



Administrative Regulations

Office of the Mayor

Title: DISCIPLINE POLICY

A.R. Number: 5.18 Effective Date: 7/1/2023 Page: 1 of 7

Supersedes: DISCIPLINE GUIDELINES FOR CLASSIFIED EMPLOYEES, DISCIPLINE GUIDELINES FOR UNCLASSIFIED AND PROBATIONARY EMPLOYEES A.R.: 4.10, 4.11

DATED: 10/1/2008, 8/1/2008

I. PURPOSE

It is the policy of the City of Richmond to address the behavior problems of employees when the unacceptable behavior violates a city rule, policy, regulation, ordinance, or any law, or when the behavior disrupts, or adversely affects the conduct of city business. The following policy applies to classified employees. The city may choose to discipline probationary, unclassified, and executive employees; the City of Richmond reserves the right to terminate probationary employees and employees in the unclassified and executive service without cause, and with or without application of this policy.

This policy is comprised of disciplinary steps that progress in degree of strictness. The City of Richmond reserves the right to determine the discipline that will be imposed and to combine or skip steps depending on the facts of each situation and the nature of the offense. The purpose of a progressively stepped discipline policy gives employees a chance to correct their behavior while ensuring that serious offenses are fully and thoroughly investigated and appropriately handled to the extent required.

Addressing inappropriate behavior works in conjunction with the city's Performance Evaluation Policy, Grievance Policy for Classified Service, and may include disciplinary measures up to and including, suspension, termination, and/or prosecution.

Classified employees have the right to appeal disciplinary measures. Detailed procedures for appeal can be found in the Grievance Policy for Classified Service.

II. POLICY

A. Steps – The progressive disciplinary process has four (4) steps of increasing strictness. These steps are:

1. Counseling and verbal warning
2. Written warning
3. Final written warning and penalty
4. Termination/dismissal



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Each step may be repeated instead of moving forward to the next step at the manager/supervisor's discretion, in consultation with the Department of Human Resources.

Discipline level shall be appropriate to the seriousness of the incident. In the case of serious misconduct or safety infraction, an employee may be suspended and/or terminated on the first occurrence.

B. Grounds – No disciplinary action shall be taken without reasonable grounds, or cause for such action. By way of illustration, but not limitation, the following shall constitute grounds for discipline:

1. Neglect of duty.
2. Absence without authorized leave or failure to give proper notice of absence; or failure to return to work after the exhaustion of authorized leave.
3. Failure to report to work due to arrest or incarceration.
4. Violation of safety rules, policies, or regulations.
5. Incompetence, unwillingness, or failure to render satisfactory service to the appointing authority or designee under the performance standards established.
6. Insubordination or breach of discipline.
7. Violation of the city's substance abuse policy, including unauthorized possession or use of alcohol or illegal drugs in or on city property, including city vehicles.
8. Conduct unbecoming an employee of the city tending to bring the city service into disrepute.
9. Conviction of a criminal act.
10. Negligent or willful damage to city property or waste of city supplies or equipment.
11. Use of bribery or political pressure to receive appointment or advantage.
12. Material falsification of any city document or employment application.



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13. Unauthorized possession of, or use of, a weapon on city property.
14. Theft, fraud, or embezzlement of city services or property leased to or otherwise in the possession of the city.
15. Misuse of sick leave (as described in the city's administrative regulations).
16. Commit or threat to commit violence in the workplace.

III. PROCEDURE

A. Disciplinary steps

1. Step 1: Counseling and verbal warning

Whenever the performance or personal conduct of an employee becomes unsatisfactory their immediate supervisor/manager shall inform them promptly of such deficiency. The supervisor should discuss with the employee the nature of the problem or the violation of company policies and procedures. The supervisor/manager shall clearly describe expectations and steps the employee must take to improve their performance or conduct to resolve the problem.

Within **five (5) business days**, the supervisor will prepare written documentation of the verbal counseling. Written documentation may be in the form of an unsatisfactory performance evaluation. The employee will be asked to sign this document to demonstrate their understanding of the issues and the corrective action.

2. Step 2: Written warning

If the employee's performance or improper conduct does not improve, recurs, and/or results from an unsatisfactory performance evaluation, the discipline process will advance to Step 2. The employee's immediate supervisor and their appointing authority/department head or designee shall meet with the employee to review any additional incidents or information about the employee's performance or conduct as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of their continued failure to meet conduct expectations.



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A formal performance improvement plan (PIP) describing the employee's immediate and sustained corrective action shall be issued within **five (5) business days** of a Step 2 meeting. This written warning shall be delivered to the employee, placed in the employee's personnel file, and sent to their appointing authority/department head or designee. The written warning may also include a statement indicating that the employee may be subject to additional discipline, including penalties up to and including termination, if immediate and sustained corrective action is not taken.

3. Step 3: Final written warning and penalty

If an employee fails to successfully complete the PIP, or if their performance, conduct, or safety incidents are seriously problematic or harmful, the supervisor/manager shall issue a final written warning to the employee and impose a penalty. All imposed penalties shall be decided upon in consultation with the Department of Human Resources and shall be approved by the appointing authority/department head. Penalties may take the form of:

a. Suspension

The employee may be suspended for such period of time as may be reasonable and appropriate under the circumstances. All suspensions shall be deemed disciplinary actions and shall be without pay.

b. Reduction-in-pay

The pay of the employee may be reduced within the assigned pay range. Pay will be reduced by a percentage determined by the Director of Human Resources in consultation with the Chief Administrative Officer (CAO).

c. Disciplinary demotion

The employee may be demoted to a lower classification. The salary of an employee demoted for cause shall be reduced by a percentage determined by the Director of Human Resources in consultation with the CAO within the new pay range, not to exceed the maximum salary of the new pay range. An employee who cannot successfully complete the adjustment period following a disciplinary demotion shall be dismissed from the city's service.



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d. Forfeiture

Any officer, appointee of the council or employee of the city who shall be convicted by a final judgment of any court from which no appeal has been taken or which has been affirmed by a court of last resort on a charge involving moral turpitude or any felony or any misdemeanor involving any controlled substance shall forfeit their office or employment. The employee shall lose all rights of employment and future employment with the city service, and the employee shall have no right of appeal. In accordance with existing laws, prior to the appointing authority/department head or designee initiating a determination of forfeiture (as defined in section 4.14 of the City Charter) a review by the City Attorney's Office and the Department of Human Resources is required.

B. Step 4: Dismissal/termination

The last and most serious step in the progressive discipline process is a recommendation to terminate employment. Generally, the city will try to exercise the progressive nature of this policy by first providing warnings, issuing a final written warning, or penalizing the employee before proceeding to a recommendation to terminate employment. However, the city reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action. Any recommendation to terminate employment must be approved by the Director of Human Resources and the appointing authority/department head or designee.

C. Performance and Conduct Issues Not Subject to Progressive Discipline

Behavior that is illegal is not subject to progressive discipline and may result in immediate termination. Such behavior may be reported to local law enforcement authorities.

Similarly, fraud, theft, substance abuse, intoxication, fighting and other acts of violence at work are also not subject to progressive discipline and may be grounds for immediate termination.

D. Documentation



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The employee will be provided copies of all progressive discipline documentation, including all PIPs. The employee will be asked to sign copies of this documentation attesting to their receipt and understanding of the corrective action outlined in these documents.

Copies of these signed documents shall be provided to the employee and shall be placed in the employee's official personnel file.

IV. RESPONSIBILITY

Appointing Authority and/or Department Heads – Appointing authorities/department heads or designees are responsible approving disciplinary measures.

Employees – Employees are responsible for abiding by all city rules, policies, regulations, ordinances, or any laws.

Human Resources Department – Human Resources is responsible for providing detailed procedures and required forms for this policy, and consulting on disciplinary measures with supervisory staff and the appointing authority/department head.

Supervisors and/or Managers – Supervisors/Managers are responsible for notifying employees of disciplinary actions, and disciplining employees.

V. DEFINITIONS

Words and phrases contained within this policy are interpreted by the Director of Human Resources and can be made available upon request.



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VI. REGULATION UPDATE

Modifications to this policy shall be the responsibility of the Department of Human Resources under the advisement of the Chief Administrative Officer.

Approval


CHIEF ADMINISTRATIVE OFFICER


MAYOR