



# CITY OF CORNER BROOK

## Policy & Procedure

<b>Index</b>	Human Resources	<b>Section</b>	Employee Conduct		
<b>Title</b>	Employee Conduct	<b>Policy Number</b>	10-05-10	<b>Authority</b>	Council
<b>Approval Date</b>	22 Jan 07	<b>Effective Date</b>	27 Jun 01	<b>Revision Date</b>	19 Sept 11

### ***Purpose:***

The City of Corner Brook is committed to addressing issues of employee misconduct by investigating incidents and applying the principle of progressive discipline where appropriate. The City acknowledges that the ideal result of any disciplinary action taken is to correct the behavior and prevent recurrence.

### ***Policy Statement:***

It is the policy of the City of Corner Brook to promote and ensure appropriate conduct among staff and facilitate the fair and consistent treatment of all employees.

The City of Corner Brook promises to respond quickly to incidents of employee misconduct, and to resolve issues speedily, openly, honestly, and with appropriate privacy.

### ***Reference:***

CPS11-51

11-266

### ***DETAILED ACTION REQUIRED:***

This policy applies to **ALL** employees of the City of Corner Brook; union and non-union. It applies in all circumstances where the City of Corner Brook, its operation, and staff are associated.

**NOTE:** Please refer to the City of Corner Brook Policy – Workplace Harassment – Policy Number 10-05-11 for workplace incidents of Personal Harassment, Discrimination, and Acts of Threats and/or Violence and the complaint process available to address these areas.

### ***Responsibilities:***

Council (or its designated committee) will:

- Review, amend, and adopt changes to this policy.

The Chief Administrative Officer (or designate) will:

- Bring recommended changes of this policy forward to Council for consideration and approval;

- Investigate situations of employee misconduct involving the Directors and the City Clerk and act as the final decision maker regarding discipline, if required, which may include termination; and
- Act as the final decision maker in situations of employee misconduct for all staff where termination is the recommended course of discipline.

The Directors will:

- Recommend to the Chief Administrative Officer changes to this policy;
- Participate in the investigation process, when required;
- Take necessary corrective action for employee misconduct based on the investigation process;
- Advise the Chief Administrative Officer of issues of suspension as a result of the investigation process; and
- Consult with the Chief Administrative Officer in situations of recommended termination.

Managers/Supervisors will:

- Ensure awareness of and compliance with the policy and procedure;
- Take appropriate action in a prompt, impartial, and confidential manner when employee conduct issues come to attention; and
- Actively participate in the investigation process as outlined in this policy and participate in the discipline process.

Human Resources will:

- Act as a resource in situations of inappropriate behavior;
- Partake in the investigation process as outlined in this policy; and
- Recommend to the Director of Corporate Services changes to this policy and procedure.

***Definitions:***

*Employee Misconduct:* Employee Misconduct refers to acts and/or behaviors exhibited by an employee (union and non-union) considered inappropriate conduct during employment.

Examples of Employee Misconduct include, but are not limited to:

- Neglecting job duties
- Repeatedly arriving late for work
- Unsatisfactory work and/or failure to maintain required standards of performance
- Sleeping during working hours
- Reporting to work under the influence or in the possession of alcohol or non-prescription drugs
- Unauthorized use of municipal property for private work or performing private work during regular working hours

- Repeatedly being unavailable for work or repeatedly being unable to be contacted for work while on layoff and subject to re-call
- Publicly criticizing the City of Corner Brook, staff, and/or Mayor and Council
- Insubordination or insolence to management personnel

### ***Violation of this Policy:***

Any employee (union and non-union) who violates this policy, will be subject to appropriate disciplinary action as deemed warranted by the immediate supervisor and/or Director and/or Chief Administrative Officer. The level of offences outlined in this procedure and the course of discipline identified is a guide to maintain consistency within the workforce and should be used as such. Depending on the investigation and the circumstances surrounding the events, the supervisor may implement a higher level of discipline than what is outlined below, including a recommendation to the Chief Administrative Officer of termination of employment.

### ***PROCEDURE***

When a supervisor becomes aware of a misconduct issue, he/she shall consider the severity of the matter and either (1) address the issue with a verbal or written warning if deemed warranted by the supervisor or (2) refer the issue to the Superintendent/Manager or Director or his/her designate, if the supervisor suspects that more severe disciplinary action may be warranted. Should an issue be referred to the Superintendent/Manager or Director or his/her designate and it is determined that disciplinary action may result in suspension or termination; an investigation into the incident will be required. An investigation team will be implemented consisting of the immediate Supervisor, Human Resources, and the Director, if necessary, or his/her assigns, who will meet with the employee to discuss the conduct. Union representation, if applicable, may be present if requested.

Following the meeting and depending on the nature of the incident, the investigation team may write a report and submit to the Director (if not a member of the investigation team) and/or the Chief Administrative Officer within 10 days of the conclusion of the investigation. The report will recommend the form of discipline that may be appropriate in this particular case.

The Director and/or Chief Administrative Officer will follow up in writing with the parties within 10 days, if possible, outlining the course of action in the case and the discipline issued.

**NOTE:** Timeframes may be extended if required.

In the event the employee is not satisfied with the result of the investigations, he/she may submit the issue through other applicable channels.

### ***Discipline:***

The practice of progressive discipline will be applied in cases of misconduct; however, some steps may be by-passed depending on the level of the offence. Outlined below is a guide for levels of discipline that may be issued by the immediate supervisor, Director, and/or Chief Administrative Officer. When issuing discipline, the supervisor, Director, and/or Chief Administrative Officer will consider the severity of the offence, the circumstances surrounding the situation, and the outcome of the investigation.

**NOTE:** Please refer to the City of Corner Brook's Occupational Health and Safety Program - Discipline Procedure - OHS-05 – for occupational health and safety violations.

#### Level One Type of Offences

Examples of Level One offenses include, but are not limited to the following:

1. Arriving late for work.
2. Distracting the attention of others or causing disruption of others.
3. Where the operations are continuous, an employee leaving his/her post at the end of a scheduled shift before being relieved by his/her supervisor or relieving employee on the incoming shift.
4. Unsatisfactory work and/or failure to maintain required standards of performance.
5. Repeatedly being unavailable for work or repeatedly being unable to be contacted for work while on lay off and subject to re-call.

#### *Discipline Process for Level One Type of Offences:*

First Offence: Verbal Warning

Second Offence: Written Warning

Third and Fourth Offences: Suspension without pay

Fifth Offence: Long-term Suspension without pay or Dismissal

If not in itself serious enough to warrant a written warning, suspension, or termination, an employee may be given a verbal reprimand by the immediate supervisor (standard form attached) and advised that further offenses will result in a more serious form of discipline. All warnings shall be recorded in the employee's personnel file.

#### Level Two Type of Offenses

Examples of Level Two offenses include, but are not limited to the following:

1. Failure to report to work without prior permission from the supervisor.
2. Unauthorized leaving of the job during regular working hours without permission from a supervisor.
3. Unauthorized use of municipal property for private work or performing private work during regular working hours.
4. Sleeping during working hours.

5. Making or publishing false, misleading or malicious statements concerning any employee, supervisor, Mayor and/or Council, the municipality, or its operation.
6. Failure to report for overtime work without good reason after being scheduled.
7. Refusal to perform work assigned or failure to comply with written or verbal instructions which the employee may be reasonably expected to perform according to their job duties or responsibilities.

*Discipline Process for Level Two Type of Offences:*

First offense: Written warning

Second and third offenses: Suspension without pay

Fourth offense: Long-term Suspension without pay or Dismissal

If not in itself serious enough to warrant suspension or discharge, an employee may be given a written warning by the immediate supervisor and advised that a further offense will result in suspension without pay. One copy of the written warning will be hand delivered or forwarded by mail to the employee, one will be forwarded to the Chief Administrative Officer, the Director, and one copy will be placed in the employee's personnel file.

Level Three Types of Offences

Examples of Level Three offences include, but are not limited to the following:

1. Neglect in the performance of assigned duties.
2. Neglect in the care, use or custody of any of the City's property.
3. Altering or punching another employee's time card or unauthorized altering of own time card.
4. Falsifying information and/or making false claims.
5. Reporting to work while under the influence of alcohol or illegal drugs.
6. The possession, sale, and/or use of alcohol or non-prescription drugs while at work.
7. Theft of, or intentional damage or destruction to any property belonging to the City or to other employees.
8. Fighting or attempts to injure another employee or threats to do so.
9. Possession of firearms, explosives or weapons on City property.
10. Conviction of a summary offence.
11. Misuse or removal of information such as blueprints, lists, municipal records or confidential information of any nature, or revealing such information without prior written authority from the City.

12. Instigating, leading, or participating in any illegal walkout, strike, or other such demonstration.
13. Dishonesty or any dishonest action as defined by the City's Code of Ethics policy, e.g. breach of confidentiality or conflict of interest.
14. Using abusive or threatening language towards supervisors, subordinates, co-workers, or other individuals.

*Discipline Process for Level Three Types of Offences:*

First offense: Suspension without pay or Dismissal

If not in itself serious enough to warrant termination, an employee may be given a suspension without pay and warned that another offense will result in dismissal. Where suspension without pay is not deemed to be an appropriate form of corrective action, other appropriate action may be considered.

Written notice of suspension or other corrective action requires authorization and/or investigation by the Director and/or Chief Administrative Officer. The written notice of corrective action will include the reasons for such action being taken and the measures already taken.

A report on the suspension of an employee shall be placed in the employee's personnel file. In addition to verbally informing the employee of a suspension, the employee should also be informed in writing with specific reference made to any previous corrective action taken against the employee and should be hand delivered or sent by registered mail.

**NOTE:** Supervisors may suspend an employee from work without pay during a work shift for cause but must bring the issue to the attention of the Director immediately for investigation.

Level Four Types of Offences

An employee may be dismissed in such circumstances as outlined below.

Dismissal may result from:

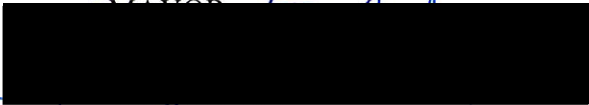

- a. a lack of response by an employee to corrective measures such as those listed above
- b. an initial offense if such offense is of a serious nature
- c. a "culminating incident" which, in itself, would not normally result in dismissal, but in consideration of other documented problems with the employee, justifies dismissal. The documentation of the incident prior to such a "culminating incident" shall specify all previous documented incidents of corrective action and must contain notice of warning to the employee that the next incident may result in dismissal.

Note: Dismissal may only take place on the authority of the Chief Administrative Officer.

- d. When it becomes necessary to dismiss an employee, the employee shall be notified of the termination in writing indicating the reason for the dismissal. The notification shall make reference to any previous corrective action and shall specify when the dismissal will take effect. The notice shall be hand delivered or sent by registered mail.

Other penalties such as demotion or transfer may be imposed. However, the ability of the City to unilaterally impose these penalties may be limited by the City's collective agreements. When such penalties are contemplated, the applicable Union and the Chief Administrative Officer shall be consulted.

IN WITNESS WHEREOF, this policy is sealed with the common seal of the City of Corner Brook.



CITY CLERK



# **CITY OF CORNER BROOK**

## **Amendments to Policy #10-05-10**

### **Employee Conduct**

**September 16, 2011**

#### ***Purpose:***

Changed "problem" to "behavior"

#### ***Detailed Action Required:***

Changed "Coordinators" to "Managers"

#### ***Procedure:***

Changed "Coordinator" to "Manager"