



## City of St. John's Corporate and Operational Policy

**Policy:** 03-05-12 Disciplinary Procedures Policy

**Status:**

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**Index:** 03 Human Resources

**Section:** 05 Employee Conduct

**Title:** 12 Disciplinary Procedures Policy

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**Purpose**

To provide the procedures to be followed when disciplinary measures are required.

**Policy Statement**

**Discipline**

Disciplinary procedures should not be used in place of common sense or good management practices. Where a transgression occurs, discipline is not mandatory. Counselling, discussion or training can also be used where appropriate. If they are required by the situation disciplinary procedures should, wherever possible, be corrective rather than punitive, and where circumstances permit, the Director of Human Resources should be advised and consulted prior to any such action being taken.

**Disciplinary Guidelines**

The following guidelines should be followed in situations requiring disciplinary or corrective action. Where a Collective Agreement is in place, the provisions of that Agreement must also be observed:

1. Discipline must be applied evenly and predictably. It must not react to the offense given by a particular situation but should deal with the actual broken rule or regulations, or the actual situation.
2. The employee within a particular group, in common with all employees of the City, must be made aware of what is required, what is unacceptable and how any transgression will be treated. Subsequent action must always be in a manner consistent with that advice.
3. Discussion and subsequent discipline is intended to correct the situation and salvage the employee where possible.
4. The following sequence of actions should be used:
  - a. Identify the problem, interview the employee, define the improvement needed, warn the employee the improvement must be made and state when the improvement is expected to be seen. The discussion with the employee should be recorded in the employee's local (or departmental) file but no formal entry on the Personnel file should be made.
  - b. If the problem persists a following interview should be held and the employee should be formally warned in writing that the disciplinary process is in effect and where necessary, advised that an evaluation will take place after a predetermined period (for example 30 days). All documents to the employee should be copied to his/her Personnel file, and to the Union as and where applicable.
  - c. If the problem is still not corrected or recurs, a further interview should take place with a letter being given to the employee stipulating a short period to come up to standard, and a short suspension without pay (one week is suggested). All documents to the employee should be copied to his/her Personnel file, and to the Union as and where applicable.
  - d. If the problem still exists, step "c" should be repeated but with a shorter period to come up to standard and a longer suspension applied (one month is suggested). As an alternative in extreme cases, termination may be contemplated at this stage subject to discussion between the Chief Commissioner, the Department Head and the Director of Human Resources. All documents to the employee should be copied to his/her Personnel file, and to the Union as and where applicable.
  - e. If the problem still exists, termination of employment with the City will occur. All documents to the employee should be copied to his/her Personnel file, and to the Union as and where applicable.

These are general guidelines and some situations will not fit exactly into this scenario, but in those cases the general principles, sequences and objectives listed above should be maintained. In gross disciplinary situations, the above process may be eliminated but in such case there must be a detailed report along with the other requirements of pre-notification and discussion with the Chief Commissioner, the Department Head and the Director of Human Resources.

All disciplinary action should be taken after an investigation and after a short report has been

completed on the incident.

### **Disciplinary Record**

Provided that no subsequent correspondence of a disciplinary nature is added to the employee's personal file, correspondence referring to a disciplinary infraction will be removed from the employee's Personnel file after eighteen (18) calendar months. In the event subsequent disciplinary correspondence is placed on the employee's Personnel file within this eighteen (18) calendar month period, the previous disciplinary correspondence shall remain on the employee's Personnel file until the eighteen (18) calendar month period of the subsequent correspondence has elapsed. Where a Collective Agreement is in force and its provisions conflict with this clause, the Agreement shall govern.

### **Suspension Under Investigation**

Where in the supervisor's or manager's opinion an employee should be removed from the workplace until the particular circumstances of an incident or occurrence has been investigated, the supervisor is to immediately suspend the employee under investigation. The questions of whether the suspension is disciplinary and whether it should be paid or unpaid will be determined by the investigation. All such suspensions should be reported to the Chief Commissioner and the Department Head as soon as possible.

### **Investigation**

Where an employee is suspended pending investigation of an incident or situation, a full investigation must be carried out to ensure that all factors in the case are known and are considered. However, any required discipline must be applied within five (5) working days of the suspension which initiates the investigation

### **Discharge For Cause**

In specific cases the Chief Commissioner or the Director of the Department may consider various matters as grounds for the immediate discharge of an employee for cause. Additionally, employees are warned that the following matters are considered as extremely serious and therefore as grounds for immediate discharge for cause:

- Using, or being under the influence of alcohol, proscribed drugs or narcotics in the work place.
- Failure to comply with a direct order, unless compliance would be in violation of a law or statute.
- Gross insubordination.
- Fighting or assault in the work place.
- Malfeasance, theft or misappropriation of City funds, equipment, materials or property, or of the

property of others which is positioned on City owned or operated premises or equipment.

### **Appeals**

- a) Any Union member has right to appeal disciplinary matters in accordance with the provisions of the grievance procedure contained in his/her Collective Agreement.
- b) Any non-union employee has the right to appeal disciplinary matters to the Chief Commissioner who will review the matter in conjunction with the Director of Human Resources and advise the employee in writing of the result of that process. Such an appeal must be made within ten (10) days of the disciplinary action. Where the Chief Commissioner considers a hearing to be warranted, one shall be held.
- c) In certain cases and at the discretion of the employee, such matters may be referred to an external arbitrator. Requests for referral to arbitration must be made within 10 days of receipt of the Chief Commissioner's decision.
- d) Union members temporarily assigned to non union positions shall follow the process in b) and c) above and shall have access to external arbitration in any case.

### **Application**

### **Responsibilities**

All employees.

### **Definitions**

### **References/Appendix**

### **Monitoring and Contravention**

### **Approvals**

Special Meeting of Council, January 17, 1994. Finance and Administration Standing Committee report - April 7, 2004. Regular Meeting of Council - April 19, 2004.

### **Review Period**

### **Available to Public**

- ☐ Yes
- ☐ No

