



City of Vernon, California  
Human Resources Policy and Procedure Manual

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**SUBJECT:** DISCIPLINE

**PURPOSE:**

To establish basic causes for, determine types of, and provide guidelines concerning employee discipline and the disciplinary process for non-represented employees.

**DEFINITIONS:**

Discipline - Action taken by the appointing authority or his/her designee to correct conduct, behavior and/or performance which fall below acceptable standards and/or which violate rules, regulations, laws and policies.

Progressive Discipline - The corrective process of applying penalties short of termination, or long-term demotion or suspension where conduct is of a less serious nature and the employee has not repeatedly engaged in such conduct. The nature of such discipline should be appropriate to the conduct and need not begin with the least serious disciplinary action. Acceptance of the principle of progressive discipline does not limit the City's authority to take appropriate action including termination, demotion or suspension for serious offenses which cannot and will not be condoned.

Business Days - Shall be defined for the purposes of this policy as any day in which the City Hall is open to the public for the general conduct of business.

**POLICY:**

NOTE: Section A, entitled "Disciplinary Situations," sets forth the City standards applicable to all City employees; however, Sections C-I of the Discipline Policy do not apply to employees covered by collective bargaining agreements, temporary, probationary or special class employees, or employees who are designated as "at-will" (non-classified) either by City Charter, City Ordinance, City Resolution, City Policy or other applicable law. Please refer to respective memoranda of understanding for applicable disciplinary procedures. Nothing in this policy shall limit the City's prerogatives with regard to imposing disciplinary procedures in compliance with applicable statutes.

- A. Grounds for Discipline - The following are examples of performance or behavior that may result in disciplinary action. This listing is representative and does not exhaust all possible situations where disciplinary action may be appropriate.
1. Dishonesty including, but not limited to, any deliberate falsification or misrepresentation, misleading or incorrect information in connection with

the preparation of City records, including but not limited to employment applications, time cards or payroll records.

2. Theft, sabotage, willful or negligent damage, abuse or destruction of City property, tools or equipment, or the property or equipment of a City supplier, customer or another employee, or failure to report any of the above, including tampering with or removal of City property or the property of others without proper authorization.
- 3.. Use, possession, sale or being under the influence of alcohol or illegal drugs during assigned working hours or while on City property, or reporting to work under the influence of alcohol or illegal drugs.
4. Unauthorized use, possession, conveyance or storage of any firearms, explosives, or other dangerous weapons while on duty or on City property.
5. Insubordination, including actions involving a resistance to, or defiance of, or refusing to carry out a supervisor's/manager's lawful orders.
6. Fighting, coercing, physically interfering with, or threatening bodily injury to other employees, supervisors, suppliers, customers, or citizens.
7. Unauthorized sleeping during assigned working hours.
8. Leaving work location without first securing immediate supervisor's approval (restrooms and meal breaks excluded).
9. Failure to observe applicable City or Department working hour schedule(s), starting time(s), quitting time(s), rest and meal periods.
10. Unsatisfactory or negligent job performance; inattention to duty; disruption in the workplace.
11. Discourteous, uncooperative, offensive or harassing conduct, verbal or physical, towards fellow employees, supervisors or the public during working hours or on City premises.
12. Inappropriate or unauthorized use of City resources, including but not limited to tools and equipment, materials and supplies, vehicles, facilities, work time, and information technologies.
13. Any act which endangers or tends to endanger the health, safety or the life of an employee or others, or interferes with the proper completion of work by the City or by other employees, including failure to obey City health and safety rules.
14. Misuse or abuse of leaves of absence including, but not limited to, pattern and/or frequency of usage, or where it is reasonable to conclude that absences are not due to the reason(s) for which such leave is authorized. (Sick leave may be used to care for a sick family member or registered domestic partner, in accordance with City policy<sup>1</sup> .)

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<sup>1</sup> Labor Code Section 233.

15. Unsafe operation of any motor vehicle or machinery on City property or while in the City's service.
16. Smoking in restricted areas.
17. Distributing literature or soliciting on City property during working time without approval of the immediate supervisor.
18. Sexual harassment, or harassment for any reason, such as that based on race, color, religion, national origin, ancestry, age, marital status, pregnancy, sex, sexual orientation, veteran's status, or disability.
19. Job abandonment (workdays absent from duty without supervisory notification).
20. Illegal gambling on City time and/or on City property.
21. Violation of any law, statute or ordinance as identified in the Criminal/Background Livescan Policy.
22. Inappropriate use of the City equipment, intranet, internet, or e-mail in accordance with City's Electronic Communication Use Policy.
23. Inappropriate attire or personal appearance in accordance with the City's Dress Code Policy.
24. Unauthorized personal use of City vehicles or equipment.
25. Failure to comply with the City's standards relative to drug and alcohol testing.
26. Violation of the City's or a department's confidentiality policies, or unauthorized viewing or disclosure of confidential City information by an employee or to any unauthorized person or entity.
27. Failure to obtain or maintain any certification, license, or other qualifications necessary to perform the job.
28. Any action in violation of City or Departmental policies, practices and/or rules.

B. Types of Discipline - Disciplinary actions range from informal conversations to termination. The City's discipline process is based on the concept of progressive discipline. Under progressive discipline, the City takes progressively more severe action if the employee has not responded to previous instructions, warnings, or other lower-level actions. However, progressive discipline does not mean that the City must progress through all discipline steps in all cases. Certain conduct may be serious enough that the first incident may warrant a higher level of discipline, up to and including termination without progressive discipline.  
Informal Disciplinary Actions:

Informal disciplinary actions differ from formal disciplinary actions in that they do not involve any monetary punitive action and employees are not entitled to all of the appeal procedures which are applicable to formal discipline.

Counseling - An informal discussion with an employee to clarify standards,

evaluate strengths and weaknesses, or assist in clarifying and remedying a performance or behavior problem.

Oral Reprimand - A verbal warning that specified performance or behavior must be improved.

Written Reprimand - Written notice that further disciplinary action shall be taken unless specified performance or certain behavior improves.

Formal Disciplinary Actions: When any of the following disciplinary actions are to be taken, there are specific due process requirements and appeal rights. Formal discipline includes the following levels of disciplinary action:

Suspension - The temporary removal of an employee from duty without pay.

Reduction in Pay - The temporary reduction in pay of an employee's rate of pay.

Demotion - The removal of an employee from a presently assigned classification to a lower paying classification. (Note: This definition does not apply to assignment changes, reorganizations, or reductions in force [bumping] even where a pay differential is involved.)

Termination - The permanent removal of an employee from City service.

- C. Pre-Discipline (Skelly) Process - The pre-discipline process normally shall apply in all cases where the disciplinary action involves employee monetary/property rights (i.e., loss or reduction of pay, suspension without pay, demotion, or termination). The following shall be required to fulfill due process rights and minimize risk of error in the decision to apply disciplinary action:

(Note: Any proposed disciplinary action involving loss of pay and/or benefits must be reviewed by the Human Resources Department prior to issuing the "Notice of Intent" to the employee.) The pre-discipline process does not apply to at-will, probationary or temporary employees.

1. Notice of Proposed Action - The employee shall receive a written notice of the proposed disciplinary action.
2. Reason(s) for the Proposed Action - The employee shall be given the reason(s) for the proposed disciplinary action.
3. Materials Supporting Proposed Action - The employee shall be given a copy of, or be provided access to, written materials, reports, and documents, if any, upon which the action is based.
4. Right to Respond - The employee shall be accorded the right to respond, either orally or in writing, or both, either in person or through a representative, within five (5) business days, and to a level of management designated by the City who can effectively and impartially recommend that the proposed disciplinary action be taken or not taken.
5. Notice of Final Determination - The employee shall receive a written notice of final action, giving the original allegation(s), the determination as to the charges, the level of disciplinary action to be received, any final

admonition(s), as applicable, and appeal rights. The employee shall be notified if no disciplinary action is to be taken.

D. Immediate Discipline - Employees may be immediately relieved from duty when, through their own actions, they have created situations wherein they may not reasonably be expected to perform competently, or where their continued presence poses a threat to their own health or safety and/or the health and/or safety of others. Such conditions include, but are not limited to:

1. Reporting to work intoxicated or in a physical or mental state that impairs performance.
2. Assaultive behavior or insubordination where immediate suspension is necessary to restore and/or maintain order and discipline.
3. Blatant sexual harassment or harassment for any reason, such as that based on race, color, religion, national origin, ancestry, age marital status, pregnancy, sex, sexual orientation, veteran's status, or disability.

In such conditions, the pre-disciplinary process should be initiated as soon as possible but need not occur prior to the imposing of some disciplinary action, and, at the discretion of the department head, such employee may be allowed to return to work at any time pending the pre-disciplinary process.

E. Employee Right to Representation - Any time an employee is to be disciplined (written reprimand, Skelly meeting, grievance meeting) or to be interviewed concerning a matter which the employee has reason to believe may lead to discipline, he/she has the right to representation. It is the employee's responsibility to request this representation, and any failure to request such shall constitute a waiver to representation at that stage.

F. Time Frame for Imposing Discipline - If disciplinary action is to be taken, it should generally be imposed within sixty (60) days of the act, occurrence or omission on which the action is to be based. The sixty-day time frame shall generally begin from the time the City gains knowledge, of the act, occurrence or omission.

G. Right to Appeal Disciplinary Actions - Any permanent employee in the classified service shall have the right to appeal the following actions to the City Administrator within five (5) business days from the date of the final decision by the Department Director:

1. Suspensions Without Pay
2. Termination
3. Reduction in Salary
4. Non-probationary demotions.

The City Administrator or designee will respond or schedule a meeting within eight (8) business days. The City Administrator or designee shall render his/her decision as soon after the conclusion of the meeting as possible and in no event later than thirty (30) days after conducting the meeting. His/her decision shall set forth which charges, if any, are sustained and the reasons therefore. The opinion shall set forth findings of fact and conclusions. The decision of the City Administrator shall be final and binding.

- H. Corrective Approach to Discipline - Performance Evaluations - The following is an adjunct to the corrective approach to discipline. Rather than using disciplinary action, the following is designed to avoid rewarding less than acceptable performance.

Improvement Required or Unsatisfactory Performance Evaluations - Notice that conduct or performance must be improved if the employee expects to be retained. These ratings may result in:

1. Extension of a probationary period
2. Reinstatement of a probationary period
3. Loss of a merit step increase
4. Probationary release (termination)
5. Performance Improvement Plan (PIP)

Such ratings may, along with prior discipline, be utilized in evaluating the appropriate discipline to be applied to subsequent misconduct or incompetence.

- I. Request for Removal of Disciplinary Action  
All disciplinary actions will remain part of an employee's permanent record unless removal of a specific item is requested by a department head in writing to the Human Resources Director and approved by the City Administrator.