

Employee Relations 6.01



Performance Evaluations			
<i>Scope:</i>	All non-bargaining unit employees	<i>Effective Date:</i>	07/01/88

General Policy

It is the policy of the City of Marion to assure that city revenues are appropriately spent on wages by periodically evaluating the job performance of each employee. This procedure is also designed to improve the city work force.

- Provisions:**
- 1) The job performance of each non-bargaining unit employee shall be evaluated by his/her supervisor at least once a year. Probationary employees shall be evaluated midway during the probationary period and again at the end of the probationary period.
 - 2) The evaluations shall be conducted privately between the employee and the supervisor at the time and place designated by the department head.
 - 3) The job performance of each department head shall be evaluated by the city manager at least once a year.
 - 4) Each employee shall receive a written copy of the results of the evaluation. The form of the evaluation shall be prescribed by the city manager. The employee will be asked to sign the evaluation to indicate that he/she has discussed it with his/her department head. A refusal to sign the evaluation shall be so noted on the form.
 - 5) A portion of the evaluation shall consist of designating areas where improvement is needed. At the time of the next evaluation, the evaluator shall note whether improvement has been achieved in those areas.
 - 6) The evaluation shall become a part of the employee's personnel file.

Employee Relations 6.02

Disciplinary Practices and Procedures			
<i>Scope:</i>	All city employees where civil service law and union contracts do not conflict with this policy.	<i>Effective Date:</i>	11/02/06

General Policy

Certain rules and regulations governing the conduct of employees must be adhered to by all employees in order to insure safe, efficient and successful operation of city functions.

Provisions:

- 1) In order to insure a safe, efficient and effective working environment, city employees need to adhere to city and departmental rules regarding appropriate conduct on the job. It may sometimes be necessary for supervisor to take disciplinary action with an employee, and the city is committed to a policy of progressive discipline. Progressive discipline is defined as a series of disciplinary measures, ranging from employee counseling to discharge of an employee, designed to effectively correct problems as they occur and to let an employee know if his/her conduct is inappropriate.
- 2) The following are the steps of the City's progressive discipline system. Depending upon the seriousness of the infraction as determined by management, however, any step of the discipline, up to and including termination, may be administered by management to the employee. Administration of one step of discipline shall not preclude the city from administering another of the disciplinary steps for the same infraction, nor is administration of a lesser step a condition precedent to administration of more severe disciplinary steps for the same or subsequent inappropriate acts by the employee. This list is not all inclusive of any acts that may be subject to disciplinary action.
 - a. Falsification of city records.
 - b. Willful destruction, deliberate misuse or intentional neglect of city property.
 - c. Unauthorized use or possession of city property.
 - d. Unauthorized possession of firearms or explosives while on duty.
 - e. Failure to perform the task assigned by the city.
 - f. Unexcused absenteeism or tardiness.
 - g. Giving false excuse for an absenteeism for which pay is received.
 - h. Insubordination.
 - i. Failure to observe safety rules.
 - j. Fighting with another person while on duty, including loud verbal fighting
 - k. Consumption of non-medically prescribed controlled substances or alcohol while on duty or reporting to work after consuming non-medically prescribed controlled substances or alcohol.
 - l. Unauthorized disclosure or use of confidential city information.
 - m. Unauthorized time away from work station, including extending lunch or break times.
 - n. Sleeping on the job during working hours.
 - o. Refusal to obtain proof of continued ability to work when so requested.
 - p. Making false statements or withholding required information on employment application.
 - q. Violation of departmental rules, regulations, policies and procedures.
 - r. Refusal or failure to answer questions in an internal investigation.
 - s. Violation of City sexual harassment policy.
 - t. Use of abusive language.
 - u. Conduct which disrupts work activities.
 - v. Neglect of duty, disobedience or misconduct

PROCEDURE:

The following are steps in normal progressive discipline. However, depending on the seriousness of the infraction, discipline might begin at any step in the process.

1) A Report of Employee Counseling

- a. Employee counseling is when a supervisor advises an employee of a specific infraction and requests specific corrective action. The employee counseling shall take place as quickly as possible following the infraction, and shall take place in private, whenever possible.
- b. The supervisor shall prepare a written report of employee counseling as quickly as possible following the counseling session.
- c. The supervisor shall request that the employee sign the report and if the employee refuses, the supervisor shall indicate on the report that the employee was given the opportunity to sign but refused to do so.
- d. The employee shall receive a copy of the report.
- e. The Report of Employee Counseling shall be retained in the departmental records, but shall not be included in the employee's personnel file unless a reprimand is subsequently issued per Section B below.

2) A Reprimand

- a. A reprimand is a written statement of an employee's infraction which identifies the infraction and requires the corrective action. The reprimand shall be given as soon as possible after the infraction.
- b. The original of the reprimand shall be placed in the employee's personnel file at city hall and the employee and the departmental file shall each receive a copy.
- c. The supervisor shall request that the employee sign the report and if the employee refuses, the supervisor shall indicate on the report that the employee was given the opportunity to sign but refused to do so.
- d. The Report of Employee Counseling shall be put in the employee's personnel file at this point also (if counseling was the first step in this case).
- e. An employee's signature on the reprimand does not necessarily indicate that he/she agrees with what is stated thereon; the signature documents that the matter was discussed with the employee.

3) Suspension Without Pay

- a. An employee may be suspended without pay after notice and hearing. The length of the suspension will vary and will be determined by the department head in consultation with Human Resources.
- b. The Notice of Intent to Suspend, Demote or Discharge and the Notice of Suspension, Demotion or Discharge shall be completed in triplicate. The original shall be placed in the

Employee Relations 6.02

employee's personnel file, and the employee and the department head shall each receive a copy.

- c. The above provisions do not authorize the suspension, without pay, for any employee who is exempt from the provisions of the Fair Labor Standards Act overtime pay requirements due to the employee's status as being employed in an executive, administrative or professional capacity, unless the suspension is for a period of time of one or more full days. Unpaid suspensions for less than a full day are authorized for said employees only in the same case as penalties, imposed in good faith for infractions of safety rules of major significance.

4) Demotion

- a. An employee may be demoted after notice and hearing.
- b. Demotion must be determined by the department head in consultation with the City Manager and Human Resources.

The Notice of Intent to Suspend, Demote or Discharge and the Notice of Suspension, Demotion or Discharge shall be completed in triplicate. The original shall be placed in the employee's personnel file, and the employee and the department head shall each receive a copy.

5) Discharge

- a. An employee may be discharged after notice and hearing.
- b. Discharge must be determined by the department head in consultation with the City Manager and Human Resources.
- c. The Notice of Intent to Suspend, Demote or Discharge and the Notice of Suspension, Demotion, or Discharge shall be completed in triplicate. The original shall be placed in the employee's personnel file, and the employee and the department head shall each receive a copy.

Employees have the right to appeal any disciplinary action pursuant to Personnel Policy 6.02, when union grievance are not applicable and when appeal to the Civil Service Commission is not available.

Employee Relations 6.03



Internal Investigations		
<i>Scope:</i>	All city employees.	<i>Effective Date:</i> 11/02/06

General Policy
It is the policy of the City of Marion to provide a means by which employee conduct may be investigated by the city in order to: (1) protect the public from employee misconduct, (2) protect the city's image and avoid claims against the city, (3) protect the employee against false allegations of misconduct, (4) remove unfit personnel, and (5) correct procedural problems.

Provisions:
<ol style="list-style-type: none">1) The city manager or department head may cause an internal investigation to be initiated.2) The person initiating the internal investigation shall appoint one or more city employees to conduct the investigation.3) The internal investigation shall be conducted in a manner substantially similar to a Police Department internal investigation. The person or persons conducting the investigation shall consult the City Attorney for initiating the investigation to assure that the investigation's procedures comply with appropriate legal standards, including the provision of an appropriate warning.4) The employee under investigation and any other employee with information about the matter, shall be required to answer fully and truthfully all questions related to his/her fitness for city employment and the performance of official duties. Refusal or failure to answer such questions fully or truthfully may result in disciplinary action, including termination.5) An employee shall not be required to take a polygraph examination as a condition of employment.6) Upon completion of the internal investigation, those assigned to conduct the investigation shall make a full written report to the person initiating the investigation for review and disposition.

Disciplinary Review Board			
<i>Scope:</i>	All city employees.	<i>Effective Date:</i>	03/03/05

General Policy

To establish a process wherein a board may be appointed by a Department Head, Human Resources or City Manager to review internal or complaint investigations for the purpose of assisting with recommendations pertaining to serious discipline.

- Provisions:**
- 1) A Review Board may be appointed by a Department Head, Human Resources or City Manager to assist with recommendations regarding serious discipline in cases where it is deemed helpful to have a further recommendation. A Review Board may be used in situations in which the Department Head, Human Resources or City Manager believes there is a likelihood that discipline involving suspension without pay, demotion or discharge of an employee may result.
 - 2) Each Review Board will be made up of three city employees who have not been involved in the investigation under review, as follows:
 - One city employee selected by the Department Head
 - One city employee selected by the accused employee
 - One city employee selected by the City Manager or Human Resources. If the accused employee is in a bargaining unit, the City Manager or HR shall select the member of the Review Board jointly with a representative of the union. If agreement cannot be reached by the City Manager or HR and union representative, the Disciplinary Review Board will not convene.
 - 3) The Review Board will make a recommendation to the Department Head at the conclusion of their review with regard to the appropriate level of discipline. Such recommendation could include: No discipline, employee counseling, reprimand, suspension without pay for a specific period, demotion (if application) or discharge.
 - 4) Procedure –
 - a. Department Head
 - i. Notifies the accused of the pending Review Board.
 - ii. Requests the employee’s selection of another employee for the Disciplinary Review Board.
 - iii. Notifies, in writing, employees of their appointment to the Review Board.
 - iv. Provides a copy of the investigation file and related information to the accused employee.
 - v. Make a copy of the investigation file for each Review Board member to review. All copies will be returned to the Department Head upon completion of the Disciplinary Review Board.
 - b. Accused Employee
 - i. Upon receipt of notice from department head, selects city employee for the Disciplinary Review Board.

- ii. Picks up copy of complaint/allegation and related information.
- iii. Authorizes release of personnel file records to the Disciplinary Review Board. If the employee does not consent to releasing the personnel files, the Disciplinary Review Board will not convene.
- iv. Respond to questions from members of the Review Board at the initial Review Board meeting.
- v. The employee may have, as a witness, an attorney or union representative (if applicable) present at the initial Review Board meeting.

c. Review Board

- i. Individually review the investigation file and related information, including and the accused employee's personnel file, prior to the Initial Review Board meeting.
- ii. Initial Review Board meeting may include the accused and case investigator(s) to review the investigation file to determine if the investigation was thorough, accurate, and complete and was conducted in accordance with city policy. The Disciplinary Review Board may pose questions to the accused and/or the investigator(s). The accused and the case investigator(s) will respond to the Review Board's questions.

Review Board members should remember that they are not investigating the incident, only reviewing the investigation. Information that comes to light that may be of consequence to the investigation should cause the case to be returned to the investigation state. At the discretion of the Review Board, the initial Review Board meeting may be recorded.

- iii. Upon adjournment of the initial Review Board meeting, the members of the Review Board will deliberate to consider its recommendation pursuant to Paragraph 3.15.3. Deliberation will be in a confidential meeting of the Review Board members. The Review Board will submit a written report to the Department Head setting out the Review Board's recommendation. The recommendation of the Review Board may be by a simple majority of the members.