

## **NON-UNION**

### **2.7 Conduct, Discipline and Termination**

It is the policy of the Town to treat all personnel equitably and to administer all policies and procedures consistently. When the policies or procedures of the Town are violated, or performance is unsatisfactory, appropriate disciplinary action will be taken.

Although the Town supports the theory of positive discipline it retains the right to exercise discretion and take whatever disciplinary action is appropriate to the particular circumstances. This policy does not prevent, limit or delay the Town from taking appropriate disciplinary action, including immediate termination, where the Town finds such action appropriate. When deemed appropriate by the Town, any or all of the following disciplinary steps may be taken.

Every employee is responsible, as a condition of employment, for complying with all aspects of the Town's policies. Each employee is responsible for notifying his or her Department Head or Supervisor when there is reason to believe that a violation of a policy has or will occur. Each employee is responsible for seeking clarification of any policy if they are unsure about its meaning or application.

If an employee's employment is terminated, the employee will not be eligible for rehire.

#### Counseling:

The individual is counseled about performance or conduct in an effort to eliminate possible misunderstandings, improve job performance, or explain what constitutes proper conduct. An employee's Department Head or Supervisor will make a written notation of the counseling sessions, which may become a part of the employee's personnel record/file upon notification of the employee.

#### Verbal Warning:

A verbal warning should identify the problem(s) and the expectations for correcting it. In addition, the Department Head or Supervisor may offer assistance in helping the employee resolve the cause of the problem. In the verbal warning or other step in progressive discipline, the individual should be given a reasonable period of time to correct any ongoing problem(s). A date should be stated indicating when the situation should be reviewed.

#### Written Warning:

The employee receives a written warning of discipline following continued poor job performance or repeated misconduct. A written warning may also be given if performance or conduct in the first instance is deemed by the Town to warrant such. Written warnings shall be retained in the employee's personnel file permanently.

The purpose of the written warning is to make certain that the employee is fully aware of the misconduct that has been committed, or of those areas of performance that need to be improved. If you are given a written warning, you will be required to sign an acknowledgement of receipt.

A written warning and other written disciplinary actions, including notices of suspension and discharge, should contain the following elements:

1. date of notice, full name of employee, employee's position title and department;
2. the specific disciplinary action being initiated, the date the action will take/or did take effect if immediate; and a detailed description of the offense or violation and the date such offense occurred;
3. a citation and quotation of any policy, rule, or directive that was violated;
4. a specific reference, with date, of verbal warning(s) or other actions given previously in an attempt to correct the same or similar problem;
5. a statement of what is expected of the employee to correct the problem and an offer of assistance, if applicable;
6. a statement of the consequence of a repeat or continuation of the same, or substantially similar, violation (suspension, termination, etc.);
7. if appropriate, a date when the situation will be reviewed to see if the problem has been corrected;
8. copies of the letter to the employee are to be submitted to the Human Resources Director; and
9. the employee receiving a written warning is required to sign it acknowledging receipt. Upon the request of the Department Head or Supervisor, the Human Resources Director may assist with disciplinary action.

Suspension:

At the discretion and authorization of the Town Manager, after consultation with the Department Head or Supervisor and the Human Resources Director, and with sufficient cause, the employee may be suspended without pay. Suspension may be in lieu of oral warning, written warning and disciplinary probation and may be effective immediately. Within forty-eight (48) hours of the effective date of the suspension, the employee shall be provided with a written notice stating the reasons for and the length of the suspension. If the Town requires time to investigate an incident, the employee may be suspended with pay pending investigation.

Termination:

Termination of an employee may occur under circumstances including, but not limited to, the following:

- a. the Town has made an effort to have an employee correct performance or conduct and the employee has not responded because he or she is unable or unwilling; or
- b. the employee's performance or conduct is of a nature such that dismissal is deemed by the Town to be warranted.

### Examples Of Conduct That Can Result In Dismissal:

These disciplinary measures do not constitute an exclusive list of possible actions, and may be taken in any order. They are intended merely as a guide and are not intended to create a contract or modify the “employment at will” relationship.

It is impossible to list every example of conduct that can result in dismissal from employment. In general, an employee may be terminated for any action that compromises the Town’s ability to deliver high-quality constituent service, violates Town confidentiality, Town policies or jeopardizes the Town’s reputation. Examples of such conduct include but are not limited to:

- conviction of a crime;
- insubordinate behavior which, for the purpose of this policy, is defined as an employee’s:
  - a. failure or refusal to follow the directives of a Supervisor or Department Head or otherwise failing or refusing to submit to the authority of a Supervisor or a Department Head;
  - b. disrespectful behavior toward a Supervisor or a Department Head; or
  - c. challenge to or interference with supervision;
- use of abusive, threatening or obscene language; creating a hostile work environment; discourteous treatment or physical or verbal abuse of a fellow employee, constituent, vendor or visitor;
- mistreatment of a co-worker, citizen, or other individual in carrying out the duties of your position;
- damage to, or destruction, misuse or theft of any property owned by the Town, a fellow employee, a constituent, vendor or a visitor;
- disorderly conduct of any kind, fighting, wrestling, or any such activity which is dangerous to life, limb or property;
- intentional falsification of Town records including, but not limited to, time and personnel records;
- unauthorized possession of firearms, explosives, or any knife or blade on Town property or premises;
- defrauding or attempting to defraud the Town;
- unauthorized disclosure of information that the Town regards as confidential, such as medical information protected under HIPPA;
- lying to a Supervisor or Department Head;

- discrimination against a fellow employee, constituent, vendor or visitor based on race, color, religion, gender, national origin, age, disability, sexual orientation, veteran or marital status;
- making false or malicious statements about the Town, a fellow employee, constituent or vendor;
- neglect of duty, incompetence (failure to meet job performance standards) or inefficiency;
- failure to observe or violation of the Conflict of Interest Law (G.L.c268A); and
- Intentional violation of any Town policies.

Approved by BOS 6/28/11  
Approved by PAC 2/16/11  
Effective 6/28/11