



# The City of Rocky River, Ohio

## Progressive Discipline

### **I. Policy Provision**

The Progressive Discipline Policy of the City of Rocky River, Ohio is to establish uniform, written work rules regarding subjects that have general applicability for all employees. This policy shall provide employees the rules of conduct that specify prohibited behavior and penalties that may be imposed. The unauthorized activities contained herein are not considered as all-inclusive, but are intended to be representative examples of activities that warrant immediate corrective action. Violation of this policy and other City of Rocky River, Ohio policies and procedures shall constitute cause for corrective action, up to and including termination.

The penalties reflected on General Work Rules Infraction-Discipline Grid, shall provide a framework for equitable discipline. The actual discipline imposed by the Mayor and/or Director may vary depending on the circumstances and the appropriate Collective Bargaining Agreement (CBA), if applicable. For overtime exempt employees, the discipline issued may differ from the grid as required under the Fair Labor Standards Act.

Those employees serving in an initial probationary period may be removed from their position for a violation of any rule. Supervisors shall be held to a higher standard of expectation and may receive discipline outside the grid when the Mayor and/or Director deems it appropriate. Exempt employees serve at the Mayor's pleasure and all exempt employees may also be removed from City of Rocky River employment for work rule violations. In addition, demotion is a proper form of discipline for all employees unless a CBA prohibits such action.

### **II. Applicability**

This policy applies to all City of Rocky River, Ohio employees.

### **III. Definitions**

CBA – Acronym for Collective Bargaining Agreement

Contraband – Any article which is intended for the unauthorized use or possession by any employee, or which is prohibited by law, or which city policy prohibits from

being carried onto the grounds of any city owned property, facility or office under the control of the City of Rocky River, Ohio

Demotion – The assignment of an employee to a lower level position and/or pay range.

OAC – Acronym for Ohio Administrative Code

Oral/Verbal/Written Reprimand – Supervisory memorandum in writing addressed to the employee stating the specific violation for the reprimand. For all employees, a copy is to be placed in the employee’s personnel file.

ORC – Acronym for Ohio Revised Code

Reduction in Pay – Reduction in pay to a lower step within the pay range of the employee’s current position.

Supervisory Notice – To ensure an employee is aware of inappropriate conduct and possible disciplinary sanctions.

Suspension – The loss of work without pay.

Termination/Removal – Employee’s permanent separation from employment with the City of Rocky River, Ohio.

Working Suspension – A documented suspension without loss of time or pay.

Worksite – Any city owned facility or office operated by the City of Rocky River, Ohio

#### **IV. Procedure**

##### **A. Responsibilities**

1. Each Director shall have the primary responsibility for ensuring that the General Work Rules are provided to and acknowledged by their respective employees.
2. Supervisors shall be responsible for providing requested advice and assistance to ensure employees’ compliance with this policy.
3. Director of Human Resources shall be responsible for documenting the distribution of the General Work Rules to all employees including new hires.

## **B. Personal Conduct**

1. The City of Rocky River, Ohio has a reasonable expectation that all employees shall conduct themselves in such a manner that their activities both on and off duty shall not adversely affect their ability to perform their duties as public employees.
2. City of Rocky River employees are public municipal employees and as such, have no rights of privacy in city-issued property, work product or electronic files.
3. City of Rocky River employees shall recognize the limitations of their authority and at no time use the power of their position for personal gain or advantage or for the advantage of a person closely related by blood, marriage or business association.

## **C. City Property**

1. Employees shall only use city property, including but not limited to automobiles, supplies, equipment, computers, telephones, and facilities, for official purposes. Under no circumstances shall an employee use government property for personal or private business purposes.
2. Employees shall immediately report any loss, misplacement, theft, damage or destruction of city property to their supervisor.
3. Employees shall not use City of Rocky River credentials, identification cards, or badges to induce, coerce, intimidate or deceive others to obtain, or attempt to obtain, any privilege, article or service not otherwise authorized in the performance of official duties.

## **D. Secondary Employment**

1. An employee shall not have a direct or indirect financial interest or other interest that conflicts with his/her city duties and responsibilities. This would prohibit acceptance of consideration, money or gifts from a person or organization doing business with the City of Rocky River, Ohio.
2. Employees shall not use sick leave, FMLA or other medical leave to cover time spent working for another employer.

## V. Progressive Discipline

The purpose of these work rules is to provide consistency in application and progression of disciplinary actions. This consistency, however, does not preclude the employer's use of discretion in administering disciplinary action in consideration of the facts and circumstances of each incident.

Steps in Progressive Discipline	
(S)	Supervisory
(O)	Oral/Verbal
(W)	Written
(1)	1-day Suspension
(2)	2-day Suspension
(3)	3-day Suspension
(5)	5-day Suspension
(D)	Demotion or reduction in pay/steps
(T)	Termination

1. General Work Rules & Rules/Rule Violations contains a standardized list of General Work Rules. The offenses listed are not intended to be all-inclusive. The City of Rocky River uses a dual track system for attendance-based offenses and performance-based offenses (i.e., the discipline grid follows attendance-based and performance-based offenses independently).
2. Directors and supervisors shall use the General Work Rules & Rule Violations in determining appropriate discipline for inappropriate conduct.

Each instance of violation of the General Work Rules shall turn on its own facts and distinguishing variables such as, prior disciplinary history within each track, length of time since the last discipline, and mitigating or aggravating circumstances. The penalties imposed for violating the work rules shall be determined by considering all relevant circumstances, mitigating or aggravating. Supervisors shall be held to a higher standard of conduct as they serve as an example to their subordinates.

- a. An employee shall be disciplined for violating more than one rule arising from the same incident; however, mitigating or aggravating circumstances and the relationship of multiple offenses within each track shall be considered in determining the level of discipline.
- b. Discipline shall progress in severity even for minor offenses. In those instances where a range of penalties exists, issues of mitigation or aggravation shall determine the penalty.

- c. The city shall use discretion in considering the similarity and close proximity of occurrence of an employee's prior offenses. If the employee's prior offenses are the same or similar in nature, then the lapse in time between offenses shall also be considered. Offenses, which are unrelated but are committed in close proximity to each other, also merit consideration. Pursuant to arbitration decisions, incidents do not have to be identical to trigger progressive discipline.
  - d. Generally, a supervisory remains in effect for six months, an oral or written reprimand remains in effect for one year and suspensions remain in effect for two years. Once expired, they will remain as a part of the personnel record but will not be considered in future disciplinary events. With the dual track penalty system, there can be two separate time periods that discipline remains active for progressive discipline purposes (i.e., one time period for attendance-based offenses and one time period for performance-based offenses).
3. The employer recognizes that chronic substance abuse is an illness, and considerations may be made by the Mayor and/or Director in determining disciplinary action for an employee who is participating in a substance abuse treatment program. Consideration may also be given to an employee who elects to participate in the EASE@Work Program.

## **VI. Training**

All employees shall receive formalized training on the General Work Rules upon hire. This training shall be documented on an Employee Acknowledgement sheet and added to the employee's Personnel File.

## **VII. Monitoring**

Monitoring and annual review of this policy shall be the responsibility of the Director Human Resources and the Law Director or designee.

City of Rocky River, Ohio  
GENERAL WORK RULE  
VIOLATIONS

OFFENSE INFRACTION LEVELS

A = Attendance P = Performance

**LEVEL ONE:**

- Rule 1.01A **Call off procedures**  
Failure to notify a supervisor of absence or follow call-off procedures.
- Rule 1.02A **Tardiness**  
Failure to report for duty at designated scheduled work times. If more than 1 (one) hour late, see Rule 2.06A.

**LEVEL TWO:**

- Rule 2.01A **Misuse of sick leave/ Excessive absenteeism/Sick leave pattern abuse**  
The use of sick leave for reasons other than its intended use. Excessive absenteeism, abuse of sick leave or pattern abuse of leave.
- Rule 2.02P **Leaving work area without permission**  
Leaving work area during work hours without permission of supervisor.
- Rule 2.03P **Unauthorized possession of documents**  
Obtaining, possessing, disclosing or misusing information regarding employees or the general public, or other city documents which the employee and/or the receiver are not authorized to possess.
- Rule 2.04P **Creating a disturbance**  
Creating a disturbance or disrupting the work environment.
- Rule 2.05P **Failure to report**  
Failure of employee to immediately report any personal arrest, criminal charge, or plea/conviction.
- Rule 2.06P **Unauthorized leave (AWOL)**  
Unauthorized absence occurs when the employee has insufficient leave to cover requested absence or employee does not meet policy requirements for leave in lieu of sick leave (refer to the city handbook's sick leave policy).

Employee is one hour or more late for his/her scheduled start time and notification has not been provided as required.

**LEVEL THREE:**

- Rule 3.01A **Failure to respond to emergencies/overtime calls**  
Failure to work specific hours or shift when required (mandatory overtime/emergencies) and failure to respond to calls from the employer during emergencies.
- Rule 3.02P **Carelessness: Failure to maintain control of equipment and tools**  
Failure to maintain control of city equipment, all class of tools, and other city property.

**LEVEL FOUR:**

- Rule 4.01P **Insubordination**  
Failure to follow an instruction, direct order, or command by a superior or Director.
- Rule 4.02P **Failure to remain attentive and/or sleeping while on duty**  
Failure to remain alert and/or attentive, or taking on a posture of rest during duty hours or sleeping while on duty.
- Rule 4.03P **Conveying or possessing alcohol on city (owned or operated) property including city vehicles while on duty unless otherwise required by the city's position description**
- Rule 4.04P **Unlawful participation in work stoppage**  
Participating in or encouraging others to participate in an illegal strike, slow down, sick out, or other form of job action or work interruption, concerted or otherwise; or interfering with the activities of those employees who do not participate in the illegal work interruption.
- Rule 4.05P **Falsification of documents**  
Falsifying or altering an official document.  
  
Knowingly punching/swiping or electronically recording the time record of another employee or having one's time record altered by another employee without employer's authorization.
- Rule 4.06P **Engaging in political activity**  
Engaging in political activities specifically prohibited by section 124.57 of the Ohio Revised Code.

**LEVEL FIVE:**

- Rule 5.01A **Failure to follow policies and procedures**  
Failure to adhere to department's and/or city's sick leave policy
- Rule 5.02A **Failure to follow policies and procedures**  
Failure to follow established guidelines and meet minimum qualifications of the position description assigned to employee's work classification.
- Rule 5.03P **Ethics**  
Any violation of the city's ethic laws outlined in Ordinance 155 for Ethics, the Ohio Ethics Law, (Ohio Revised Code Sections 2921.41 through 2921.45 and Ohio Revised Code Chapter 102) including, but not limited to, accepting gifts, gratuities, or other special favors, or misusing the employee's position for personal gain.
- Rule 5.04P **Engaging in personal work**  
Engaging in personal work or business while on city time or using City equipment for personal gain.
- Rule 5.05P **Destruction, damage, misuse or theft of property or equipment**  
Destroying, damaging, concealing, misusing, removing and/or stealing the property of the City, other employees, or the public.
- Damage, loss or misuse of property of the City to include but not limited to vehicles, telephones, hardware/software, computer, e-mail and internet usage.
- Damage, loss, or misuse of property to include, but not limited to property of any employee, any individual under supervision of the Department or a member of the general public.
- Rule 5.06P **Violation of safety rules**  
Failure to obey safety rules, policies, and procedures, including, but not limited to, failing to properly report any work related accident or injury, as well as failing to participate in required safety activities, programs and drills.
- Rule 5.07P **Contraband and conveying or possessing illegal drugs on city (owned or operated) property including city vehicles while on duty or time clock**  
Bringing onto city owned property, using or distributing contraband and/or illegal drugs, including but not limited to, items prohibited by Rocky River policies/procedures. A monetary threshold is not required for an item to qualify as contraband.
- Rule 5.08P **Interfering with or failing to permit an official search of person or property**  
An employee that interferes with any official search of person or property to



determine a violation of policy and or endangering another individual.

- Rule 5.09P **Failure to immediately report and/or investigate a violation of any departmental work rule, policy or procedure**  
When an employee is a witness to any violation of any departmental work rule, policy or procedure and fails to report in a timely manner.
- Rule 5.10P **Actions that could harm or potentially harm an employee or a member of the general public**  
Any actions, which can be physical and/or verbal, and should be reported to law enforcement.
- Rule 5.11P **Any act or omission not otherwise set forth herein which constitutes a threat to the security of the city, employees, or any individual under the supervision of the city, or a member of the general public**  
Any threat that is leveled against a fellow employee and/or citizen of the community and is deemed valid by law enforcement.
- Rule 5.12P **Bringing discredit to the agency**  
Any act that brings discredit to the city, including acts occurring off-duty/off-hours. Putting the city into a negative light. Impugn the reputation, your supervisor in public. Ill repute through your actions on and off duty.
- Rule 5.13P **Failure of a supervisor to properly supervise**  
Failure of a supervisor to properly supervise or enforce work rules.  
  
Includes but is not limited to failure to report EEO policy violations and failure to investigate harassment and discrimination complaints and/or situations.
- Rule 5.14P **Conviction of a misdemeanor that impairs your ability to fulfill your job requirements.**  
Employee must report any conviction of a misdemeanor so that the employer can determine if he/she is able to perform their duties as a city employee.
- Rule 5.15P **Horseplay or practical jokes**  
Engaging in “horseplay” or practical jokes with other employees and the general public while on City property/time, regardless of whether injury occurs.
- Rule 5.16P **Dishonesty**  
Being dishonest while on duty or engaged in city business, including but not limited to, deliberately withholding information, giving false or inaccurate information verbally or in writing, to a supervisor or appropriate authority.

Rule 5.17P **Failure to cooperate**  
Interfering in an investigation, including, but not limited to, coaching, threatening, or attempting to intimidate or alter the statements of a witness (employees or the general public) and/or withholding information or knowledge concerning a possible rule infraction or law violation. Garrity Rule will be applied.

Rule 5.18P **Failure to follow work assignment or the exercise in poor judgment in carrying out an assignment**  
Failure to perform assigned duties in a specified amount of time or failure to adequately perform the duties of the position or the exercise in poor judgment in carrying out an assignment.

Rule 5.19P **Failure to adhere to professional standards and/or licensing requirements**  
Failure to maintain and/or keep current any certification, license, etc., that is required to perform job duties and/or professional standards.

Failure to meet or maintain minimum qualifications of a position.

#### **LEVEL SIX:**

Rule 6.01P **Physical altercation**  
Fighting or otherwise engaging in a physical altercation with another employee or member of the general public while on duty or on city property.

Rule 6.02P **Physical altercation – with injury**  
Fighting or otherwise engaging in a physical altercation with another employee or member of the general public while on duty or on city property with injury.

#### **LEVEL SEVEN:**

Rule 7.01P **Drug Tests**  
Impeding the test process, either random or reasonable suspicion including an employee who does not immediately report to the collection site.

Tampering with a specimen or drug test, including but not limited to, the introduction of any foreign substance or specimen from another individual in place of the employee's specimen.

Rule 7.02P **Possession of a weapon(s) on city property.**  
Possession of weapon(s) or facsimile thereof while on city property, in a city vehicle, or while conducting city business unless required by the city's position description.

- Rule 7.03P **Job abandonment**  
Absent 3 or more consecutive workdays without appropriately calling off and/or notifying the work site.
- Rule 7.04P **Conviction of a felony**
- Rule 7.05P **Discrimination or Harassment**  
Any act violating the City of Rocky River's zero tolerance of ethnic intimidation or acts of discrimination/harassment on the basis of race, color, age, gender, religion, national origin, disability, sexual orientation, or political orientation.  
  
Any act violating Section 2.07 of the city's handbook (Workplace Violence) or any other types of violence and/or use of physical force.
- Rule 7.06P **Threatening, intimidating or coercing another employee or a member of the general public**
- Rule 7.07P **Misappropriating/misusing funds**
- Rule 7.08P **Gambling**  
Gambling while on city property, or with city equipment, or while conducting city business

**CITY OF ROCKY RIVER, OHIO**  
**GENERAL WORK RULES**  
 Infraction-Discipline Grid

Steps in progressive discipline are as outlined in the infraction-discipline grid. Progressive discipline shall be based on the prior discipline received and the level of the current infraction(s). Where there is a choice of penalties, issues of mitigation or aggravation shall determine the penalty.

Prior Disciplines	Level 1	Level 2	Level 3	Level 4	Level 5 (Discretionary)	Level 6	Level 7
No Priors/ Supervisory Notice	Oral/Verbal	Written	1 day	3 days	Oral/Verbal, Written, 1, 3 or 5 days or Termination	5 days or Termination	Termination
Oral	Written	1 day	2 days	3days	Written or 1, 3 or 5 days or Termination	5 days or Termination	Termination
Written	1 day	1 day	2 days	3 days	1, 3 or 5 days or Termination	5 days or Termination	Termination
1 day	3 days	3 days	3 days	5 days	3 or 5 days or Termination	5 days or Termination	Termination
2 or 3 days	5 days	5 days	5 days	5 days	5 days or Termination	5 days or Termination	Termination
5 days	Termination	Termination	Termination	Termination	Termination	Termination	Termination

Day = equals eight (8) hours for all full time employees, twelve (12) for police, and twenty-four (24) for fire.

Part time employees shall/may have their own discipline policy to follow in their assigned Department