

### **5.3. Disciplinary Policy**

The Town believes that employees want to be successful and will attempt to correct any problems with job performance to the greatest extent possible. The Town's corrective action and discipline process is intended to be positive and not punitive. This process is designed to inform employees of observed problems and to provide an opportunity to correct the problems and promote acceptable job performance so that termination of employment does not become necessary.

The existence of the disciplinary policy does not alter the fact that you are an employee-at-will, and can be terminated at any time, with or without notice, for any reason or no reason at all. Moreover, the existence of the outlined step by step policy below in no way gives rise to a contractual right to a linear application of the progressive discipline policy. Instead, the steps below are recommended guidelines and not required procedures. Ultimately, the type of discipline selected is at the sole discretion of the Town. If you are dissatisfied with the discipline imposed, you are free to present your complaint through the Town Grievance Procedure, found in section 5.4 of this handbook.

Problem Solving Session: A supervisor meets with the employee to identify and discuss problem areas and actions that must be taken to avoid additional corrective action. The primary purpose is to better delineate work responsibilities, jointly establish job standards, objectives and expectations, review progress toward achieving objectives, and provide a basis for recognizing acceptable performance in the future.

Verbal Warning: If a problem continues, the supervisor may verbally warn the employee that the stated problem(s) must be corrected, and that further disciplinary action will be taken if performance does not improve. This is a formal discussion with an employee where the supervisor specifically identifies the problem(s) and discusses with the employee a course of improvement. A written memorandum documenting the discussion and the course of action must be placed in the employee's personnel file.

Written Warning: If performance does not improve, a written warning may be given to the employee. The warning memo should clearly identify the problem and indicate that failure to correct it will result in further disciplinary action up to and including termination of employment with the Town. The warning memo should be placed in the employee's personnel file after it is signed by the employee to acknowledge receipt. If the employee shows improvement and progress over time the supervisor should note this in the employee's file.

Suspension or Termination: If performance does not improve, further disciplinary action, up to and including termination will follow.

Certain employee conduct may be so serious as to justify immediate termination. Defining all such instances which result in termination is impossible. However, the following are some of the more common examples: behavior that endangers other employees, gross negligence which results in damage to Town property, theft, fraud, falsification of records or dishonesty, falsification of Town records, accepting gratuities from external sources doing business with the Town, harassment, fighting, insubordination, the possession, inappropriate use or sale of alcohol or controlled substances, or use of Town computer equipment for viewing or storing pornographic materials or gambling.

#### **5.4. Grievance Procedure**

The Town has developed an informal grievance procedure, which is intended to provide you with a forum in which to resolve employment disputes.

Any employee who has a complaint, dispute, or controversy with his/her supervisor or with the Town as the employer, may file a grievance in writing within 21 days of the occurrence of this complaint, dispute, or controversy.

The employee's grievance will proceed along a 3-step process: first to his/her department head; then if necessary to the Assistant Town Manager; finally, if necessary, to the Town Manager.

Step 1 - The employee will immediately submit the grievance in writing to the department head. The department head will then meet with the employee within ten (10) work days and will decide the grievance within seven (7) work days after said meeting. If the meeting is not held or a decision not rendered within the time provided, the grievance will be deemed to have been denied as of the last day for the decision.

Step 2 - If the employee is aggrieved by the department head's decision, the employee may appeal that decision to the Assistant Town Manager in writing within seven (7) work days. The Assistant Town Manager will have thirty (30) work days to pass on this grievance. Within seven (7) work days of the employee's appeal, the department head will submit a justification, in writing, as deemed appropriate.

Step 3 - If either or both parties are aggrieved by the Assistant Town Manager's decision and ruling, the aggrieved party or parties may, within seven (7) work days, appeal to the Town Manager in writing. Both parties may then submit written justification to the Town Manager within seven (7) work days. The Town Manager will typically have thirty (30) work days to hear and rule on the grievance. The Town Manager's ruling and decision are final.

Any time limits noted are advisory in nature, and may be waived where the Town finds it to be appropriate to do so.

Retaliation will not be permitted against an employee who has made a good faith complaint or report of a workplace problem (including a complaint of possible discrimination or harassment), or has made a good faith request for an investigation into whether discrimination or harassment has occurred.