



ADMINISTRATIVE REGULATION

Effective Date: August 26, 1993

Administrative Regulation: 1-27

Revision Date: January 17, 2023

Supersedes: July 17, 2017

Approved By: William Ashton

Subject: Discipline

I. Purpose

The purpose of this Administrative Regulation is to establish and maintain a formal system of discipline for town employees.

II. Policy

If an employee disagrees with a disciplinary action, the employee may grieve the decision pursuant to the Town Code, Chapter 54, Article IV, Grievance Procedures, provided the employee has grievance rights and the matter is grievable pursuant to the Town's Grievance Procedures and state law. Informal actions are excluded under the town's grievance procedures.

It is the policy of the town to ensure that the rules of the workplace and accepted standards of conduct are adhered to by all employees and that discipline, when deemed necessary will be equitably and uniformly administered. This policy applies to any employee conduct that the town determines must be addressed by discipline. The nature, severity, and facts surrounding each an employee's conduct will determine the disciplinary action(s) that will be taken. The methods of discipline described below do not, and are not intended to, constitute any type of required progression in discipline. For example, a sufficiently severe breach of conduct could warrant termination although no other disciplinary action had been previously taken with respect to that employee. These are management guidelines (not legal rules or mandated progressive steps in discipline) for the benefit of employees, the supervisor, and the town. Substantial compliance is all that is required as warranted by the particular facts and circumstances of each situation.

III. Informal Actions

- A. A supervisor may provide informal oral or informal written reprimands or warnings to employees, which do not constitute disciplinary actions and are not placed in an employee's permanent personnel file.

When a supervisor deems that an informal oral or informal written reprimand or warning is warranted, he or she will:

1. Advise the employee, in private, of the specific infraction of the rule or breach of conduct and the date it occurred.



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2. Allow the employee an opportunity to explain, and weigh the explanation.
3. Administer the oral or informal written reprimand.
4. Maintain an informal record of the discussion with the employee's knowledge of such a record to serve in an evaluation of the employee.

IV. Formal Discipline.

The following are examples of the types of formal disciplinary actions that the town may utilize.

1. Formal written reprimands. Formal written reprimands shall be placed in the employee's official personnel file.
2. Suspensions. Suspension may be with or without pay as determined by the Town Manager based on the severity of the basis of the suspension, the personnel record of the employee, and the likelihood of the employee's return to work after the suspension.
3. Disciplinary demotions.
4. Disciplinary probations.
5. Dismissals.

V. Responsibilities

- A. All employees are representatives of the town and are expected to conduct themselves with the best interest of the organization on mind. Each employee shall:
 1. Observe the standards of conduct set out in Administration Regulation 1-28.
 2. Conduct himself or herself, both on and off the job, in a manner which will reflect credit on the town government and respective departments.
 3. Fulfill the duties and responsibilities of his or her position in a dedicated and loyal manner.
 - B. Department heads and supervisors. Department heads and supervisors shall:
 1. Inform employees of town policies, practices and procedures governing standards of conduct and discipline as well as communicate what criteria constitutes acceptable job performance.
 2. Treat employees in a fair and equitable manner.
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3. Investigate apparent employee offenses obtaining complete facts and full justification and administer appropriate disciplinary action when warranted, according to the provisions of this administrative regulation.
 4. Inform the Director of Human Resources or his or her designee immediately when formal disciplinary action is contemplated.
- C. Town Manager. The Town Manager shall:
1. Provide information and guidance to supervisors at all levels on standards and rules of conduct and effective use of constructive discipline.
 2. Provide advice and assistance to supervisors in uniform and equitable application of the provisions of this administrative regulation.
 3. Evaluate management practices in the administration of discipline and in compliance with standards and rules of conduct within departments and work locations and provide guidance to department heads when such management practices require changes.
 4. Advise department heads on approved practices and recommend appropriate action.
- D. Appointing authority. The Town Manager is the appointing authority for personnel purposes and shall make final decisions on issuance of formal disciplinary actions of suspension, dismissal, disciplinary demotion, and disciplinary probation.

VI. Disciplinary Actions and Procedures

Disciplinary action will be taken for good cause and to correct problem situations. However, disciplinary action must be taken when warranted to promote the efficiency of the town. The severity of the disciplinary action will be determined by the severity of the misconduct. Investigations of apparent employee offenses will take place promptly to obtain pertinent facts, including, but not limited to, making contact with persons involved of having knowledge of the incident. Employees who do not comply with a town investigation may be subject to the disciplines set forth by this policy.

- A. Formal written reprimand. When a supervisor determines that an offense is of such a nature that a record should be placed in an employee's permanent personnel file, a letter of reprimand will be delivered to the subject employee. The letter will contain:
1. Statement of charges in sufficient detail to enable the employee to understand fully the violation, infraction, conduct, or offense for which he or she is being disciplined.



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2. Statement that the letter of reprimand will be placed in the employee's personnel file.
 3. Statement of previous offenses, if any, in those cases where the letter is considered a continuation of progressive discipline.
 4. Statement that similar occurrences could result in a proposal that more severe disciplinary action be initiated.
- B. Suspension. When a supervisor determines that an offense requires a more severe disciplinary action, he or she will:
1. Investigate promptly apparent employee offenses.
 2. Discuss the case including the length of suspension with higher levels of supervision, where appropriate.
 3. Notify the Town Manager and Human Resources when suspensions are contemplated and seek the Town Manager's approval via Human Resources.
 4. Prepare and provide a disciplinary letter to the employee.
- C. Disciplinary demotion. The Town Manager may, on recommendation of a department head, initiate a disciplinary demotion when an employee willfully violates or fails to comply with the requirements imposed by the standards of conduct or is unable to perform the essential functions required of the position. When such action is contemplated, the procedure outlined in the preceding paragraphs under suspension will be followed.
- D. Disciplinary probation. The Town Manager may, on recommendation of a department head, place an employee on disciplinary probation for any infractions for which discipline may be warranted. When such action is contemplated, the procedure outlined under subparagraph B for suspensions must be followed. A disciplinary probation shall constitute a renewed probationary period for the employee and will be recorded by the human resources department.
- E. Dismissal. The dismissal of an employee shall constitute the most severe type of disciplinary action authorized under this administrative regulation. This action should be taken when the Town Manager determines that an employee is unsuited for employment with the town. The determination shall be in a writing contained in the employee's personnel file. When this determination has been made the procedures outlined in the preceding paragraphs under suspensions shall be followed.
- VII. Criteria for Disciplinary Letter

The disciplinary letter shall include:



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- A. Statement of charges in sufficient detail to enable the employee to understand the violation, infraction, conduct or offense for which he or she is being disciplined.
- B. Type of disciplinary action (formal written reprimand, suspension, dismissal, or disciplinary demotion etc.).
- C. Statement that the action will become a part of his or her personnel file.
- D. Previous offenses, if any, which have been considered in arriving at the current disciplinary action.
- E. The effective date of disciplinary action which shall be from the date of mailing or delivery of the disciplinary letter.
- F. Employees shall have the right to grieve any disciplinary actions, provided the employee is eligible to file a grievance and if the matter is grievable.

VIII. Exceptions to Notice Period and Preparation of Response

When there is reasonable cause to believe an employee is guilty of a crime for which a sentence of imprisonment can be imposed, or when circumstances are such that the retention of the employee in an active duty status may result in damage to town property or may be detrimental to the interests of the town or injurious to the employee, his or her fellow workers, or the general public, the Town Manager may temporarily assign the employee to duties in which these conditions will not exist or place the employee on administrative leave with or without pay as determined by the Town Manager based on the severity of the basis of the dismissal and the personnel record of the employee pending the Town Manager's investigation of the personnel matter and determination of disciplinary action as needed. In the case where immediate written notice is not practical, the Town Manager shall see that the disciplinary letter with associated procedural rights shall be prepared and mailed or delivered to the employee, as soon as practical.

IX. Probationary Employees

Employees are not covered by the grievance procedure set out in Sec. 54.71 and following, Herndon Town Code (1992), until after they have completed the initial or any subsequent probationary period, including but not limited to transfers, promotions, performance, and involuntary demotions. All probationary employees shall observe the standards of conduct set forth in Administrative Regulation 1-28.

William H. Ashton, Town Manager