



DISCIPLINE POLICY AND PROCEDURES

PM-38-01

Section: 38-00, DISCIPLINE AND APPEALS

I. PURPOSE AND SCOPE

The City of Memphis Government, in order to provide a clear, orderly, and uniform method of discipline and employee appeals of discipline, includes in its Personnel Manual Policies and Procedures a section titled DISCIPLINE AND APPEALS, (SECTION 38-00). This section is designated not to restrict operating personnel, but to help solve problems of this type in a fair and equitable manner without prejudice or favoritism.

The policies included in SECTION 38-00 apply to any employee holding a position not exempted from the provisions of the Civil Service Article 34 City of Memphis Charter, and who are not in their initial probationary period. Individual Divisions may have, in addition, more detailed work rules and/or regulations, but they may not be in conflict with City policy as set forth in the City of Memphis Personnel Manual Policies and Procedures, or where applicable, the appropriate Memorandum of Understanding.

II. POLICY

It is the policy of the City of Memphis to ensure that all employees of City Government are treated fairly within the guidelines of PM-38-01, DISCIPLINARY POLICY AND PROCEDURES.

Employees, who fail to abide by established rules, are subject to disciplinary action. An employee regardless of classification, position, profession, or work performance may be disciplined by the employee's Division Director or designee when the discipline is for just cause.

The degree and type of disciplinary action taken will be based upon the sound and considered judgment of the employee's Division Director or designee and in accordance with the policies and procedures as set forth in the City of Memphis Personnel Manual Policies and Procedures or where applicable, the appropriate Memorandum of Understanding and/or work rules.



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III. PROCEDURE

The City of Memphis Government and its Division Directors shall, for just cause, issue discipline of oral reprimand, written reprimand, suspension, demotion, and/or termination depending on factual situations and circumstances. When discipline is considered, the following procedures will be adhered to:

A. Oral Reprimand

An oral reprimand is a verbal warning of what the employee is doing wrong, and statement of what is expected of the employee in the future. When it becomes necessary to orally reprimand an employee, it is the responsibility of the employee's designated supervisor to verbally notify the employee that an oral reprimand is being given.

B. Written Reprimand

A written reprimand is written notice to the employee that a continuation of the unacceptable practice must immediately cease or the result may lead to suspension, demotion, and/or termination. A copy of the written reprimand will be placed in the employee's Division personnel file and a copy forwarded by the employee's Division to Data Management Section of the Compensation Service Center, Division of Human Resources, for inclusion in the employee's official personnel file.

C. Suspension, Demotion, or Termination

IN COMPLIANCE WITH THE SUPREME COURT LOUDERMILL DECISION (03/04/85), WHEN SUSPENSION, DEMOTION, OR TERMINATION ARE CONSIDERED AS AN END RESULT, THE FOLLOWING PROCEDURES WILL BE USED:



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1. The employee's Division Director or designee may relieve the person of duty with pay, pending an investigation of the facts.

This may be communicated orally or in writing. However, in either circumstance, it must be made clear that the employee is being relieved of duty with pay for investigative purposes only, not as a disciplinary action.

Notice of charges must be given in writing. Such notice should include sufficient information to enable the employee to respond knowledgeably to the charges at the time of the fact-finding or administrative hearing.

2. A fact-finding or administrative hearing shall be conducted at the employee's regular work site, unless otherwise noted in the notice of fact-finding or administrative hearing. If the employee is incarcerated or medically incapacitated and, if any member of management is knowledgeable of the situation and, if it appears that the employee will be confined for an extensive period of time, then a fact-finding or administrative hearing may be held at the place of the employee's confinement, or postponed to a later date. However, within a reasonable period of time, a fact-finding or administrative hearing must be held. If notice of the fact-finding or administrative hearing is given by mail, it should be mailed to the employee's last known home address or place of confinement by Certified Mail Return Receipt Requested. Where it can be arranged, a telephone fact-finding or administrative hearing is permitted in lieu of a hearing at the place of confinement.



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3. If suspension, demotion, or termination for just cause is found to be warranted, written notice must be given to the employee and must include the reason(s) for discipline and notice of appeal rights, if applicable.
4. Suspensions must always be without pay.

If an employee chooses to appeal the discipline, then he/she must follow the procedures outlined in PM-38-03, PM-38-04, and the appropriate Memorandum of Understanding.

To avoid undue disruption of the work place and/or to protect the safety of persons or property, or the other serious reasons determined by the employer, an employee may be disciplined without warning. In such cases, the employer may order the employee to leave City property at once.

Notes: Employees may voluntarily request demotion. If deemed advisable by the employee's Division Director or designee, an effort can be made to aid the employee by transfer or demotion of the employee to another job environment for which the employee is qualified within the same Division, if such a move is beneficial to both the City and the employee. If suitable positions are not open within the employee's Division, the employee may compete for open positions in other Divisions.

Exempt employees, as defined by FLSA, shall not be suspended in increments of less than a full work week such that any part of the suspended times falls with a work week in which they perform any work. Therefore, suspensions of FLSA exempt employees must be made in increments of entire work weeks. For FLSA purposes, the City's work week is Saturday through Friday.

IV. RESPONSIBILITY

It is a continuing responsibility of the Division Directors of City of Memphis Government to ensure the following:



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- A. That all Division supervisory personnel are fully aware of and adhere to the policies found within SECTION 38-00, DISCIPLINE AND APPEALS, in the City of Memphis Personnel Manual Policies and Procedures or, where applicable, the appropriate Memorandum of Understanding.
- B. That all Division supervisory personnel inform those employees under their supervision of the policies found within SECTION 38-00, DISCIPLINE AND APPEALS, in the City of Memphis Personnel Manual Policies and Procedures or, where applicable, the appropriate Memorandum of Understanding.
- C. That proper notification of disciplinary action and appeal rights is adhered to.

REFERENCE CORRESPONDING POLICIES

- SECTION 38-00, DISCIPLINE AND APPEALS