



## CITY OF SPRINGFIELD

Human Resources

# Corrective Action

Administrative Regulation | Investigations, Corrective Action & Labor Relations | #17.02

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Effective Date: April 2, 2018  
Revised Date: January 30, 2026  
Supersedes: June 30, 2025

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**Note:** Terms that are ***bolded and italicized*** the first time they appear in this regulation are defined below. After the first occurrence, defined terms appear in *italics only*.

## Purpose

This regulation establishes a consistent and progressive process for addressing employee performance or behavior that does not meet the City's expectations.

## Scope

This regulation applies to all employee conduct that, in the City's judgment, requires corrective action to support a safe, respectful, and well-functioning workplace.

The procedures in this regulation apply to all employees except in the following circumstances:

- For represented employees, a valid collective bargaining agreement provision controls over this regulation.
- Springfield Police Department employees are subject to department specific disciplinary procedures established in their General Orders.

## Policy

The City uses ***progressive discipline*** to correct unacceptable behavior, poor performance, or violations of City policies, practices or procedures. Employees will be given reasonable opportunity to correct deficiencies. *Progressive discipline* does not apply to all situations. Serious offenses such as theft, workplace violence, harassment, or dishonesty may result in immediate discharge.

Employees must maintain all minimum ***job requirements***. This includes required licenses, certifications, ***driving eligibility***, medical clearances, background qualifications, or any other condition the City identifies as essential to the position. a required qualification may result in corrective action up to ***termination***.

## Procedure

### 1. Investigatory Process

#### A. Investigation Actions

- a. The City will investigate any potential corrective matters before determining whether corrective action is necessary. Investigations should occur in a timely and thorough manner.
- b. Employees must comply with and participate in interview requests from the City or its designee, regardless of whether they are represented or non-represented.
- c. During any meeting related to potential corrective action, the employee must be given a reasonable opportunity to ask questions and provide information or an explanation about the conduct, incident, or performance issue under review.

#### B. Employee Rights

- a. If the City knows that a meeting will likely result in corrective action, the employee will receive written notice of their rights to representation.
- b. Represented employees will be informed of their right to union representation consistent with their collective bargaining agreement.
- c. Non-represented employees may request an HR representative.
- d. If the City reasonably believes that information discussed during a meeting could result in criminal prosecution, the employee will be informed of their rights before continued participation in the meeting. This requirement applies to both represented and non-represented employees.

#### C. Administrative Leave During the Investigation

- a. The City may put an employee on paid administrative leave if the **department director** in consultation with Human Resources determines that removing the employee from the workplace is in the interest of the department during the investigation.
- b. An employee on paid administrative leave must remain available for interviews or other investigation steps during normal working hours, or at other times designated by the supervisor.
- c. If the employee is sick or is otherwise unavailable, they must notify their supervisor so timecards can be completed correctly.
- d. Represented and non-represented employees will receive written confirmation of administrative leave consistent with contractual or City requirements.

#### D. LiveWell Considerations

- a. Investigations are conducted in a manner that supports emotional well-being by treating

employees with dignity, ensuring fairness, and allowing employees to share information relevant to the review.

## **2. Loss of Required Eligibility**

### **A. Required Notifications**

- a. Employees must notify their supervisor and Human Resources on the next working day of any change that affects a required license, certification, endorsement, or *driving eligibility*, including:
  - (1) loss,
  - (2) *suspension*,
  - (3) restriction,
  - (4) expiration,
  - (5) non-renewal, or
  - (6) any condition that prevents the employee from meeting the City's Risk Management or fleet eligibility standards, even if the employee retains a valid driver's license.

### **B. Legal Actions Affecting Job Requirements**

- a. Employees must report on the next working day any arrest, citation, conviction, guilty plea, no-contest plea, diversion, or other legal action that may affect their ability to meet a minimum requirement of the position or perform an essential job function.
- b. This includes any citation or offense that affects driving insurability or creates a safety or liability risk for the City.

### **C. City Response**

- a. The City may reassign the employee, place the employee on administrative leave, or proceed with corrective action up to *termination* depending on the impact of the change on job duties, operational needs, and *public safety*.
- b. When determining the appropriate response:
  - (i) Represented employees will be subject to the corrective action and *discipline* process outlined in their collective bargaining agreement.
  - (ii) Non-represented employees will follow this administrative regulation and the Non-Union Grievance Resolution procedure.

### **D. Supervisor Responsibilities**

- a. Supervisors must consult with Human Resources immediately when they receive notice or become aware of a change in an employee's eligibility.
- b. Supervisors must follow any applicable contract requirements for represented employees, and this administrative regulation for non-represented employees.

**E. Termination When No Alternative Assignment Exists**

- a. If continued employment in the position is not possible and no alternative assignment exists, the City may move directly to *termination*.
  - (1) *Termination* procedures for represented employees must align with their collective bargaining agreement.
  - (2) *Termination* procedures for non-represented employees must follow Step 4 (Due Process) of this administrative regulation.

**F. LiveWell Considerations**

- a. The City will work with the employee to evaluate options that support occupational and financial well-being, including reassignment or temporary modified duties when operationally feasible.

**3. Corrective Action**

**A. Progressive Discipline Levels**

- a. Corrective actions may be invoked in the following order:
  - Step 1 (Written warning),
  - Step 2 (Second written warning),
  - Step 3 (Final warning) and
  - Step 4 (*Termination*).
- b. Corrective action will not always begin at Step 1 or follow each steps in sequence. Some acts, particularly intentional or serious acts, may warrant more severe action, “including *termination*, on the first or subsequent offense.
- c. Represented employees will follow the *progressive discipline* requirements in their collective bargaining agreement.
- d. Non-represented employees follow the *progressive discipline* steps in this administrative regulation.

**B. Review and Approval Requirements**

- a. Corrective actions should be reviewed with an appropriate level of department management and Human Resources prior to issuance.
- b. Employees shall not receive corrective action without just cause.
- c. *Discipline* that skips a step in the *progressive discipline* process, or results in ***suspension***, demotion, or discharge, must be approved by the ***Human Resources Director***.
- d. For represented employees, any review and approval requirements contained in the collective bargaining agreement must also be followed.

**C. Employee Meeting and Documentation**

- a. When corrective action could include discharge or *suspension*, a meeting with the employee shall take place.
  - (1) The employee must be given an opportunity to present objections to the action.
  - (2) The supervisor must consider the employee-provided information prior to reaching a final decision.
- b. Employees shall be provided with copies of corrective action taken against them, and any such corrective action shall be placed in their personnel file.
- c. Represented employees retain any meeting, documentation, rebuttal, and representation rights under their collective bargaining agreement.
- d. The City may proceed with *termination* when the loss prevents the employee from performing essential job duties or creates a safety or liability risk, subject to applicable due process, contractual, and statutory requirements.

**D. Timeframes and Exceptions**

- a. Corrective actions which are twenty-four (24) months or older will not be used as the basis for determining the step level assigned to the current corrective action.
- b. Exceptions may be made when justified by a clear pattern of prior corrective actions.
- c. For represented employees, the City must follow any contractual time limits or restrictions governing the use of prior *discipline*.

**E. Additional Corrective Measures**

- a. Corrective action may also include the employee attending training or an educational opportunity.

**F. LiveWell Considerations**

- a. Corrective action promotes occupational well-being by helping employees address and resolve performance or conduct issues that limit success in their roles.

**4. Demotion, Suspension, and Termination (Due Process)**

**A. Probationary Employees**

- a. *Probationary* period employees may be released at any time without due process requirements listed in this Step.
- b. Prior approval of the *Human Resources Director* is required before releasing a *probationary* employee.
- c. For represented *probationary* employees, any contractual *probationary* provisions must also

be followed.

**B. Due Process Requirements for Non-Probationary Employees**

- a. When the City determines that a *non-probationary* employee may be subject to demotion, *suspension* or *termination*, the following due process steps will be provided:
  - (1) Within ten (10) working days of the completion of the investigation, the *department director* will review all investigation information and prepare a written report that includes the charges, notice of the contemplated action, and the date, time, and location of the *pre-termination* hearing.
  - (2) A written report will be delivered to the employee in a manner most likely to reach them, including in-person delivery, email or mail.
  - (3) The hearing will be scheduled no earlier than five (5) working days from the date of delivery of the written report.
  - (4) The employee may respond to the charges at the hearing in person and/or in writing. In lieu of appearing, the employee may submit a written response. A hearing will be held unless the employee submits a written waiver.
  - (5) The director shall notify the employee in writing of the final decision within five (5) working days of the conclusion of the hearing or receipt of written waiver.
  - (6) Only *department directors*, in coordination with the *Human Resources Director*, are authorized to approve the discharge of an employee.
  - (7) A copy of the decision will be forwarded to the HR Department along with a Personnel Action Form (PAF) for processing.
  - (8) Represented employees must also receive any due process requirements outlined in their collective bargaining agreements.

**C. Loss of Mandatory Job Requirements**

- a. When corrective action arises from the loss of a required license, certification, or *driving eligibility*, or other *job requirements*, the City will follow the due process steps in this Section.
- b. The City may move directly to *termination* when the loss prevents the employee from performing essential job duties or creates a safety or liability risk.
- c. See Section 2, *Loss of Required Eligibility*.
- d. For represented employees, contractual provisions relating to *loss of required eligibility* must also be followed.

**D. Name-Clearing Hearing**

- a. If the City anticipates the need to publicly disclose stigmatizing information in connection

with a *termination*, the City will make reasonable efforts to offer a name-clearing hearing prior to the release of information.

- b. This requirement applies to both represented and non-represented employees.

## 5. **Causes For Corrective Action**

### A. **General Standard**

- a. The causes listed below are examples of conduct that may lead to corrective action. This list is not exhaustive.
- b. The City may take corrective action for any behavior, action, or omission that it determines to be inconsistent with policy, disruptive to operations, unsafe, unethical, or otherwise detrimental to the City, its employees, or the community.

### B. **Examples of Conduct Leading to Corrective Action**

#### a. Dishonesty, Theft, and Fraud Violations

- (1) Falsification of employment, timecard, or other records.
- (2) Theft or deliberate, reckless, negligent, careless damage to or destruction of City property, equipment, or the property of any other employee, citizen, vendor, or third party.
- (3) Dishonesty of any type or making false charges or accusations against City employees or members of the public.
- (4) Misrepresenting City policies, practices, procedures, status, or authority on behalf of the City, including unauthorized use of the City's name, logo, likeness, facilities, assets, or other resources for personal gain or private interests.

#### b. Safety, Violence, and Criminal **Misconduct** Violations

- (1) Unauthorized carrying of a firearm or any other instrument used as a dangerous weapon on City premises.
- (2) Threatening, intimidating, coercing, or assaulting another employee, supervisor, or member of the public.
- (3) Engaging in criminal conduct while at work or conviction of a crime which, in the City's judgment, renders the employee unfit for duty.
- (4) Causing, creating or participating in a significant or substantial disruption of work during working hours.

#### c. Insubordination and Conduct Toward Others Violations

- (1) Insubordination, including refusal to follow a verbal or written order or instruction.
- (2) Using abusive, vulgar, condescending, or threatening language.

- (3) Engaging in disrespectful or inappropriate workplace behavior.
  - (4) Being uncooperative with coworkers, supervisors, or the public; or threatening, intimidating, coercing, or assaulting another employee, supervisor, or member of the public.
- d. Attendance, Reporting, and Work Practices Violations
- (1) Failure to follow notification procedures when unable to report to work, or when leaving work during normal hours without permission.
  - (2) Failure to arrive at work on time, remain until the end of the workday, or complete assigned work tasks.
  - (3) Sleeping or malingering on the job.
  - (4) Failing to attend scheduled work sessions, conferences, workshops, or educational events paid for by the City.
  - (5) Use of sick leave under false pretenses or abuse of sick leave.
- e. Performance and Job Requirements Violations
- (1) Careless, inaccurate, unreliable, or otherwise unsatisfactory work performance, including failure to complete assigned work tasks in a timely and accurate manner.
  - (2) Failure to obtain and maintain required licenses, certificates, credentials, endorsements, or driver eligibility.
  - (3) Failure to promptly report an accident or injury or cooperate in accident or injury investigations.
- f. Use of City Property, Technology, and Resources Violations
- (1) Unauthorized use or possession of City property, equipment, materials or facilities.
  - (2) Excessive personal use of technology during working hours, including phone use, texting, or any other activity that detracts from work, safe driving, or equipment operation.
- g. Ethics, Compliance, and Policy Violations
- (1) Violations of the Ethics Policy or Oregon's Ethics laws, including unauthorized acceptance of gifts or remuneration, solicitation for money, goods, or services not authorized by the City Manager.
  - (2) Failure to promptly report any perceived or known unethical, illegal, threatening, or violent behavior by any City employee or elected official.
  - (3) Violating any safety, health, security, or City policy, rule, or procedure, including failure to comply with applicable codes, laws, regulations, and policies.
- h. Other Serious Conduct Violations
- (1) Any other conduct, in which the City views, is serious enough to justify *discipline* or

discharge.

## 6. At Will Status

### A. City Discretion

- a. Except where limited by collective bargaining agreement, the City retains its at-will authority and sole discretion to determine the nature and extent of any *discipline* based on the circumstances of each individual case.
- b. The City may impose any level of *discipline*, including discharge for *misconduct* or performance deficiencies, without prior corrective steps when deemed appropriate.
- c. Represented employees are subject to corrective action and *termination* provisions contained in their collective bargaining agreement.
- d. Sworn police leadership positions are not governed by at-will status for disciplinary actions. Statutory just-cause and procedural requirements under ORS 243.706, ORS 243.808–243.812, and ORS 236.350–236.370 apply.

### B. Termination Authority

- a. The City retains the right to terminate any employee's employment at any time and for any reason, with or without other prior corrective action.
- b. Represented employees may only be terminated for reasons and through processes allowed under their collective bargaining agreement.
- c. Sworn police leadership employees may only be terminated following statutory *discipline* requirements outlined in Step 4.5 of this regulation.

## 7. Appeal Rights

- a. Employees covered by this policy may challenge
  - (1) Represented employees may file a grievance in accordance with the procedures and limitations outlined in their collective bargaining agreement.
  - (2) Non-represented employees may file an appeal under the Non-Union Grievance Resolution administrative regulation.
  - (3) Sworn police leadership employees must follow the statutory appeal and review processes required under ORS 243.706, ORS 243.808–243.812, ORS 236.350–236.370, and any related public safety officer procedural protections.
  - (4) Appeal or grievance rights apply only to formal corrective action and do not extend beyond what is provided in law, collective bargaining agreements, or City administrative regulations.

## Definitions

<b>Term:</b>	<b>Definition</b>
<b><i>Department Director:</i></b>	The appointed leader of a City department, or their designee or acting-in-capacity (AIC) representative, authorized to make decisions, issue directives, and take actions required under this regulation.
<b><i>Discipline:</i></b>	The outcome of the corrective action process.
<b><i>Driving Eligibility:</i></b>	The possession of valid and unrestricted driving privileges, including any endorsements or requirements attached to the position. This includes any State or federal requirements for operating City vehicles or equipment.
<b><i>Human Resources Director:</i></b>	The City’s Human Resources Director, or their designee or acting-in-capacity (AIC) representative, authorized to carry out the duties, approvals, and reviews required under this regulation.
<b><i>Job Requirement:</i></b>	A qualification the City identifies as essential to the position. This includes professional licenses, required certifications, valid driving privileges, medical clearances, background requirements, or any other condition tied to job duties or safety.
<b><i>Loss of Required Eligibility:</i></b>	Any change that results in an employee no longer meeting the minimum requirement of the position. This includes suspension, expiration, non-renewal, revocation, or medical/legal restrictions.
<b><i>Misconduct:</i></b>	Any action by an employee which adversely affects the employee’s ability to perform assigned duties properly impairs customer service, discredits the City’s image, threatens the safe and productive conduct of City operations, or endangers City personnel, City property, or the public.
<b><i>Probationary:</i></b>	The final phase of the selection process—a “working test period” during which the employee must demonstrate, through actual performance, fitness for the position.
<b><i>Progressive Discipline:</i></b>	A series of increasingly severe penalties for repeated offenses.
<b><i>Public Safety Employees:</i></b>	An employee whose principal duties include services requiring specialized training in the area of police protection, firefighting services, or emergency medical services for any area within the City.
<b><i>Suspension:</i></b>	A mandatory absence from work resulting in loss of pay, assigned by the department.
<b><i>Termination:</i></b>	An involuntary ending of employment which may be imposed for major infractions or gross misconduct, multiple infractions, or unsatisfactory performance.

## Related Resources

### *Administrative Regulation:*

- [Investigations](#)
- [Reporting Improper & Unlawful Disclosure](#)
- [Non Union Grievance Procedure](#)

### *Forms:*

- [Coaching Record Template](#)
- [Corrective Action Template](#)
- [Garrity Warning](#)
- [Corrective Action Guidance](#)
- [Investigation Expectations Form](#)
- [Personal Action Form \(PAF\)](#)