

# ADMINISTRATIVE RULES – CITY OF KNOXVILLE

## 11 – Discipline

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### **11.01**    **POLICY**

It is the policy of the City to act with integrity and justice toward each employee, recognizing his/her individuality as a human being and his/her right to fair, decent, and understanding supervision. Each employee is expected to comply with instructions, established policies, procedures, rules, and regulations. The supervisor is responsible for ensuring that each employee does his/her job properly and in accordance with work regulations. The Senior Director (or Director in those departments without a Senior Director) initiates all disciplinary actions.

Whenever an employee's performance, attitude, work habits, or personal conduct on the job at any time falls below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances a specific incident may justify severe disciplinary action in and of itself; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past conduct and performance.

### **11.02**    **TYPES OF DISCIPLINE**

The following types of discipline are available and, unless circumstances dictate otherwise, should be accomplished in the manner indicated for all Civil Service employees. These measures may also be followed for employees not covered by Civil Service; however, the disciplining of such employees and of all other at-will employees is ultimately within the sound discretion of the appropriate supervisor.

#### **A. Oral Reprimand**

It is the responsibility of the immediate supervisor to recognize and handle disciplinary cases. Employees who violate a rule are not problem employees unless they are habitual offenders. A consultation between the employee and the supervisor is desirable. This discussion, in which the supervisor tries to reach an understanding of the causes for the offense and to impress upon the employee the need for corrective action, is called an oral reprimand. It can eliminate misunderstandings immediately and set the desired standards of conduct and performance. Oral reprimand forms must be signed by the Senior Director (or Director in those departments without a Senior Director). Copies of oral reprimands shall be forwarded to the Civil Service Department for placement in the employee's file.

#### **B. Written Reprimand**

Should oral reprimand(s) fail to achieve improved behavior it is likely a written reprimand is needed. The written reprimand discusses the nature of the employee's offense, the efforts made previously to correct the problem, and often it warns the employee of future actions that may be taken if the matter is not corrected. Written reprimand forms must be signed by the Senior Director (or Director in those departments without a Senior Director). Copies of written

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reprimands shall be forwarded to the Civil Service Department for placement in the employee's file.

### C. Suspension

A Senior Director (or Director in departments that do not have a Senior Director) may, for just cause, suspend an employee without pay for a period not to exceed one (1) year. The length of the suspension should be relevant to the nature of the offense and the employee's past history with the City. A suspension may follow earlier disciplinary action (i.e., written reprimand) or may be used when a particular incident in and of itself is serious enough to warrant immediate action.

In accordance with provisions of the Fair Labor Standards Act, an employee who is not eligible for overtime must be suspended for a period of at least one full work week with the exception of a situation involving a major safety violation or a serious infraction of workplace conduct rules in which case a suspension of less than one week can be considered.

### D. Demotion

Conditions may occur which impair an employee's ability to perform the assigned duties, but do not hamper his/her ability to work at lower paid duties. A Senior Director (or Director in departments that do not have a Senior Director) may, as a means of discipline, demote an employee in accordance with the provisions of the Civil Service Merit Board Rules and Regulations.

### E. Termination

A Senior Director (or Director in departments that do not have a Senior Director) may, for just cause, terminate an employee. Just cause may be based upon an event or condition which is the culmination of a series of events or conditions for which disciplinary action(s) have been taken. Just cause may also be based upon a single event or condition without previous disciplinary action(s) if the event or condition in question justifies immediate termination.

## **11.03 REASONS FOR DISCIPLINE**

Any employee may be disciplined or dismissed in the event that any of the following charges have been substantiated in accordance with Civil Service Merit Board Rules and Regulations. The following list is not intended to be exhaustive, but is an example of the types of charges that may result in appropriate disciplinary measures.

- A. Insubordination against a superior officer or supervisor.
- B. Oppression and tyranny (over those under their control).
- C. Neglect of duty.
- D. Absence without leave.
- E. Violation of rules, regulations, and procedures of a department.
- F. Violation of any provision of the City's Drug Screen Program including, but not limited to, a confirmed positive drug/alcohol test result, refusal to participate in a drug/alcohol test, altering results, specimens or documents, or failure to complete

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- a required referral to an educational or treatment program; possession of or drinking alcohol on duty; possession of or taking drugs, other than those prescribed by a physician, while on duty; being under the influence of drugs or alcohol while on duty; and additionally, gambling or conduct bringing discredit upon the City.
- G. Any legal offense, depending on fine and/or sentence.
  - H. Any conduct injurious to the peace and welfare of the public.
  - I. Inability to perform assigned duties.
  - J. Work slowdown or work stoppage.
  - K. Misappropriation of City funds.
  - L. Willful damage to City property.
  - M. Unauthorized use or removal of City property.
  - N. Any other just and reasonable cause.
  - O. Is offensive in his/her conduct or language in public, or towards the public, City Officials, or fellow employees.
  - P. The City will not tolerate any violence in the workplace. Any employee who commits any act of violence in the workplace or threatens to commit any act of violence shall be subject to immediate disciplinary action up to and including termination.

### **11.04 ADMINISTRATIVE LEAVE**

Relieving an employee from duty is an administrative procedure to be used by supervisors when circumstances arise which lead a supervisor to believe that it is in the best interests of the City and/or the employee that such circumstances should be resolved before the employee is allowed to return to work. The practice of relieving an employee from duty is not to be used as a disciplinary measure, and the employee shall continue to be paid his/her regular wages or salary until disciplinary action is filed.

A supervisor may, for just cause and without approval of the Mayor, relieve an employee from duty with pay for a period of twenty-four (24) hours or until the next working day, pending official action by the respective Senior Director (or Director in departments that do not have a Senior Director).

A Senior Director (or Director in departments that do not have a Senior Director) may, for just cause and without the approval of the Mayor, relieve an employee from duty with pay pending official action for a period not to exceed five (5) work days.

Situations which require that an employee be relieved of duty under these provisions for longer than five (5) work days shall be approved by the Mayor.

An employee relieved of duty will be notified in writing of the reason and appropriate length of the relief period by the respective department and a copy of this notice shall be forwarded to the Civil Service Director.