



## Administrative Regulations Office of the Mayor

**Title:** DISCIPLINE GUIDELINES FOR UNCLASSIFIED AND PROBATIONARY EMPLOYEES

**A.R. Number:** 4.11 **Effective Date:** 8/1/2008 **Page:** 1 of 2

**Supersedes:** Discipline Guidelines for Unclassified and Probationary Employees **A.R.:** 4.11 **DATED:** 2/1/2007

### I. POLICY

It is the policy of the City of Richmond to address the behavior problems of employees when the unacceptable behavior violates a City Rule, Policy, Regulation, Ordinance, or Law; or when the behavior disrupts, or adversely affects the conduct of City business. Ignoring behavioral problems can allow the unacceptable conduct to become habitual; and therefore become more disruptive, and more difficult to correct. Addressing inappropriate behavior may take the form of discipline— but is not necessarily limited to – warnings, counseling, coaching, referral to REAP, written reprimands, suspension and termination from City service. The City of Richmond reserves the right to determine the discipline that will be imposed or suggested discipline steps to be used at its discretion and exercises the right to terminate unclassified/probationary employees without cause.

### II. PROCEDURE

#### A. Guidelines for Supervisors and Managers

1. Compile all facts and documentation (notes, evaluations, correspondence, past documented discipline, etc.) relative to the inappropriate actions of the employee. Evaluate the documentation and factual evidence. Consult and review with Human Resources to determine if there are any agency directives, policies, or rules violations that will constitute disciplinary action. Select only those violations that are best supported by the evidence. Do not attempt to "pile on" violations that are not well supported by your documentation.
2. Next determine what discipline is appropriate for the seriousness of the offense. You should not only look at the facts of the infraction, but also at the employee's past record. If the employee has documented performance and/or disciplinary problems in which progressive discipline has been imposed and other steps, such as a formal referral to REAP or a written reprimand(s), then disciplinary measures such as (1) suspension, (2) reduction in pay, (3) disciplinary demotion, or (4) dismissal may be recommended.
3. Once you have determined the appropriate level of discipline the employee should be notified. The employee shall be notified in writing if the disciplinary measure is a (1) written reprimand, (2) suspension, (3) reduction in pay, (4) disciplinary demotion, or (5) dismissal.
4. Contact your payroll coordinator to make any necessary adjustments regarding pay, benefits, and change of work status, as appropriate for the type of discipline imposed. Also, forward all documents concerning the discipline to the Department of Human Resources for filing in the employees official personnel file
5. Pending the resolution of a disciplinary review, the Appointing Authority, shall place the employee on leave without pay (LWOP) if:
  - a. The employee's presence is determined to be a threat to the City, his supervisor or fellow employees.
  - b. The employee is alleged to be in violation of the City's Substance Abuse Policy.
  - c. There are allegations of workplace violence or unlawful harassment.
  - d. There are allegations of theft, fraud, or embezzlement of City property or services (this shall include property leased to the City or otherwise in the possession of the City).
  - e. The employee is charged with a misdemeanor or felony involving possession of marijuana or any controlled substance.



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Notwithstanding the aforementioned categories, nothing herein shall limit an Appointing Authority's discretion to place any employee on leave without pay pending disciplinary actions. However, if the behavior of the employee does not fall into one of the aforementioned categories the Appointing Authority at his discretion may place the employee on leave with pay or allow the employee to remain in his or a modified position.

The approval of the Director of Human Resources is required for any leave with or without pay exceeding ten (10) working days (Administrative Regulation 4.16).

The Appointing Authority may recommend the dismissal of an unclassified or probationary employee to the Director of Human Resources, for any non-discriminatory or lawful reason. Upon review of the recommendation, the Director of Human Resources shall approve or disapprove the dismissal and the employee shall have no right to a pre-disciplinary conference. If an unclassified or probationary employee is separated, he shall have no right of appeal to the Personnel Board.

### **III. DEFINITIONS**

**Unclassified Employee** - Employees in the unclassified service serve at the will of the City.

**Probationary Employment Status** – The employment status that all persons employed in a permanent position shall serve before being eligible for movement to tenured status. Probationary employees shall have limited rights and benefits. Persons employed in a temporary position shall remain in probationary status. Probationary employees serve at the will of the City.

### **IV. REGULATION UPDATE**

The Office of the Mayor, the Department of Human Resources and the City Attorney's Office shall be responsible for modification of this Policy.

**APPROVED:**

A handwritten signature in cursive script, reading "L. Douglas Wilkie".

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**MAYOR**