

**TOWN OF VIENNA, VIRGINIA
ADMINISTRATIVE REGULATIONS**

<u>Subject:</u> DISCIPLINARY ACTIONS	<u>Regulation No:</u> 2.15	<u>Effective Date:</u> December 16, 2009
	Supersedes: July 1, 2009	

I. PURPOSE

The Town's philosophy on discipline is that it should be progressive, ensuring that efforts are directed at encouraging employees to understand fully the nature of their conduct and their obligations to the Town with the goal of improving a behavior or action in question. Within this program, progressive discipline is the process of using increasingly severe steps or measures when an employee fails to correct a problem after being given an opportunity to do so.

II. GENERAL GUIDELINES

A. The following may be considered when using the progressive discipline:

1. Thoroughly investigate the situation which includes obtaining the employee's explanation or response prior to administering discipline.
2. Document the process and results of the investigation.
3. The goal of this program is to modify an employee's unacceptable behavior or improve the performance. The goal is not to punish the employee but to more strongly alert the employee of the need to correct the problem. In an attempt to positively resolve the issue at hand and at the supervisor's optional discretion, a step may be repeated so that the situation can be permanently resolved without further escalation. If repeating a step does not resolve the problem, the supervisor can then move on to another step.
4. There is no rigid set of steps nor is there an inflexible rule that all steps must be followed before disciplining or terminating an employee. The circumstances and/or severity of each case as well as how strongly the event(s) conflict with the Town's core values will guide the selection of which next step to use.
5. It is acceptable to have a witness or note taker present when meeting with the employee during the progressive discipline process. The witness/note taker should preferably be someone with supervisory or management responsibilities and never a peer of the employee.
6. If there are questions surrounding an alleged violation of conduct, or if the circumstances warrant, a Department Head may request that the Town Manager place an employee on administrative leave with or without pay until either a review or investigation is concluded. While on administrative leave, the employee shall be available for in- person questioning during his/her normal working hours at the Town's request.

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7. Recognizing that personal problems can interfere with an employee's well being and ability to perform job tasks satisfactorily, supervisors shall consider referring employees to the Employee Assistance Program as an alternative to or in combination with the disciplinary actions outlined in this regulation.
8. Administrative Services is available for consultation at any step of the process.

III. EMPLOYEE COUNSELING SESSION

- A. Prior to initiating a disciplinary action and depending upon the situation, the supervisor may hold a counseling session with the employee.
- B. Counseling sessions are used to bring a problem to the attention of the employee before it becomes so serious that disciplinary action has to be taken.
- C. The purpose of this discussion is to alleviate any misunderstandings and clarify the direction for necessary and successful correction.
- D. If some progress is seen, this counseling step may be repeated to allow the employee full opportunity to correct the problem, or, at the discretion of the supervisor, advanced to another level of the Town's disciplinary program.
- E. As part of this process, the supervisor shall complete the Record of Employee Counseling session. A copy is given to the employee and another kept within the department/division files. If no further infractions occur, the department copy of the record will be destroyed three years from the date of the session.

IV. TYPES OF DISCIPLINARY ACTIONS

A. WRITTEN WARNING/REPRIMAND

1. In situations where the counseling session has not resulted in expected improvements, or where more severe action is warranted, a written reprimand shall be prepared, with a copy given to the employee and another copy permanently placed in the employee's personnel file.
2. This written warning is issued to an employee documenting any performance or conduct which is not appropriate or satisfactory, including an explanation of the proper performance or conduct expected, and a notice that any continuation of the same or any similar activity will not be permitted.

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B. SUSPENSION

1. Suspensions are temporary, without pay separations from the Town. An employee may be suspended for a period not to exceed thirty (30) days within any one (1) calendar year. All suspensions must be reviewed by the Administrative Services Director, approved in writing by the Town Manager and accompanied by a Personnel Action Form.
2. Under no circumstances shall suspensions be in effect within twenty-four (24) hours of a Saturday, Sunday (excluding shift working police officers), holiday or scheduled day(s) off, except those suspensions longer than three (3) days.

C. DEMOTION

A reduction to a position with a lower grade and salary.

D. TERMINATION

This is the last step of the progressive discipline system and is used when earlier steps have not produced the needed results or when the severity of the event(s) warrants.

E. REMOVAL FROM WORKSITE

Any supervisor has the ability to send an employee home immediately for the remainder of the shift due to inappropriate actions. The supervisor will then address any necessary further actions and inform the employee of their return to work status.

V. DISCIPLINARY OFFENSES

The following are examples of grounds for disciplinary action but are in no way inclusive causes:

- A. Insubordination. Refusal to comply with the proper order of an authorized supervisor.
- B. Theft or destruction. Stealing; misappropriation of Town funds; or carelessly or willfully causing destruction of Town property.
- C. Unlawful conduct. Violation of or refusal to comply with pertinent laws and regulations

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when such conduct impairs the efficiency of the Town service or brings it into public disrepute, i.e., activities prohibited by Virginia statutes or Town ordinances.

D. Intoxication or disgraceful conduct. Conduct under the influence of intoxicants while on or off duty whenever behavior threatens order, safety, health, or public respect for the Town service and when such conduct is solely the fault of the employee.

E. While on the job, discourtesy to any member of the public, elected official or other member of the Town staff.

F. Habitual tardiness, excessive absence, abuse of sick leave, or absence without leave.

G. Acceptance of a gift or fee/Use of influence. No employee of the Town of Vienna shall:

1. Solicit or accept money or other thing of value for services performed within the scope of his/her official duties;

2. Offer or accept any money or thing of value for or in consideration of the use of his/her position to obtain employment, appointment or promotion of any person with a governmental or advisory agency;

3. Offer or accept any money or thing of value for or in consideration of the use of his/her public position to obtain a contract for any person or business with any governmental or advisory agency;

4. Accept any money, loan, gift, favor, service or business or professional opportunity that reasonably tends to influence him/her in the performance of official duties;

5. Use for his/her own economic benefit or that of another party confidential information that was acquired by reason of his/her public position and which is not available to the public; or,

6. Accept any business or professional opportunity where there is a reasonable likelihood that the opportunity is being accorded in order to influence the employee in the performance of his/her official duties.

H. Improper use of authority. Use of official position or authority for personal profit or advantage.

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- I. Falsification of records; including, but not limited to, falsification of application papers.
- J. Evidence of continued unsound judgment in performing official duties.
- K. Failure to meet the prescribed standards of work. Any employee who receives two consecutive unsatisfactory performance appraisals shall be dismissed from Town service.
- L. Sale of any goods or service to the Town. Any attempt to sell materials, goods, services, etc., to the Town of Vienna in which a Town employee may receive financial gain or remuneration.
- M. Any type of harassment, including but not limited to sex, sexual orientation, race, creed, color, age, national origin, nationality, ancestry, that may be of a verbal or physical nature, and may include, but not limited to, any of the following actions:
 - 1. Submission to the conduct is either an explicit or implicit condition of employment;
 - 2. Rejection of the conduct is used as a basis for employment decisions affecting the person who did the submitting or rejecting;
 - 3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
- N. Failure to inform the immediate supervisor of any change in the employee's telephone number and/or address within ten (10) days of that change.
- O. Failure to comply with the adopted policies, procedures and Administrative Regulations of the Town of Vienna.
- P. Storage, display or presence of any alcoholic beverage or controlled substance on Town property.
- Q. Storage, possession or presence, either concealed or displayed, of any firearm, explosive or any other lethal weapon on Town owned or leased property or the work site at any time. This shall include Town vehicles and personal vehicles parked on Town property.
 - 1. Carrying of firearms by Town employees, if required for the performance of their jobs, shall be authorized only by the Town Manager as provided by law and with the concurrence of the Chief of Police.

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2. Exempt from the definition of Lethal Weapons is the following:


- a. Folding pocketknives with a blade length not exceeding 3 ½ inches in length.
- b. Utility knives such as “box opening knives” or X-acto knives when necessary for use by the employee in the course of their duties.
- c. Multipurpose tools, such as those made by Gerber, Buck, Leatherman or other manufacturers, containing a folding knife blade with a length not exceeding 3 ½ inches and other tools such as pliers, screwdrivers, and bottle opener.

R. Failure to comply with any portion of the Town's safety program and related safety policies, procedures and manual.

S. Gambling on Town Property or during working hours.

VI. APPLICABLE DOCUMENTS

- A. Record of Employee Counseling (AS 2.15-1)
- B. Disciplinary Action Form (AS 2.15-2)

<i>Signature of Town Manager:</i>	<i>Date:</i>
	December 16, 2009