the Town of Yarmouth's Employee Discipline Policy.

It is the intention of the Town to be fair and reasonable with all employees at all times. When an employee believes, rightly or wrongly, that any condition affecting him/her is unjust, inequitable, a hindrance to effective operation, he/she should present the grievance orally to his/her immediate supervisor who should make every effort to resolve the grievance. The grievance shall be written. The supervisor shall give his/her reply within two days. If the employee is not satisfied he/she should present the grievance to the Department Head and if a solution cannot be found he/she has the right to submit the grievance to the Town Administrator, who will conduct a detailed investigation and meet with all parties to make a decision.