

CITY OF FRISCO PERSONNEL POLICIES

DISCIPLINARY AND APPEALS PROCEDURE

Subject: DISCIPLINE PROCEDURES **Date:** 12/7/04
Approved By: Ordinance No. 2020-12-77 **Revision Date:** 12/01/2020

I. **STATEMENT OF PURPOSE:**

This Policy is designed to outline the City of Frisco's disciplinary system and expectations that an employee perform his or her job in a safe, efficient, respectful, professional, and productive manner. Employees are responsible for reviewing and following all applicable City policies, procedures, guidelines, and job descriptions outlining employee responsibilities and standards of conduct.

This Policy does not provide, nor guarantee, an employee any rights that would change his or her "AT WILL" employment status. Employees may be dismissed at any time with or without cause and without the use of progressive levels of discipline. Although progressive discipline is preferred, where appropriate, a single action or inaction may result in discipline including immediate dismissal. Supervisors will administer discipline equitably throughout the city without regard to race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), age, national origin (including citizenship), veteran status, disability, or genetic information as designated by all relevant laws and regulations.

II. **APPLICABILITY:**

This policy is applicable to all employees.

III. **REASONS FOR DISCIPLINARY ACTION:**

Reasons for disciplinary action that may include discipline, suspension, or dismissal include, but shall not be limited to:

- A. Failing to meet prescribed standards of work, functions outlined in the employee's job description, or commit any acts which may bring discredit to the City to an extent that makes an employee unsuitable or ineffective for the kind of employment in City service in which he or she is serving at the time of the offense.
- B. Committing a criminal offense.
- C. Violating or attempting to violate any of the provision of the City Charter of these rules, or attempting to, or committing an act or acts intended to nullify or mitigate any of the provisions thereof.

- D. Violating or attempting to violate any lawful regulations or City order, or department policy/procedure or failing to obey any lawful regulation or City order, or department policy/procedure, or failing to obey any lawful direction made and given by a supervisor.
- E. Working or reporting to work under the influence of intoxicating liquors, beverages, or illicit drugs.
- F. Working or reporting to work under the influence of any substance that adversely affects work performance and/or safety.
- G. Insubordination, and/or disgraceful conduct, acting in a manner that makes the employee ineffective, whether committed while on or off duty.
- H. Offensive and/or threatening conduct or language toward the public, City officers, or other employees.
- I. Incompetent, negligent, or inefficient in the performance of his or her duty.
- J. Negligent of City property, and/or stealing, misplacing, abusing, or misusing equipment, materials, property, or any other things of value belonging to the City.
- K. Failing to make reasonable provisions for his or her personal business, thereby causing annoyance to his or her co-workers and superiors or discredit to the City.
- L. Using, threatening to use, or attempting to use, political influence in securing promotion, leave of absence, transfer, or change in classification, pay, or performance ratings.
- M. Accepting or soliciting a fee, gift, or other valuable thing in the normal course of his or her work or in connection therewith for his or her personal use from any person, firm, or corporation, when such fee, gift, or other thing is accepted with the understanding that the donor shall or actually does receive favors or service not customarily accorded to the general public.
- N. Utilizing City resources and/or time to conduct personal business for personal gain.
- O. Refusing overtime or standby without reasonable cause.
- P. Misrepresenting himself or herself and/or placing false information on an employment application.
- Q. Unauthorized use of a City vehicle or other City equipment.
- R. Unauthorized possession of a weapon or contraband while on the job, on City property, or in a city vehicle.
- S. Lying to a supervisor and/or failing to cooperate in an investigation.
- T. Conduct not listed which could have an adverse affect on the City or on the confidence of the public in the integrity of the City government, or which renders the employee ineffective.
- U. Any other reasons deemed appropriate by the Department Director or City Manager's Office.

IV. NOTIFICATION OF OFFENSE:

It shall be the duty of all employees to take corrective action and/or submit a written report to their Department Head or Division Manager whenever they learn of any

violation of the City of Frisco Personnel Directives and/or federal, state, or local law by any other employee.

Any employee shall not willfully violate any rule or regulation of the City of Frisco or the law of the United States, of this state, or of this local jurisdiction.

A supervisor shall immediately take action when a member's violation of the department rules, regulations, or policies comes to their attention.

V. CRITERIA FOR APPLICATION OF FORMAL LEVELS OF DISCIPLINE:

In recognition of the fact that each disciplinary instance may differ, the City retains the right to treat each disciplinary occurrence on an individual basis and without creating a precedent for other cases that may arise in the future.

The following criteria may be considered, as appropriate, in determining action to be taken.

- A. Severity and type of violation(s).
- B. Impact of the violation(s) on other employees and/or customers of the City.
- C. Employee's length of service and previous work record.
- D. Period of time since previous coaching or discipline.
- E. Disciplinary actions taken by the City with other employees for similar violations(s).

VI. TYPE OF DISCIPLINE:

ALL EMPLOYEES ARE AT-WILL, and may be dismissed at any time with or without cause and with or without notice.

Consistent with the type and severity of cause for disciplinary actions and the employee's disciplinary history, Department Directors and/or designee may take disciplinary action including but not limited to:

- Verbal Reprimand
- Written Reprimand
- Suspension
- Demotion
- Dismissal

The Department Director may choose not to utilize each disciplinary level, depending on the facts of the case.

VII. REMOVAL FROM THE WORKPLACE:

When an employee's behavior warrants, an employee may be immediately removed from the workplace, with or without pay, while an investigation is being conducted and disciplinary action determined.