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## 26.5 *Discipline*

*Disciplinary actions* are also addressed in the *Human Resources Handbook* Article XIV Section 1401.


All *employees* are subject to *disciplinary action* for misconduct, violations of *General Orders*, regulatory violations and/or failing to meet performance standards.

The administration of *discipline* shall be conducted in accordance with applicable *Town* rules and policies, federal and state laws, including but not limited to [A.R.S. Title 38, Chapter 8, Article 1](#), and this manual. All *discipline* shall be administered in an equitable, fair and consistent manner.

The *Police Chief* in consultation with Human Resources and the *Town Manager* has the responsibility to establish the appropriate level of *discipline* involving any *employee* of the Police Department.

### 26.5.1 *Determining Appropriate Discipline*

- A. When an administrative investigation is completed, or an *employee* is to be subject to *discipline* for conduct that has not been the subject of an administrative investigation, an *employee's* chain of command shall review the investigative package or other documentation and recommend the appropriate *discipline* for the *employee*.
  1. Considerations *should* include the nature of the infraction or performance, the *employee's* work history and previous *discipline*, *discipline* of other *employees* for similar infractions or performance, the level of *discipline* necessary to correct the *employee's* behavior, and the impact of the *employee's* conduct on the agency and the agency's ability to effectively serve the community.
  2. The use of progressive *discipline* is encouraged. It is, however, recognized that progressive *discipline* may not be appropriate in all situations.
- B. Any proposed *discipline* shall be supported by sufficient written documentation, which shall include reference to any previous *discipline* which has occurred. Documentation may take the form of memoranda, administrative investigation

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*reports, supervisor desk file notes, performance evaluations, performance improvement plans, examples of below standards work product, or other records that provide information supporting and articulating the basis for the proposed discipline.*

## 26.5.2 Levels of *Discipline*

The *Department* uses the following levels of *discipline*:

### A. Not Appealable to the Personnel Appeals Board

1. A verbal reprimand is the non-written notification to an *employee* of job performance deficiency or misconduct and notification of the *Town's* level of expectations. The *supervisor* documents the date and nature of the reprimand on a "Record of Counseling/*Disciplinary Action*" form. The immediate *supervisor* is responsible for verbal reprimands.
2. A written reprimand is an official notification to an *employee* that there is cause for dissatisfaction with the *employee's* job performance or that there is misconduct. The written reprimand is documented on the "Record of Counseling/*Disciplinary Action*" form and placed in the *employee's* personnel file maintained by the Personnel Officer. The immediate *supervisor* is responsible for written reprimands.
3. Administrative suspension is the non-disciplinary suspension of an *employee* with pay to permit an investigation into matters concerning a possible *disciplinary action*. During this period, the *employee must* be available to participate and aid in the investigation. In making the determination to suspend an *employee* with pay, the following factors are considered: does the *employee's* presence on the job or at the work site hinder the investigation, or is the *employee's* presence detrimental to the public interest or the continued efficient operation of the *Town*. The *Department* Director *must* approve administrative suspensions.
4. Disciplinary suspension of three days or less is the temporary separation of an *employee* from *Town* service without compensation. A suspended *employee* receives written notification on a "Record of Counseling/*Disciplinary Action* Form" listing the specific charge(s), period of suspension, and administrative review and appeal rights, if any. The

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Personnel Officer is immediately provided a copy of the suspension notice. Suspensions *must* be approved by the *Department* Director.

- a. Exempt *employees may* not be suspended without pay for disciplinary reasons for a period of time less than 40 hours except for infractions of safety rules “of major significance” or in accordance with applicable Fair Labor Standards Act requirements. Safety rules of major significance are those rules and *supervisory* directives relating to the prevention of serious hazard, damage or danger to the *Town*, its facilities, *employees* or the public.
- b. During a period of suspension, a suspended *employee may* not work additional hours that are compensated at regular or overtime rate. They *may* not substitute vacation pay, sick pay, or other compensated time for unpaid hours.

B. Appealable to the Personnel Appeals Board

1. Disciplinary suspension of greater than three days is the temporary separation of an *employee* from *Town* service without compensation. A suspended *employee* receives written notification on a “Record of Counseling/*Disciplinary Action*” form listing the specific charge(s), period of suspension, and administrative review and appeal rights, if any. The Personnel Officer is immediately provided a copy of the “Record of Counseling/*Disciplinary Action*” form. Suspensions *must* be approved by the *Department* Director and *Town Manager*. No *employee may* be suspended for more than four (4) calendar weeks at any one time for any one offense without being terminated from employment.
2. Involuntary demotion is the movement of an *employee* from one class to another class at a lower rate of pay. The demotion *may* be permanent or temporary and *must* be approved by the *Department* Director and *Town Manager*. The *employee* receives written notice of the involuntary demotion on a “Record of Counseling/*Disciplinary Action*” form listing the specific charge(s), amount of pay reduction, administrative review and appeal rights, if any. The Personnel Officer is immediately provided a copy of the “Record of Counseling/*Disciplinary Action*” form. If the



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*employee* is demoted for disciplinary reasons, the reduction in pay is not less than five (5) percent.

3. Disciplinary pay reduction is the reduction of an *employee's* salary. The reduction *may* be permanent or temporary and *must* be approved by the *Department* Director and *Town Manager*. The *disciplined employee* receives written notification on a "Record of Counseling/*Disciplinary Action Form*" listing the specific charge(s), amount of pay reduction and administrative review and appeal rights, if any. The Personnel Officer is immediately provided a copy of the "Record of Counseling/*Disciplinary Action Form*".
4. Dismissal is the discharge for cause of an *employee* from the *Town* service. The *employee* receives written notice of intent to discharge on a "Record of Counseling/*Disciplinary Action Form*" listing the specific charge(s), and administrative review and appeal rights. Prior to issuance of a "Record of Counseling/*Disciplinary Action Form*" for dismissal, the *Department* Director *shall* notify the Personnel Officer to coordinate the final pay. Any dismissal *must* be approved by the *Department* Director and *Town Manager*.
5. *Employees may* appeal B.1 – B.4 above to the Personnel Appeals Board after using and exhausting internal appeals.

### **26.5.3 Administration of *Discipline***

#### **A. *Employee Rights***

1. Documentation of all *disciplinary actions*, excluding verbal reprimands, include details of the specific charges, opportunity for the classified *employee* to explain the action or behavior, specific description of the *disciplinary action*, and the consequences of continuation or recurrence of the problem behavior. Disciplinary suspensions, reductions in pay, demotion, and dismissal notices *will* also outline the classified *employee's* rights to an administrative review and appeal to the Personnel Appeals Board if applicable. *Departments should* complete a Counseling/*Disciplinary Action Form* within 30 calendar days of the incident or within 30 calendar days from the time the *Department* first became aware of the incident; exceptions to the above *must* be approved

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by the *Department* Director. A copy of the *disciplinary action* notice is put in the classified *employee's* personnel file. Failure of the *Department* to timely complete the Counseling/*Disciplinary Action* Form *shall* not prejudice the propriety of the *discipline*.

2. An Administrative Review provides an opportunity for classified *employees* to meet with the *Department* Director regarding the pending *disciplinary action*. *Employees* who have been notified of a proposed suspension of greater than three days, demotion, disciplinary pay reduction and dismissal are eligible, upon their request, for an Administrative Review with their *Department* Director. This review is a personal meeting with the *Department* Director to provide *employees* an opportunity to submit any additional information or *evidence*, facts or mitigating circumstances pertinent to the *disciplinary action*. After being notified of the type of *disciplinary action* proposed, classified *employees* wanting an Administrative Review *must* contact the *Department* Director's office by 5:00 p.m. on the next succeeding business day to arrange for an appointment. The *Department* Director *will* render a written decision of the Administrative Review within five working days.
3. An appeal to the *Town Manager* *may* be made by classified *employees* following an Administrative Review. The request for an appeal *must* be in writing and submitted to the *Town Manager* within three (3) business days following notification to the *employee* of the *Department* Director's decision under the Administrative Review. The *Town Manager* *will* render a decision within five working days.
4. A Personnel Appeals Board hearing *may* be requested by classified *employees* who have received a disciplinary suspension greater than three days, a demotion, a disciplinary pay reduction or a dismissal. A hearing before the Personnel Appeals Board is allowed only after classified *employees* have used and exhausted all other rights of review and appeal. The decision of the Personnel Appeals Board is final and binding. An appeal to the Personnel Appeals Board *must* be filed with the Personnel Officer within three (3) business days following notification to the *employee* of the *Town Manager's* decision.
5. *Employees* who have been discharged for cause from *Town* service are not eligible to be rehired in any capacity by the *Town*.