

Village Of Cache Creek

Policy No. C-6

Disciplinary Procedures

Date Approved by Council: January 11, 1999
Effective: January 11, 1999

Date Amended by Council: **Effective:**

Policy Statement:

The Council of the Village of Cache Creek has adopted disciplinary procedures to provide a framework of action when employee behaviors are inconsistent with the Employee Rules established in Policy C-5.

Purpose:

The purpose of this policy is to establish rules to regulate disciplinary actions.

Procedures:

DISCIPLINARY PROCEDURES

1. Objective: Discipline Without Punishment

The Village recognizes the majority of employees are conscientious, responsible, and play a positive role in the Municipality's operations. Motivated by self-respect they conduct themselves in a disciplined manner and perform satisfactorily on the job. In situations where an employee's conduct is unsatisfactory, the Village believes in most cases the problem can be corrected without punitive action, using a progressive positive approach.

The Village's objective is to implement the disciplinary system which keys in on and corrects the cause of unsatisfactory employee behaviour in a positive manner, encouraging improvement in the employee's conduct by insuring the employee clearly understands his or her responsibilities.

Cases of minor infringements of the established standards of conduct should be dealt with by the employee's immediate supervisor by way of an informal discussion, resorting to the formal procedure provided below if this fails to correct the problem. It is hoped that the vast majority of situations that arise can be dealt with in that manner or where informal discussion has failed to correct the problem, by use of the formal oral warning procedure.

It is the Village's intent that written warnings only be used when verbal reprimands have failed to produce the desired results or when misconduct is serious enough to warrant action at a more advanced stage of the discipline process.

While not an exhaustive list, gross misconduct includes such things as theft, fraud, and wilful disobedience and warrants summary dismissal. In order to maintain consistency, all incidents that could reasonably be viewed as gross misconduct, dishonesty or deceit by an employee must be brought before Council prior to the taking of any disciplinary action.

2. Basic Procedures

In all cases where a disciplinary action is being considered with an employee at any level who has completed the initial probationary period, the following procedures shall be adopted:

- a) The employee shall be informed at the outset the grounds of complaint and that the employee may be accompanied in an interview on the subject by a co-worker/shop steward (as applicable), preferably one having knowledge of the matter being discussed. The employee is to be given an opportunity to represent the case forming his/her point of view before any decision is reached. When the outcome is a final written warning, demotion or dismissal, the employee is to be informed of his/her available options.
- b) Once a decision is made (other than where a formal verbal warning is given), the employee is to be informed in writing of the action which is being taken, e.g.: a written warning, final warning, etc. and the reason therefore. The employee is to be given the original to keep should be asked to acknowledge, in writing, receipt of such notice.

3. Disciplinary Steps

a) Formal Verbal Warning:

In most cases, a first breach of employee rules will be dealt with by the immediate supervisor of the employee concerned and will consist of a formal verbal warning. The formal verbal warning should be timely, that is the supervisor should discuss the incident immediately to impress upon the employee the seriousness of the matter and the employee should be advised this represents the first formal disciplinary step. A notation, which may be hand written, should be placed in the employee's personal file with complete details of the incident. It should be dated, signed by the supervisor and retained for one year, after which time it should be destroyed. This step should not be confused with informal discussions referred to in Item 1 above.

b) Written Warning:

The written warning should refer to the formal verbal warning (where applicable), outline the reasons for the warning as well as what is expected and include a time frame whereby the employee's performance is expected to meet acceptable standards. In certain situations, i.e.: tardiness, improvement expected should be immediate. Prior to issuing the written warning the content will be discussed with the Council. Copies of written warnings will be held in the Village file and in the employee's personnel folder.

Written warnings should be issued and retained for a one (1) year term after which time they must be removed from the files and destroyed providing the employee has not been subject to any disciplinary action during that time. If an employee's performance has been inconsistent, it may be necessary to extend the written warning for an additional term, with appropriated consultation.

c) Decision Making Leave/Final Written Warning

A decision making leave is normally to be utilized in conjunction with the issuance of a final written warning. Its purpose is to impress upon the individual the seriousness of the situation, hopefully secure the employee's commitment to do what is necessary and clearly outline the outcome (dismissal or demotion) if the employee does not meet the Village's expectations. The immediate supervisor will meet with the employee to review the problem, reinforce the Village's expectations and instruct the employee to return home to decide on their future with the Village. This maximum one day leave must be with pay and is intended for the employee to reflect on the problem and the solution. If the employee decides to meet the Village's expectations his/her commitment should be obtained in writing. The commitment should be attached to and reflect in the final written warning. Similarly, if the employee decides not to give a commitment to change, this too should be reflected in the warning letter. In situations where a decision making leave is not considered appropriate, it can be waived with the approval of Council. Final written warnings are issued and retained for a period of two (2) to five (5) years depending on the seriousness of the matter. For example, a final written warning for tardiness could be issued for three (3) years and one for insubordination may be issued for five (5) years.

d) Copies of the final written warnings will be held in the Village files and in the employee's folder. Upon expiry, they must be removed and destroyed.

e) If the employee has not properly responded to the foregoing steps, further action may be taken, however, if it involved dismissal, Council authorization is required.

f) In the event of gross misconduct, the employee is subject to dismissal without notice and should be held out of service pending receipt of the approval of Council. In the case of employment abandonment, salary payments shall be suspended immediately and the situation referred to Council. For the purpose of this section, gross misconduct is interpreted to include the violations outlined in rules number:

5. Abiding by the law
7. Drugs
8. Liquor

In the case of such violations, the employee is subject to dismissal without notice.

g) During the initial probationary period, an employee may be dismissed without the formal warnings described herein.