

CITY OF GRAND PRAIRIE
HUMAN RESOURCES POLICIES AND PROCEDURES

Section E: **EMPLOYEE RELATIONS**
No. 09 **Discipline and Performance Improvement**
Revised and Approved: **04/08/2022**

1.0 Purpose:

- 1.1 The purpose of this policy is to outline the City of Grand Prairie's provisions for the uniform, fair and equitable administration of disciplinary action and for managing employee performance.

2.0 Scope:

- 2.1 This policy generally applies to all City employees. Sworn employees in the Police and Fire Departments are subject to provisions under Chapter 143 of the Texas Local Government Code as related to discipline and appeals. Provisions of Chapter 143 shall govern in the event of a conflict with this policy.
- 2.2 Supervisors shall administer discipline as appropriate without regard to race, color, religion, gender, national origin, age, veteran status, disability, sexual orientation, or gender identity.
- 2.3 Texas is an at-will state and therefore management or the employee may terminate employment at any time, with or without cause, and with or without notice. Provisions outlined in this policy are in no way intended to negate the "at will" status of employees.

3.0 Policies:

- 3.1 It is the city's expectation that managers provide strong leadership, develop employees, and follow progressive discipline to communicate and correct performance, conduct or attendance issues.
- 3.2 All employees are expected to perform their jobs in a safe and efficient manner, being accountable for their own choices, actions and behaviors that could negatively impact the city, department, themselves, and the community they serve.
- 3.3 Supervisors may skip levels of progressive discipline in instances where the behavior, pattern or incidents are severe enough to warrant such. Progressive discipline is not limited to specific policy violations but rather overall attempts to address performance deficiencies.
- 3.4 Discipline equal to Written Warnings and above must be coordinated through Human Resources **prior to issuance** to ensure the document and language included is consistent and includes required content.
 - a. Sworn Fire and Police do not send written warnings to HR. They only need to submit discipline equal to definite or indefinite suspensions to Human Resources to comply with TLGC, Section 143 and Civil Service Local Rules.
 - b. **Any discipline issued equal to a Written Reprimand (other than sworn personnel) or higher should be forwarded to Human Resources within 24 hours of issuance** to be placed in their employee file. Verbal/Oral reminders stay in the departmental file.
 - c. **Templates/Samples of various disciplinary documents are available on Raving Fans > Human Resources > Employee Services > Employee Relations**

CITY OF GRAND PRAIRIE
HUMAN RESOURCES POLICIES AND PROCEDURES

- 3.5 Managers should set departmental and city expectations with employees upon being hired and as needed to compliment and/or correct behavior. Expectations may be more or less rigid and can vary by department, however should be addressed consistently.
- 3.6 Performance standards are established within each department consistent with overall City policies and procedures and mostly fall into at least one of the below three categories:
 - a. Job Performance
 - b. Attendance
 - c. Personal Conduct
- 3.7 Once the employee knows what is expected, the burden of responsibility shifts from the City to the employee and can be addressed herein when expectations are not met.

4.0 Criteria for Application of Formal Levels of Discipline:

- 4.1 The primary objective of progressive discipline is to correct discipline problems with fairness and consistency. The following criteria should be considered when determining what level of discipline is appropriate when the need arises to address an employee:
 - a. Severity and kind of offense(s),
 - b. Impact of the offense(s) on other employees and/or operations in the City,
 - c. Employees length of service and work record,
 - d. Period of time since verbal counseling and/or coaching or previous disciplinary action, if any, and
 - e. Past disciplinary actions taken by the City for similar offense(s).

5.0 Basis for Disciplinary Action:

- 5.1 Any employee of the City may be disciplined for unsatisfactory job performance, attendance or any conduct prohibited by Federal, State, or Local law, City Charters, Ordinance, Human Resources Policies, Procedures and/or Departmental/ Division procedures, rules and regulations and/or violations of the overall City core values. The areas below provide examples of behavior that may warrant disciplinary action up to and including termination. These are not intended to be a complete list, as other issues may arise that warrant discipline and are not listed below.

5.2 Job Performance

- a. Inefficiency, incompetence, or negligence in the performance of duties
- b. Careless, negligent, or improper use of city time, equipment, materials, or property.
- c. Failure to properly assist customers, handle complaints, and/or escalate to a supervisor.
- d. Failure to obtain or maintain a current license or certification required by a position.
- e. Conducting outside business while on duty unless approved by Department Manager.
- f. Failure to report an accident or damage to equipment within 24 hours.
- g. Failure to promptly deliver any evidence, abandoned property, confiscated property, or city property to their supervisor or designated authority.
- h. Incurring unauthorized expenses and/or duties under the name of the City of

CITY OF GRAND PRAIRIE
HUMAN RESOURCES POLICIES AND PROCEDURES

Grand Prairie without supervisor approval.

- i. Seeking or accepting gifts or gratuities for the performance of official duties except as directed by the Department Manager.
- j. Sleeping on the job during working hours.
- k. Unapproved uses of city uniforms which include wear while under disciplinary suspensions, or on paid or unpaid leave, or worn while at a business that's primary income is selling alcoholic beverages, e.g., bars or clubs.
- l. Unsafe and/or illegal operations of vehicles while on official city business.
- m. Violation of written departmental regulations regarding performance of duties.
- n. Violation of confidentiality or disclosing confidential information to anyone who does not have a need to know.
- o. Failure to perform job duties professionally, efficiently, and without unnecessary supervision.
- p. Failure to supervise and/or demonstrate qualities of leadership necessary of the position.

5.3 Attendance

- a. Failure to call in at least one-hour to a supervisor prior to the beginning of a shift if they are unable to report to work due to sickness or tardiness. It is the employee's responsibility to call back until the employee reaches their immediate supervisor directly or by voice mail or to reach the supervisor's designee (in the event the immediate supervisor is absent).
- b. An employee who fails to give notice, or in an emergency situation fails to have another person call for them, by the start of their shift for three (3) consecutive working days will be considered to have abandoned their job and shall be terminated from the City of Grand Prairie.
- c. Misuse of authorized leave which includes engaging in extra duty employment or any other actions that are inconsistent with the stated reason for taking paid or unpaid leave on a day that the employee is on sick, bereavement or injury leave.
- d. Absence without supervisor's approval
- e. Failure to return to work following any authorized leaves
- f. Habitual failure to report to begin work on schedule, tardiness, in accordance with departmental expectations
- g. Violation of written City and/or departmental regulation regarding attendance.

5.4 Personal Conduct

- a. Unbecoming conduct and/or conduct prejudicial to good order, both on and off the job, that could bring the city into disrepute, or which reflects discredit upon or which impairs the operation of the City.
- b. Immoral conduct and/or participation in any incident involving moral turpitude which impairs employee's ability to perform as a city employee.
- c. Verbal harassment while on duty or in a city uniform including, but not limited to racial slurs and jokes, sexual innuendoes, demeaning references, and other abusive language.
- d. Discrimination against any individual on the basis of race, color, religion, sex, gender, gender identity, national origin, age, disability, or sexual orientation.
- e. Failure to report an arrest within 24 hours of the violation to the supervisor and/or chain of command.

CITY OF GRAND PRAIRIE
HUMAN RESOURCES POLICIES AND PROCEDURES

- f. Visiting prohibited establishments while on duty or in a city uniform including houses of prostitution or gambling house establishments in which the laws of the United States, State of Texas, or City of Grand Prairie are violated except in the performance of duties as directed by supervisor. Gambling, in any form, during business hours is prohibited.
- g. Fraudulent acts as a new employee, or by promotion, or other job change, in which the applicant or employee willfully misrepresented or omitted facts concerning his/her personal, educational, or employment history, qualifications for employment, physical condition and/or criminal history.
- h. Prohibited equipment operation, which includes altering, repairing, adding to, or removing any parts or accessories from any City owned or leased property without supervisor permission.
- i. Abuse of process/withholding evidence which includes intentional manufacture, falsification, destruction or withholding information or evidence regarding disciplinary actions and/or knowing or intentionally making false accusations or criminal charges.
- j. Failure to submit to tests upon the order of the supervisor, Department Director or Human Resources Director, including medical, chemical, drug, intoxicants, ballistics, photographs or finger printing.
- k. Fighting and/or horse-play, whether provoking or engaging in disorderly conduct while on or off duty, on city property or in city uniform.
- l. Fictitious illness or injury reports in which an employee feigns illness or injury, falsely reports illness or injury, or other means intended to deceive a supervisor or other city official.
- m. Unauthorized use of information systems in which an employee uses non-public information gained from any information system with limited access for anything other than official city business.
- n. Insubordination includes, but is not limited to, disobeying a supervisor's order; clear defiance of city or departmental policy rules regulations and procedures; criticizing or arguing with a supervisor in public or in front of other employees; blatantly ignoring supervisor's instructions; disrespect toward a supervisor including tone of voice and facial expressions; or leading/participating in an effort to undermine the supervising authority or refusing to accept a reasonable work assignment
- o. Failure to truthfully answer all questions or failure to provide information relative to city operations upon request of a supervisor.
- p. Possession of prohibited weapons, explosive, or fires works on city property, unless authorized by Department Manager.
- q. Theft or misuse of city funds or city property.
- r. Negligent willful damage or destruction to city property.
- s. Using city equipment or property for personal reasons.
- t. Willful acts of any kind that would endanger life and/or damage property.
- u. Reporting to work under the influence of alcohol, illegal use of drugs, possession, sale, manufacture or use of illegal drugs or other actions violating city drug policies.
- v. Participation in a political campaign.

CITY OF GRAND PRAIRIE
HUMAN RESOURCES POLICIES AND PROCEDURES

- w. Violation of any city or departmental regulation regarding personal conduct.
- x. Discourteous treatment of the public or other employee, e.g., unequal treatment, defamation of character, abusive or slanderous comments, or attempt to damage reputation.
- y. Failure to notify supervisor and Human Resources Director within 24 hours of being arrested and/or convicted of any offense
- z. Use of audio tapes or any type of voice activated equipment for the purpose of taping conversations between employees or supervisors without authorization from Human Resources or the City Manager's Office. This does not apply to interview rooms used by Police, Fire, or Human Resources during the course and scope of their daily operations or routine investigations.
- aa. Inappropriate postings on social media, work or personal, that undermines the city's policies, threatens the city's lawful business objectives, is either in the city's name or may be attributed to the city on the city's behalf without approval of the department manager; or any postings that include language or demonstrate behaviors against any other city employee which violate the city's discrimination and harassment policies
- bb. Under no circumstances will videotaping, recording and/or distributing sensitive, disturbing and/or graphic images that occur during the course and scope of business be done on a personal cell phone, city issued cell phone or personal electronic device unless there is a legitimate and immediate business need to record such information. Any such information should be immediately turned over to the Police Department or other appropriate high-ranking city official immediately and shall not be provided to any other person without specific authorization by such city official. Once turned over, any such images should be destroyed.
- cc. Under no circumstances will videotaping or recording of sensitive or graphic images or traffic crashes be made available to unauthorized persons except through approved police department procedures.
- dd. Lying or misrepresenting information, whether verbally or through written documentation.
- ee. Unauthorized solicitation in an attempt to advertise or sell any product or service for personal gain or interests.

6.0 Ignorance of Rules:

- 6.1 Ignorance of the rules and regulations is not an excuse or justification for any violation of them by an employee. Employees are responsible for their own behavior and acts.

7.0 Employee Assistance Program (EAP) Mandatory Referral by Supervisor/Manager:

- 7.1 A supervisor/manager may contact Human Resources if they have an employee they believe needs to be mandatorily referred to the Employee Assistance Program when an employee's work performance shows a pattern of decline or they display disruptive behavior in the workplace.
- 7.2 Failure to actively participate and comply with all recommendations by the EAP counselor or to accept the referral to the EAP program may be subject to disciplinary action up to and including termination.

CITY OF GRAND PRAIRIE
HUMAN RESOURCES POLICIES AND PROCEDURES

- 7.3 Human Resources will coordinate the mandatory referral and provide the manager with all related steps and information based upon current EAP processes and providers.

8.0 Levels of Progressive Discipline:

- 8.1 When considering discipline, review the type and severity of the offense, employee's work record, and any mitigating or aggravating circumstances.
- 8.2 Progressive discipline options are below and provide communication avenues between the supervisor and employee to correct behavior:
- 8.3 **Coaching:** This is a non-formal discussion intended as a training opportunity to identify minor issues occurring and to offer corrective options to the employee. This is typically part of the basic learning curve with any new employee or current employee in a new position.
- 8.4 **Verbal Reminder:** This is usually the first step in the performance improvement/discipline process.
- a. The supervisor sits with the employee to formally identify issues and to outline expectations.
 - b. The discussion is summarized in writing as to what was discussed and the employee signs the document to indicate understanding of expectations and to the items covered.
 - c. The memo is only maintained in the supervisor's departmental file and is NOT sent to Human Resources.
- 8.5 **Written Warning:** Typically occurs after a Verbal Reminder and/or when an employee's commitment to improve is not immediately met and/or sustained..
- a. A Written Warning summarizes facts, previous discussions, current issues, expectations to continue employment, and discipline that may occur if such expectations are not met.
 - b. Written Warnings must be reviewed by Human Resources prior to issuance, signed by the employee, and an executed copy saved to the departmental file and sent to Human Resources for the employee's personnel file following issuance.
- 8.6 **Performance Improvement Program (PIP):** A PIP is issued when an employee continues to fall below performance standards after attempts to bring them up to an acceptable level. A PIP is often in depth, outlining deficiencies, specific expectations or projects, improvements or deliverables required to meet expectations, and a period of up to 90 days to accomplish immediate and sustained improvements, and the consequences if not met.
- a. PIPs may last up to 90-days during which employment is not guaranteed. The employee must show immediate and sustained effort to meet documented expectations in the PIP.
 - b. PIPs may be extended one time, for no more than 30-days. Extensions are reviewed on a case-by-case basis and granted with approval between Human Resources and the department.
 - c. A PIP is not appealable by the employee.
 - d. A PIP must be signed by the employee acknowledging understanding of the expectations required to continue employment, with an executed copy

CITY OF GRAND PRAIRIE
HUMAN RESOURCES POLICIES AND PROCEDURES

maintained in the department's file and an electronic copy sent to Human Resources following issuance to be included in the employee's personnel file.

- e. At any point following issuance, and during the period a PIP is in effect, the employee may be terminated if he/she fails to demonstrate a genuine and sustained effort to meet communicated expectations and outcomes.

8.7 **Decision Making Leave (DML):** DML is most appropriate when the supervisor has continually communicated expectations and the employee is not meeting them or attempts to shift blame to others. This is the least commonly used of the disciplinary options but can be very effective.

- a. Coordinate closely with Human Resources on any DML prior to issuance. Typically, Human Resources is present to answer both employee and manager questions that may occur upon issuance.
- b. DML is a once-in-a-career opportunity.
- c. DMLs begin with a supervisor letter (drafted by Human Resources and the supervisor) to the employee outlining the reason for the DML, steps, expectations in the employee's response letter and return to work stipulations.
- d. The supervisor prepares and issues their letter to the employee with a signature required for acceptance, and then places the employee on paid, administrative leave for the next business day.
- e. The employee must return the following business day by a deadline stipulated to meet with the supervisor. In order for the employee to decide whether he/she wants to continue his/her present employment, a very specific and detailed letter as to how they will change behavior and meet each expectation must be given to the supervisor during this meeting.
- f. The employee is forbidden to return to their worksite until he/she meets with their supervisor to discuss their letter and the letter is accepted by the supervisor. Human Resources may be included in the employee meeting if desired by the department. If the employee's letter is vague, discussion may occur and require a final amendment to ensure the letter meets supervisor specificity and commitment expectations.
- g. Vague language such as "I will try" or "I hope to..." are unacceptable. Behaviors must be specific, measurable and detailed. The employee is informed that, if he/she does not live up to this commitment and meet all job requirements for a specified period of time, e.g., 12 months, separation will result. A copy of both the supervisor's letter and the employee's response must be sent to Human Resources immediately for retention in the personnel file.
- h. Any infraction after the DML that warrants discipline results in **immediate termination**. While there is some discretion for supervisors, it is fairly narrow in scope. If the next occurrence is relatively insignificant and unrelated to the reason for the DML or there is a legitimate reason for what has occurred, then termination may not be justified. The circumstances of each situation must be considered along with consistency for all employees.

9.0 Suspension and Termination:

- a. **Suspensions:** Suspensions may vary in length, depending on the severity of the problem, mitigating or aggravating circumstances and past disciplinary record.

CITY OF GRAND PRAIRIE
HUMAN RESOURCES POLICIES AND PROCEDURES

- 1) Suspension with pay is typically done, in agreement with Human Resources, when an investigation is occurring and the employee needs to be removed from the workplace, but fault or guilt has not yet been determined/finalized. This simply allows time for the investigation to occur without the employee onsite.
- 2) Suspension without pay is typically the result of substantiated violations that are severe enough to warrant such or which follow internal departmental procedures such as safety violations etc.
- b. The department has the discretion to determine what is appropriate and consistent within their department when issuing a suspension. Suspensions must be coordinated closely between Human Resources, the department and payroll to ensure all documents are properly received regarding the suspension.
- c. **Termination:** Termination is the final step of progressive discipline, however, it may occur without pursuing progressive discipline if severity of the issue warrants such.
- d. **Dismissal or Suspension:** When a supervisor feels that a suspension or dismissal is necessary, the supervisor shall take the following steps:
 - 1) The supervisor shall conduct a thorough investigation. The supervisor shall instruct the employee and witnesses to provide a written statement describing the events leading up to the investigation.
 - 2) When a supervisor initiates an investigation that could result in serious disciplinary action, the supervisor may place an employee on special administrative leave pending completion of the investigation with or without pay and with Department/Division Manager approval and consultation with the Human Resources Department. Supervisors shall instruct the employee that he or she shall remain available for call back to the work place during normal working hours.
 - 3) The supervisor shall inform the Human Resources Department of the impending suspension or dismissal prior to any further action.
 - 4) The supervisor, in consultation with the Human Resources Department, shall prepare a letter/memo setting out the provisions of the Human Resources Policies and Procedures or departmental rules the employee violated and the facts or specific situation which constitutes the violation.
 - 5) The supervisor shall inform the employee in person or by certified mail of the reason(s) for the proposed suspension or dismissal in the form of a charge letter.
 - 6) The charge letter shall contain instructions for the employee for appealing his/her decision.
 - 7) If the supervisor decides to dismiss an employee, the supervisor shall immediately inform the Human Resources Director and refer the employee to the Human Resources Department for out-processing and an exit interview. Please follow the Separations Policy (A6).

10.0 Refusal to Sign the Formal Level of Discipline Document

CITY OF GRAND PRAIRIE
HUMAN RESOURCES POLICIES AND PROCEDURES

- 10.1 Regardless of the level of discipline document, the supervisor shall ensure that there is an acknowledgement paragraph that outlines all of the options that the employee has in accepting or not accepting the discipline document.
- 10.2 The first option is that the employee acknowledges receipt of the document and that it has been discussed with him/her and that the employee has been advised of what is expected of them in the future. By signing the document, the employee is not admitting guilt but committing to follow the communicated expectations going forward, in addition to all other policy adherence expected of any city employee.
- 10.3 The second option is for employees that do not agree with the facts of the discipline document. These employees are allowed to sign the document as such and/or attach a rebuttal letter within 5 days pertaining to the area(s) they disagree with. However, they must sign the document because they are still required to work towards the expectations communicated by the supervisor for continued employment.
- 10.4 The third option is for employees to refuse to sign the document. By refusing to sign the discipline document the employee is in essence unwilling to accept the expectations communicated for continued employment and therefore resigns from the City.

11.0 Special Circumstances Involving Criminal Cases:

- 11.1 The Department Manager with the advice of the Human Resources Director may suspend an employee, with or without pay, when the employee is involved in a criminal case that may result in disciplinary action. If the employee is found not guilty or if the prosecution does not pursue the cases the Department Manager may begin an investigation of the employee's conduct and decide whether disciplinary action is appropriate. The Department Manager may keep the employee on leave, with or without pay, during the investigation and until the Department Manager imposes disciplinary action.

12.0 Effect of Resignation:

- 12.1 An employee whose resignation is tendered and accepted after the initiation of disciplinary action forfeits their right to appeal the action.

13.0 Maintenance of Disciplinary Records:

14.0 Appeal Procedure:

- 14.1 If an employee wishes to appeal a disciplinary action they must be full time, outside of their introductory period window, and follow the City's appeal procedures as outlined in section E10, Grievance/Appeal Process.

15.0 Appendices: None