
ADMINISTRATIVE DIRECTIVE – 108.002
ADMINISTRATION OF DISCIPLINE

EFFECTIVE DATE: June 15, 1996
AFFECTS: All Personnel

REVISION DATE: August 26, 2021

I. PURPOSE

It is the intent of this administrative directive to establish clear guidelines for correcting and preventing job performance deficiencies and misconduct, and for administering employee disciplinary action.

II. POLICY

- A. Department employees are subject to discipline for unsatisfactory job performance, attendance, and/or conduct. Unsatisfactory conduct includes, but is not limited to, behavior prohibited by federal, state, or local law, city charter, code, policies, or procedures, and/or department administrative directives and policies.
- B. While it is desired that every employee strives to achieve the highest level of job performance and conduct possible, it is the employee's responsibility to maintain a level of job performance, attendance, and conduct which is acceptable to their supervisor.
- C. Discipline shall be administered in a fair and impartial manner throughout the department, without regard to race, color, sex, religion, national origin, age, disability, veteran status, genetic information, or any other protected status.
- D. For the purposes of this policy, disciplinary actions shall be referred to as informal and formal. Informal discipline is defined as a documented counseling or written reprimand. Formal, or Civil Service level, discipline is defined as suspension, involuntary demotion, or indefinite suspension.
- E. Local Government Code Chapter 143 and departmental administrative directives and policies govern sworn employee disciplinary procedures. Local Government Code Chapter 143 shall supersede departmental administrative directives and policies. City of Plano Policy 216.000 is not applicable to sworn employees.
- F. To be effective, discipline must be both fair in its application and issued to the employee within a reasonable time following the act it is intended to correct.
- G. The legal rights of an employee suspected of any criminal act shall be ensured in the same manner as any other citizen.
- H. In the administration of discipline, a supervisor or manager must consider the totality of the circumstances surrounding the allegation of misconduct. A decision must address the legality and appropriateness of the action with consideration given to the probable effect the disciplinary action will have on the attainment of department objectives and how to best assist the employee in successfully modifying their job performance, attendance, and/or conduct to meet department expectations.
- I. While the procedures outlined below are to be followed whenever possible, they are not in any way intended as a limitation on the city's right to take any form of a disciplinary action, including indefinite suspension, when deemed appropriate.

III. PROCEDURES

A. Performance and Conduct Expectations

Following are examples of expectations for appropriate work performance and conduct. Each employee is responsible for meeting all department expectations. If they do not, disciplinary action may be appropriate. Some of the specific examples listed below may fit under more than one of the broader categories. This is not an exhaustive or all-inclusive list.

- 1. Each employee is responsible for performing their job in an efficient and safe manner. Each employee shall:
 - a. Observe all safety laws, rules, procedures and regulations;

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- b. Use city-provided equipment in a careful manner, in accordance with city and departmental safety procedures;
 - c. Safeguard the city's property and interests;
 - d. Not violate the city's substance abuse procedure;
 - e. Maintain all required licenses and certificates necessary to perform his/her job;
 - f. Notify supervisors of work-related accidents in accordance with city procedures.
- 2. Each employee is responsible for conducting himself/herself in a manner that is respectful of others and worthy of respect from their co-workers. Each employee shall:
 - a. Not harass or discriminate based upon race, color, sex, religion, national origin, age, disability, veteran status, genetic information, or any other protected status;
 - b. Not engage in speech or behavior which is rude, abusive, insolent or offensive toward a citizen, supervisor or fellow employee;
 - c. Be truthful in all aspects, including: procuring employment through honest representation of his/her personal history, qualifications and physical condition; providing truthful reports, claims and testimony; not soliciting or accepting favors, gifts, items or services for personal gain; not soliciting or accepting bribes; and use of leave;
 - d. Conduct themselves, both on and off duty, in a manner that is a credit to their department and the city.
- 3. Each employee is responsible for complying with the laws, regulations and policies of the United States, State of Texas, City of Plano and their department. Each employee shall:
 - a. Respect the property of the City of Plano, citizens and fellow employees (for example, not stealing or vandalizing);
 - b. Not possess or use firearms, weapons or hazardous materials on city time or property, unless authorized to do so;
 - c. Make lawful and ethical decisions;
 - d. Treat privileged and/or sensitive information confidentially, unless otherwise authorized.
- 4. Each employee is responsible for utilizing provided time, tools, equipment and vehicles in accordance with city and/or department guidelines. Each employee shall:
 - a. Properly safeguard, maintain and account for city property in accordance with city procedure;
 - b. Utilize computer systems and software only in a lawful manner and as authorized;
 - c. Use city time, equipment and personnel for city business, unless authorized to do otherwise.
- 5. Each employee is responsible for complying with the attendance guidelines and work hours of their position. Each employee shall:
 - a. Report to work at the appointed time and place;
 - b. Work their full shift, unless otherwise authorized;
 - c. Be at work ready to perform all duties within the work period;
 - d. Use city time for city business;

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- e. Work any shift and location as assigned;
 - f. Take leave only with proper approval and notice;
 - g. Be available for working overtime with proper notice and/or responding to emergencies as required.
6. Each employee is responsible for maintaining acceptable work performance. Each employee shall:
- a. Use care and caution when performing work duties;
 - b. Understand the performance requirements for the position;
 - c. Maintain open, two-way communication;
 - d. Clarify directions with supervisor if unclear;
 - e. Not engage in horseplay, loafing or sleeping on the job;
 - f. Comply with all lawful orders of a supervisor;
 - g. Meet all work-related expectations, whether as an individual contributor or team member.
7. Each employee shall report an arrest, charge, or indictment for a criminal offense at the grade of Class B misdemeanor (or out of state equivalent) or higher, or for any Class C misdemeanor (or out of state equivalent) involving the duties and responsibilities of their office or family violence, to their chain of command and the Professional Standards Unit (PSU) sergeant prior to the beginning of their next scheduled shift.

This does not satisfy the obligation of employees licensed by the Texas Commission on Law Enforcement (TCOLE) to report the arrest, charge, or indictment directly to the commission.

B. Supervisory Authority

When the personal conduct or performance of an employee fails to meet department standards, supervisors should address deficiencies with the employee at the time they are observed or as soon as possible thereafter. Disciplinary action may occur whenever it is appropriate and in the best interest of the city. Whenever possible, an employee should be given warning with time to correct unacceptable behavior prior to disciplinary action, however, such a warning is not a prerequisite. The practice of progressive discipline should be applied whenever possible but is not a prerequisite for an employee's termination.

All supervisory personnel have the authority to issue a documented counseling, written reprimand, and place an employee on administrative leave with pay. The chief of police or an assistant chief must be notified immediately when any employee is involved in an incident which requires immediate administrative leave with pay pending a further review of the circumstances.

Note: Administrative leave with pay is not a disciplinary action but is intended to remove the employee from the work environment until such time as a determination of further action can be made.

While only the chief of police has the authority to order a suspension without pay, demotion, or an indefinite suspension, all supervisory personnel have the authority to recommend these actions as part of the disciplinary process.

C. Determination of Violation(s)

Upon a thorough review of the totality of the circumstances surrounding the allegation, supervisory personnel have the authority to determine if a violation has occurred.

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The Professional Standards Unit shall investigate alleged violations including, but not limited to the following;

1. Suspected criminal acts while on and/or off duty;
2. An incident requiring immediate administrative leave;
3. Any alleged violations which require additional investigation before a disciplinary decision can be made; and/or
4. Any other alleged violation at the discretion of the Chief of Police.

D. Summary Discipline

Summary discipline is defined as informal discipline given to an employee upon discovery of acts committed by the employee where a supervisor determines discipline is warranted and does not require additional investigation. Informal discipline includes documented counseling and written reprimands.

Supervisors have the authority to administer informal discipline to an employee upon discovery of violations of departmental policy to include job performance, attendance, and/or conduct. Upon discovery of a violation, the supervisor may be required to conduct initial questioning of the employee to determine if discipline is warranted. If at any point the supervisor feels that informal discipline may be warranted, and prior to additional questioning, the supervisor shall provide the employee with the following completed forms concerning the potential informal discipline;

1. FM600.028 - Administrative Warning; and
2. FM614.008 - Complaint Processing – Internal

The supervisor will then submit the completed forms, as well as a disciplinary recommendation, to their chain of command for review. All summary discipline recommendations shall be reviewed by the employee's second and third level supervisors prior to any discipline being issued. Once issued, the Administrative Warning, Complaint, and any discipline will be sent to PSU for inclusion in the employee's disciplinary record.

If the supervisor discovers a violation(s) that requires additional investigation, the supervisor shall complete form FM614.008 - Complaint Processing – Internal and submit it to PSU.

E. Levels of Discipline

The department uses a progressive approach to discipline, wherein disciplinary actions for repeated violations increase in severity. Due to the nature of the conduct in question, it may be appropriate to take disciplinary action higher than the minimum or below the maximum level recommended.

1. Non-disciplinary Corrective Measures Available to Supervisors

- a. An employee's chain of command has access to corrective measures which do not constitute discipline but can be used to address performance and/or conduct problems. The use of these non-disciplinary corrective measures does not preclude the chain of command from also taking formal disciplinary action.
 - (1) Verbal Counseling – An employee's supervisor may discuss with them the nature of the problem and the steps necessary to correct it. Criteria for counseling will generally be for minor violations or acts of omission.
 - (2) Training – An employee's supervisor may provide or request training as a means of improving the employee's productivity and effectiveness through positive and constructive methods. The employee will be required to successfully complete the

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training outlined as a result of the performance and/or conduct problems. Depending on the severity of the violation, training may be used in addition to formal disciplinary action.

2. Documented Counseling

The purpose of a documented counseling is to communicate to the employee the need to improve their work performance, attendance, or conduct. A documented counseling may be used when minor infractions or incidents of unsatisfactory job performance, attendance, and/or conduct occurs and it has minimal consequences and is not associated with any previous misconduct by the employee. Should a documented counseling be warranted, FM601.053A - Documented Counseling shall be completed.

- a. A documented counseling requires written presentation to the employee. An employee will be required to acknowledge receipt of the counseling and notification of its inclusion in the employee's personnel file.
- b. All documentation shall be forwarded to PSU within five (5) calendar days for inclusion in the employee's file.
 1. Employees may not appeal a documented counseling, however; an employee who disagrees with the counseling action may discuss the basis of disagreement with their supervisor, with the purpose of resolving the disagreement.
 2. Employees may submit a written response to PSU for attachment to the counseling within five (5) calendar days of receiving the discipline.

3. Written Reprimand

The purpose of a written reprimand is to communicate to the employee the need to improve their work performance, attendance, and/or conduct when lower levels of discipline have not resulted in expected improvement or when a higher level of disciplinary action is warranted. Should a written reprimand be warranted, FM601.053 - Written Reprimand shall be completed.

- a. A written reprimand requires written presentation to the employee. An employee will be required to acknowledge receipt of the reprimand and notification of its inclusion in the employee's personnel file.
- b. All documentation shall be forwarded to PSU within five (5) calendar days for inclusion in the employee's file.
 - (1) Employees may not appeal a written reprimand however; an employee who disagrees with the counseling action may discuss the basis of disagreement with their supervisor, with the purpose of resolving the disagreement.
 - (2) Employees may submit a written response to PSU for attachment to the written reprimand within five (5) calendar days of receiving the discipline.

4. Suspension

The purpose of a suspension is to communicate to the employee the need to improve their work performance, attendance, and/or conduct when lower levels of discipline have not resulted in expected improvement or when a higher level of disciplinary action is warranted. The chief of police will make the final determination on recommendations of suspension.

- a. A suspension results in time off without pay and will be for a period of not less than 8 hours.

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- b. Suspensions involving sworn employees shall be completed in accordance with Local Government Code Chapter 143.
- c. Suspensions involving non-sworn employees are governed by COP policy 216-000.
- d. Suspension Leave Swap-Out
 - (1) Employees who are suspended from duty for up to a maximum of 40 hours may reach an agreement with the Chief of Police wherein they will be allowed to substitute accumulated vacation, holiday, or compensatory time toward this suspension, waiving their right to appeal the disciplinary action in the process.

Both the Chief of Police and the employee must agree to a leave swap-out in order for one to take place.

5. Demotion

The purpose of a demotion is to communicate to the employee the need to improve their work performance, attendance, and/or conduct when lower levels of discipline have not resulted in expected improvement or when a higher level of disciplinary action is warranted. The chief of police will make final the determination on recommendations of demotion.

- a. Demotions involving sworn employees shall be completed in accordance with Local Government Code Chapter 143.
- b. Demotions involving non-sworn employees are governed by COP policy 216-000.

6. Indefinite Suspension

An indefinite suspension is the final step in the disciplinary process and results in termination of an individual's employment with the city.

- a. All indefinite suspensions shall be exercised under the scope of the city manager's direction or authority, which has been delegated to the chief of police.
- b. Indefinite suspensions and any appeals involving sworn employees shall be completed in accordance with Local Government Code Chapter 143.
- c. Indefinite Suspensions and any appeals involving non-sworn employees shall be completed in accordance with COP policy 216-000
- d. Certain positions in the department require basic certifications or licensees in order to fulfill the minimum job duties. Examples are, but not limited to, a police officer's TCOLE certification or a driver's license. Failure to secure a required certification or license, or the revocation or suspension of a required certification or license, which prevents an employee from meeting the basic eligibility requirements for their position, may subject the employee to indefinite suspension. Sworn personnel who fail to meet these requirements may be subject to a non-disciplinary indefinite suspension, which prohibits an appeal under Local Government Code Chapter 143.052.

7. Performance Improvement Program (PIP)

- a. When the job performance, attendance, and/or conduct has repetitively been unsatisfactory. Should a PIP be warranted, the supervisor shall complete the PIP in accordance with City of Plano Policy 216.000 - Disciplinary Process.
- b. The original PIP shall be forwarded to the Human Resources Department, with a copy given to the employee, and another copy to PSU for inclusion in the employee's file.

F. Employee Disciplinary Record – File Retention

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1. Sworn Employees

- a. Any charging documents related to disciplinary action recognized by Civil Service Rules and Regulation will be filed in the affected employee's official personnel file, as defined by Local Government Code section 143.089(a).
- b. Informal disciplinary actions such as written reprimands and documented counseling reports will be filed in the employee's Department personnel file, as defined by Local Government Code Section 143.089(g).
- c. Documentation of disciplinary actions will be retained in accordance with the Local Government Records Control Schedule, as established pursuant to Local Government Code 203.041.

2. Non-Sworn Employees

- a. All final discipline as well as any written responses will be filed in the affected employees personnel file.
- b. Documentation of disciplinary actions will be retained in accordance with the Local Government Records Control Schedule, as established pursuant to Local Government Code 203.041.

IV. CONFIDENTIALITY

Any dissemination of information related to a disciplinary action or subsequent inquiry of any employee's separation from employment must be coordinated with PSU.