



# REASONS FOR SEPARATIONS AND DISCIPLINARY ACTIONS

(FROM THE WARNER ROBINS CITY CODE)

## Sec. 18-39. - Separations.

An employee may be separated from the service of the city by any one of the six (6) different methods as described below:

- (1) *Resignation.* To resign in good standing, an employee shall give in writing to his or her department director at least ten (10) working days' prior notice. Normally, failure to comply with this rule shall be entered on the service record of the employee, shall result in a denial of reemployment rights and shall result in a reduction of accumulated annual leave by one (1) day of each calendar day less than the required ten (10) days' notice. However, in cases of exceptional circumstances, the department director, with the approval of the director of administrative services, may exempt an employee from any or all of these penalties.
- (2) *Layoffs.*
  - a. Any involuntary separation not involving delinquency, misconduct or inefficiency, shall be considered a layoff.
  - b. When, for any reason, it becomes necessary to reduce the working force in a department, employees shall be laid off on the basis of the following three (3) factors to be weighed equally: length of service in position, length of service with the city and the average performance rating for the last three (3) years of service or for the entire period if it is less than three (3) years.
  - c. When a department director believes that a certain individual is essential to the efficient operation of the department or organizational unit because the employee possesses special skills or abilities, and the director wishes to retain this individual in preference to a person with a higher rating as provided above, the director shall submit a written request to the director of administrative services for permission to do so. This request shall justify the director's request by setting forth in detail the specific skills and abilities possessed by the individual and the reasons why the individual is essential to the effective operation of the department. With the approval of the director of administrative services, the individual may be retained.
  - d. If a classified service employee is scheduled to be laid off, the employee shall be offered another position if a vacancy exists and the employee is qualified to fill the position.

- e. Prior to a reduction in force, the names and job titles of any and all employees scheduled for layoff shall be submitted to the mayor for approval and until he has approved and confirmed the names submitted for layoff, no layoff shall be consummated.
  - f. Employees to be laid off shall be notified in writing by the director of administrative services at least ten (10) working days prior to the effective date of the layoff.
- (3) *Disability.* In addressing the disability of any city employee, the city shall at all times comply with any and all provisions of the Americans With Disabilities Act, as amended.
- (4) *Dismissals.* A classified service employee may be dismissed for such a cause as will promote the efficiency of service and in accordance with sections [18-40](#) through [18-42](#)
- (5) *Death.* When a classified service employee dies while in the employment of the city, his estate shall be eligible to receive accumulated annual leave.
- (6) *Retirement.* Regulations governing retirement practices will be established in the personnel rules and regulations.
- (7) A terminated employee shall continue to receive his/her pay until a final decision on the termination has been rendered by the mayor and council.

(Code 1977, § 2-7024; Ord. No. 34-94, 8-1-94; Ord. No. 38-96, § 1, 5-20-96; Ord. No. 66-96, § 2, 8-19-96; Ord. No. 31-08, 9-2-08)

#### **Sec. 18-40. - Disciplinary actions.**

- (a) Except as may otherwise be provided by general statutes of the state, the following provisions shall govern disciplinary actions affecting classified service employees.
- (b) Employees of the city are members of a team working together to provide efficient service to the public. Department directors and supervisors shall make every effort to ensure that all employees have a thorough understanding of city expectations in the areas of job behavior and performance. These rules and regulations are not intended to restrict or impose on the privileges of anyone, but are designed to ensure the rights and safety of all city employees and to provide guidelines to assure equitable and businesslike department. The city retains the right to treat each occurrence on an individual basis without creating a precedent in any future case, and to suspend any disciplinary action which it may take during good behavior and for a specified time.
- (c) A department director, after consulting with the director of administrative services and subject to the procedural rights of employees stated herein, shall have the following alternatives for disciplinary action:
  - (1) Written reprimand;
  - (2) Collection of damages for injury to or loss of city property up to the sum of one hundred dollars (\$100.00);
  - (3) Reduction in compensation within the range provided in the grade group;
  - (4) Suspension without pay not to exceed ten (10) working days or shift equivalent in any fiscal year;
  - (5) Demotion; or
  - (6) Dismissal.

- (d) Disciplinary action may be taken for any recognizable offense against the employer-employee relationship. Causes for adverse action generally include inadequate performance of duties and improper conduct on or off the job.
- (1) Conviction or guilty plea to a felony, or misdemeanor or a nolo contendere plea to a DUI charge;
  - (2) Incompetent, negligent or inefficient performance of the duties of the position held;
  - (3) Careless, negligent or improper use of city property or equipment;
  - (4) Insubordination which creates a serious breach of discipline; refusal to perform work assigned or to comply with the written or verbal instructions of a supervisor;
  - (5) Wantonly offensive conduct or language toward the public or city officers or employees; fighting on city property or work sites;
  - (6) Misuse of sick or annual leave; excessive tardiness or absenteeism without good cause; failure to work assigned hours including overtime;
  - (7) Physical or mental incapacity to perform duties;
  - (8) Fraud in securing employment; including falsifying an employment application;
  - (9) Willfully giving false statements to supervisors, managers, officials or the public, including falsification of city records;
  - (10) Misappropriation, theft or conversion of city or employee funds or property, materials or equipment; this specifically includes the use of city property for personal reasons. In addition to any disciplinary action, the involved employee may be prosecuted;
  - (11) Misuse of city employment for personal profit or to grant special privileges;
  - (12) Political activity, outside employment, or acceptance of gratuities in conflict with the policies and restrictions set forth in the city Charter, Code of Ordinances or other personnel rules and regulations;
  - (13) Possession, sale, use or being under the influence of alcohol, unauthorized controlled substances or illegal drugs except medications taken within limits set by a physician;
  - (14) Possession of unauthorized firearms, explosives or weapons on city property or work sites;
  - (15) Performing work of a personal nature on city time;
  - (16) Gambling during working time or on city property;
  - (17) Sleeping during working hours;
  - (18) Instigation of, participation in, or leadership of a strike, work stoppage, slowdown or artificial restriction of productive work;
  - (19) Refusal to submit to a medical examination for the purpose of determining fitness to remain on the job;
  - (20) Violation of city administrative directives or safety, operational, or department rules;

(21) Criminal, infamous, dishonest, immoral or notoriously disgraceful conduct or other conduct prejudicial to the city;

(22) Any other good and sufficient cause which adversely affects the safety, welfare, efficiency, or successful performance of city services;

(23) An accumulation of infractions or violations which indicate an employee's inability or unwillingness to conform to appropriate standards of performance or conduct.

(e) Before initiating disciplinary action, the department director shall:

(1) Review the charges and any applicable laws, city policies or department rules;

(2) Review the evidence (documentation, statements of witnesses, etc.) that substantiates the validity of the charged violation including any mitigating factors and the employee's previous discipline record;

(3) Review previous disciplinary actions to ensure that the action being considered is consistent with previous action taken under the same or similar circumstances; and

(4) Consult with the director of administrative services or city attorney.

(f) Employees may not be disciplined for exercising their civil rights guaranteed by the Constitution and laws of the United States of America and the State of Georgia.

(g) The provisions of this section shall not apply to reductions in pay arising out of a state of financial exigency or fiscal emergency calling for a reduction in salaries, wages, hours of work, or positions, and for purposes of any such reduction in salaries, wages, hours of work, or positions employees of the city shall be deemed to be employed "at will."

(h) Pursuant to 29 C.F.R. Sec. 541.118(a), employees who are classified as "exempt" under the City Fair Labor Act policy shall not, for disciplinary purposes, be subject to suspension without pay for periods of less than a full work week.

(Code 1977, § 2-7025; Ord. No. 45-90, § 2, 8-6-90; Ord. No. 34-94, 8-1-94; Ord. No. 38-96, § 1, 5-20-96; Ord. No. 53-97, § 1, 8-18-97)

#### **Sec. 18-41. - Notice; response; final action.**

(a) *Actions other than written reprimands and short suspensions.* In any disciplinary action other than a written reprimand or suspension of five (5) days or less, the procedures for notification, response and final action shall be as follows:

(1) *Notice.* The employee against whom disciplinary action is proposed shall be provided with a written notice stating the proposed action and the reasons therefor. Copies of any statements, documents, and investigative reports shall be given to the employee or made available for his review. A copy of the notice shall be forwarded to the director of administrative services.

(2) *Response.* The employee may respond to the notice of proposed disciplinary action within two (2) days of delivery of the notice of charges unless a longer time is authorized in writing by the department director. The employee may respond through a designated representative, in person, in writing or any combination thereof. The right to answer personally includes the right to meet with the department director and make any presentation or submit any material or evidence which is

pertinent to the matter. The department director shall consider any presentations, statements, materials or any other evidence submitted by the employee with or as a response.

- (3) *Employee's status after notice.* Employees who receive a notice proposing dismissal shall be suspended for three (3) days with pay. Employees who receive proposed notices of disciplinary action other than dismissal shall be retained in their current active status during the response period.
  - (4) *Final action.* Three (3) days after delivery of the notice of proposed disciplinary action, the department director shall deliver a notice of final decision to the employee. The notice shall be delivered personally or by mail to the address in the employee's personnel file. The notice shall be dated and shall inform the employee of the discipline imposed and the right to appeal pursuant to [section 18-42](#). Disciplinary action shall be effective upon delivery or mailing. If the proposed action is being rescinded or modified, the notice shall so indicate.
- (b) *Short suspensions.* In the case of a suspension not exceeding five (5) days or the shift equivalent, the department director may impose immediate discipline without prior written notice or the right to respond subject to the following procedures.
- (1) *Notice.* The employee shall be orally notified of the suspension including the effective date and the duration thereof. By close of business on the next working day, a written notice stating the reasons for the action shall be provided to the employee. Copies of statements, documents, and investigative reports shall be given to the employee or made available for his review.
  - (2) *Response.* The employee may respond to the department director concerning the imposition of discipline within two (2) days of delivery of the written notice of charges. The response may be through a designated representative, in person, in writing or any combination thereof. The right to answer personally includes the right to meet with the department director and make any presentation or submit any material or evidence which is pertinent to the matter. The department director shall consider any presentations, statements, materials or any other evidence submitted by the employee with or as his response.
  - (3) *Final action.* At the end of three (3) days following the imposition of discipline, the department director shall either confirm or rescind the action, and give written notice of his decision to the employee. If the action is rescinded, credit for any back pay shall be given. If the action is confirmed, the employee shall be notified of any appeal rights under [section 18-42](#)
- (c) *Reprimands.* In any case in which it is proposed that a classified service employee receive a reprimand, the procedures for notice and response shall be as follows:
- (1) *Notice.* The department director shall provide the employee with a written notice of reprimand stating the reasons for the reprimand. A reprimand need not include statements of witnesses or other supporting documents, but shall set forth the circumstances in sufficient detail to permit the employee to understand the nature and basis for the action.
  - (2) *Response.* The employee shall have the right to submit a response to the reprimand and such response shall be placed in the employee's department of human resources files.

(Code 1977, § 2-7026; Ord. No. 45-90, § 2, 8-6-90; Ord. No. 34-94, 8-1-94; Ord. No. 38-96, § 1, 5-20-96)



CITY OF WARNER ROBINS

**REASONS FOR SEPARATIONS AND DISCIPLINARY ACTIONS**

I certify that I have received a copy of the **REASONS FOR SEPARATIONS AND DISCIPLINARY ACTIONS**.

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Print Name

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Employee's Signature

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Date