

CITY PERSONNEL POLICY

PROCEDURES FOR CIVILIAN DISCIPLINE AND TERMINATION

Policy # 37

Approved by Personnel Board: 2/28/02

Cecil Hicks, Personnel Director

Approved by City Council: 8/27/02

Council President Chuck Sigerson

Pursuant to the Omaha Municipal Code, Section 23-65, the following is declared to be the policy of the City of Omaha. Please check the City's e-mail system in the Public Folders under Personnel Department for the latest amendments to this policy.

This policy applies to discipline of all City employees. If at any time there is a question regarding the procedures set in this policy, please contact the Labor Relations office at 444-5974.

Policy

It is the policy of the City that all disciplinary action be as fair and consistent as possible considering the facts of each particular situation and the work record of the particular employee. Furthermore, the City is committed to comply with all labor agreements.

The ultimate purpose of any disciplinary action is to correct an employee's performance problems. The City's disciplinary system is progressive in nature (i.e., first occurrence of a minor problem is handled with less severity than future occurrences). Throughout any disciplinary process, the supervisor should give the employee every opportunity to give his/her side of the story. Disciplinary/corrective action should be discussed in private. The supervisor is expected to provide feedback regarding the discipline and outline expectations for future activity and the consequences of future performance problems. All supervisors are encouraged to take "Interaction Management" training and to follow the principles outlined in that training in considering and delivering disciplinary action.

Notification to Labor Relations

The various labor agreements and Chapter 23 of the Omaha Municipal Code provide varying time limits for the taking of disciplinary action. Supervisors are responsible for ensuring compliance with these time limits. Accordingly, when an incident occurs that may merit disciplinary action (i.e., reprimand, suspension, termination, etc.), the supervisor, or the internal investigation unit for Police and Fire, is expected to call (444-5974) or e-mail the Labor

Relations Director the same day the incident occurs, if possible, and notify this office of the following:

1. Name of the employee to be disciplined, classification, division, work reporting location;
2. Name of employee's supervisor;
3. Work rule that has been violated (if applicable);
4. The facts of the incident (date, time, place, what happened) including names of witnesses, and any statements made by witnesses and/or employee;
5. Any details of previous counseling or disciplinary action with employee.

Recommendation of Discipline

Supervisors are expected to promptly investigate, as needed, the facts of the incident. In investigating incidents that may merit any disciplinary actions, supervisors are expected to comply with the union contract (union representation, notice prior to questioning, etc.) As a result of the investigation, supervisors are expected to make the appropriate recommendation to the Labor Relations Director.

Written Reprimand

The supervisor will prepare the reprimand, which shall contain information outlined in 1-5 above. The supervisor will forward the completed form to the Labor Relations office. The supervisor may verbally notify the employee that discipline is being considered, but should not detail what the discipline may be.

The Labor Relations office will then, if necessary, investigate the facts by talking to the employee, supervisor and/or other employees. After considering the facts, the current labor contract, and the particular employee's prior work record, the Labor Relations office will either recommend approval, disapproval, or modification of the reprimand and so advise the supervisor.

If the reprimand is approved, it will be signed by the Labor Relations Director and returned to the supervisor. The supervisor will deliver the reprimand to the employee in a private setting, have the employee sign and acknowledge the receipt of the reprimand as indicated on the reprimand, and then distribute copies of the completed reprimand as indicated. The employee is allowed to make any written comments he/she chooses in the space indicated on the reprimand form. If the employee refuses to sign the reprimand, this should be noted by the supervisor on the form in the place for employee's signature.

Suspension

The supervisor will prepare and send a written memorandum to the Labor Relations office containing all pertinent information as outlined above. Included in this memorandum should be the supervisor's recommendation, (e.g., 1-day, 3-day, etc.). The supervisor may verbally notify

the employee that discipline is being considered, but should not detail what the discipline may be.

The Labor Relations office will then, if necessary, investigate the facts by talking to the supervisor and/or other employees, and review the current labor contract and the particular employee's prior work record and advise the department director.

If a term of suspension is determined to be the proper discipline, the Labor Relations office will prepare a letter of suspension and have such letter signed by the department director. Copies of this letter will be sent to: the Personnel Department, the department head, and the supervisor. The original of this letter will be delivered to the supervisor to be personally handed to the employee in a conference meeting, along with an Acknowledgment of Receipt form to be signed by the supervisor and the employee as indicated on that form. If personal delivery is not possible during a reasonable time, supervisors are expected to contact the Labor Relations Director for further instructions. The supervisor will then distribute the copies of the completed Acknowledgment of Receipt form as indicated.

The Personnel Department will monitor the appeal period. Upon the expiration of the appeal period where an employee has chosen not to appeal, or if the appeal has been denied by the Personnel Board or arbiter, the Personnel Department will notify the supervisor to assign the dates of suspension and have the P-19 prepared and processed through the channels indicated on the P-19.

Termination

A termination recommendation follows the procedures for suspensions listed above, except the supervisor indicates his/her recommendation that the employee be terminated from City employment. The Labor Relations office will investigate as mentioned above and advise the department director. If discipline other than termination is determined to be proper, the supervisor will be notified promptly (verbally and in writing), and the procedure for the decided discipline (suspension, reprimand) as outlined above will be followed.

If the department director recommends termination of the employee, the director will notify the Personnel Director, who shall then conduct a pre-termination hearing (See, City Personnel Policy: Pre-Termination Meeting - Classified Employees). The supervisor may be asked to participate in this process by delivering notices and/or determinations. The Labor Relations Director will advise the supervisor how to deliver the termination letter and follow-up paperwork and address any post-termination issues such as security, return of keys or other City property.

Seasonal, part-time and other unclassified employees

Discipline and termination of unclassified employees is handled on a case-by-case basis. The supervisor should immediately notify the Labor Relations Director and report all the facts surrounding the disciplinary incident and the employee's record. The Labor Relations Director will then advise the supervisor how to proceed.

**CITY OF OMAHA, NEBRASKA
REPRIMAND**

To: _____ **Classification:** _____

Department: _____ **Division:** _____

You are officially reprimanded for:

(State date of occurrence and section of Union contract or Chapter 23 violated.)

(Department Head/Labor Relations Director)

(Supervisor) _____ *(Title)*

I, _____, hereby acknowledge that I received a copy of the above reprimand from _____ *(Supervisor)* on _____.

My signature does not imply agreement with the facts recited herein.

(date)

(Employee Signature)

(Supervisor Signature)

Employee comments, if desired:

After a copy is delivered to the employee, the supervisor must distribute the original of this reprimand to the Personnel Department and copies to the Labor Relations Director and the department head.