

	TOWN OF PARADISE VALLEY	
	Administrative Policy	
Title: DISCIPLINE AND APPEALS		Policy No. AP-14.1
Policy Owner: Gina Monger, Human Resources Director		
Approved By: Andrew Ching, Town Manager		
Authorized By: <i>Chapter 14: Discipline and Appeals, Town Employee Handbook</i>		Revision History: None
		Effective Date: 06/23/2024

1. PURPOSE

This policy will provide further guidance for the administration of the provisions as authorized by *Chapter 14: Discipline and Appeals* of the *Town of Paradise Valley* (hereinafter referred to as the "Town") *Employee Handbook*.

2. APPLICABILITY

- 2.1. In accordance with *Chapter 5: Conditions of Employment* of the *Employee Handbook*, the policy applies to all classified employees and unclassified employees hired before July 8, 2023, as defined in *Section 501: Unclassified Service, Subsection B.2*.
- 2.2. An employee may be disciplined, up to and including, dismissal for any violation of *Town Employee Handbook*, including but not limited to *Chapter 3: Code of Ethics* and *Chapter 4: Code of Conduct*; Town administrative policies, departmental directives and orders, and other Town rules, procedures, and expectations.
- 2.3. The Police Department may establish and maintain a *general order* that defines the disciplinary procedure, including investigative procedures for department personnel, in accordance with state or federal requirements.

3. TYPES OF DISCIPLINE

3.1. General Discipline

- 3.1.1. Discipline is differentiated from corrective action/counseling by the delivery of a warning should further recurrence of misconduct or continued poor performance occur. The warning statement in formal discipline will include that should recurrence of misconduct occur, further disciplinary action may be taken, up to and including dismissal.
- 3.1.2. Discipline is documented action and included in the affected employee's personnel file. The Town Manager/designee may provide a form for use in documenting formal disciplinary action.
- 3.1.3. The level of discipline from least to most severe is verbal reprimand, written reprimand, suspension, involuntary demotion, and dismissal.
- 3.1.4. Corrective action and counseling typically will not be included in the personnel file, and may be verbal and informal in nature.

3.2. Verbal Reprimand

- 3.2.1.** A verbal reprimand is formal notification of disciplinary action being taken against an employee. A verbal reprimand is a discussion with the employee that includes an explanation of the demonstrated unsatisfactory job performance or misconduct, what was violated, and the future performance expectations of the employee, along with the disciplinary warning statement, should further misconduct (including poor performance) occur.
- 3.2.2.** The verbal reprimand is documented by the supervisor who delivered the action with the date, time, and general nature of the employee conduct that gave rise to the disciplinary action. The documentation of the verbal reprimand is not formal in nature and is only intended to memorialize the discussion.

3.3. Written Reprimand

- 3.3.1.** A written reprimand is an official written notification to an employee of disciplinary action. The written reprimand will include:
 - 3.3.1.1.** A summary of the employee misconduct giving rise to the reprimand.
 - 3.3.1.2.** A summary of the employee's response upon being questioned about the misconduct or a summary of the employee investigation if one was conducted.
 - 3.3.1.3.** The policy, procedure, general order, handbook, performance and job expectations, working conditions, or other employment rule that was violated.
 - 3.3.1.4.** The future expectations of conduct and performance of the employee.
 - 3.3.1.5.** The warning statement that should there be recurrence, further disciplinary action, up to and including dismissal may be taken.
- 3.3.2.** Written reprimands may be issued by anyone within the employee's direction line of supervision, up to the Town Manager.

3.4. Suspension Without Pay

- 3.4.1.** Suspension without pay is the removal of the employee from the workplace for a specific period of time, but no less than 7 calendar days and no more than 14 calendar days, as a result of the finding of employee misconduct.
- 3.4.2.** During a period of suspension, a suspended employee may not work additional hours that are compensated at regular or overtime rate, nor may any form of paid leave or compensatory time be used in lieu of unpaid hours.
- 3.4.3.** Exempt employees may not be suspended without pay for disciplinary reasons for a period of time less than 40 hours except for infractions of safety rules "of major significance" or in accordance with applicable Fair Labor Standards Act requirements. Safety rules of major significance are those rules and supervisory directives relating to the prevention of serious hazard, damage or danger to the Town, its facilities, employees, or the public.

3.5. Involuntary Demotion

3.5.1. Involuntary demotion is reassignment of an employee from a position in one pay range to a different position in a lower pay range.

3.5.2. An involuntary demotion will not result in the displacement of another employee unless the displaced employee voluntarily agrees to be reassigned to another equivalent position.

3.6. Dismissal

Dismissal is the discharge for cause of an employee from the Town service. Employees who are dismissed for cause from Town service are not eligible to be rehired in any capacity by the Town.

4. DELEGATION OF AUTHORITY

4.1. The Town Manager has authority to impose disciplinary action as warranted, and as defined in *Section 3. Types of Discipline*, against any classified or unclassified employee, except unclassified employees who are appointed by the Town Council.

4.2. The Town Manager has delegated authority to department directors and their subordinate supervisors to impose verbal and written reprimands and suspensions. Department directors/supervisors are encouraged to discuss proposed disciplinary action with Human Resources prior to imposing discipline to ensure consistent and equitable application of discipline across the Town.

5. PROCEDURE

5.1. Overview

5.1.1. Generally, progressive discipline should be followed to ensure that employees are afforded sufficient opportunity to correct unacceptable behavior.

5.1.2. The seriousness of the employee misconduct may warrant overriding progressive discipline and result in immediate dismissal. A combination of disciplinary actions may be used.

5.2. Allegation of Misconduct

5.2.1. When an allegation of misconduct (including unsatisfactory work performance) is made, the appropriate supervisor/manager will engage in fact-finding to determine the circumstances surrounding the employee's conduct.

5.2.2. If the facts are unclear or incomplete, an employee investigation may be initiated in accordance with the administrative policy for employee investigations. Completion of any disciplinary action should occur within 30 calendar days of the Town becoming aware of the alleged misconduct; however, action may be taken after the recommended 30-calendar day period, as appropriate.

5.3. Employee Response

The employee will be questioned and have the opportunity to respond to the allegations verbally or in writing. Any response received by the employee will be considered prior to any final decision regarding misconduct or action to be taken.

5.4. Imposing Discipline

5.4.1. For findings that warrant a verbal or written reprimand, the appropriate supervisor will refer to Subsections 3.2 *Verbal Reprimand* and 3.3 *Written Reprimand* for delivery and documentation of the disciplinary action. For all other disciplinary actions, *Section 6. Notice of Discipline*.

5.4.2. The appropriate action will depend upon the severity, frequency, and pervasiveness of the misconduct and any prior corrective and/or disciplinary action taken against the employee.

6. NOTICE OF DISCIPLINE

For proposed suspensions, involuntary demotions, and dismissal actions, the process outlined in this subsection will be followed.

6.1. Pre-Disciplinary Notice

6.1.1. Following the fact-finding or investigative process, if the proposed disciplinary action is suspension, involuntary demotion, or dismissal, then Human Resources will prepare a pre-disciplinary notice to be delivered to the employee that includes the following:

6.1.1.1. Date (and time as applicable) of the alleged misconduct;

6.1.1.2. Date the Town became aware of the alleged misconduct;

6.1.1.3. The proposed disciplinary action;

6.1.1.4. Summary of the facts, including the employee's response to the allegation(s); and

6.1.1.5. Summary of the violations of the Town policies, procedures, rules, and work expectations

6.1.2. The notice will be signed by the supervisor recommending the disciplinary action.

6.1.3. The pre-disciplinary notice will also include a meeting notice with the department director/head to afford the employee the opportunity to explain why the proposed action should not be taken against them. The meeting should be scheduled for no less than three business days following the delivery of the pre-disciplinary notice to the employee.

6.2. Pre-Disciplinary Meetings

6.2.1. The meeting will be conducted by the department director and Human Resources will attend to provide procedural guidance during the meeting as needed.

6.2.2. The employee may bring a representative to attend on their behalf, but the representative may not interfere with the meeting or answer questions directed at the employee. If an employee of the Town attends as a representative, the employee representative will be considered their own personal time and be required to use eligible leave accruals for their missed work time.

6.2.3. The employee may provide any new information that they believe may be relevant for the manager to consider.

6.2.4. The employee may decline to attend the meeting and/or provide a written response in lieu of their attendance.

6.3. Determination of Discipline

6.3.1. Following the pre-disciplinary meeting, the department director may seek more information prior to making the determination.

6.3.2. If the decision is to impose discipline, the department director will provide a written notice of discipline explaining the decision, including any mitigating or aggravating factors, and what the final disciplinary

action is and any details regarding its execution. The notice of discipline will generally be delivered to the employee within seven calendar days following the meeting.

6.3.3. The notice of discipline will include the appeal process, as defined in *Section 7.0 Appeals*.

6.3.4. If the decision is to vacate the proposed discipline, the department director will provide a written notice to the employee that the proposed action has been dismissed.

6.4. Execution of Discipline

The disciplinary action may be executed while the action is under formal appeal procedures as set forth in *Section 7. Appeals*.

7. APPEALS

7.1. Subject to Appeal

Only suspensions, demotions, and dismissals are subject to the appeals procedure.

7.2. Step 1: Town Manager

7.2.1. Within 7 calendar days of receipt of the notice of discipline, the employee may submit a written request to Human Resources to appeal to Step 1, the review by the Town Manager.

7.2.2. Within 14 calendar days of receipt of the written appeal, a meeting will be scheduled with the Town Manager to hear the employee's appeal. The Town Manager may ask questions or request further information from the appealing employee or others with knowledge of the facts.

7.2.2.1. Employees may elect to provide a written statement in lieu of attending the Step 1 meeting. If the employee elects to provide a written statement, the statement must be received by Human Resources on or before the date/time of the Step 1 meeting.

7.2.2.2. If the employee fails to appear for the Step 1 meeting without prior notice, the employee is considered to have withdrawn their right to any further appeal and the disciplinary action will be upheld.

7.2.3. Within 14 calendar days following the Step 1 meeting, the Town Manager will provide a written response to the employee. The Town Manager/designee may extend the respond deadline and will notify the employee of such extension. The response will include the process to appeal the disciplinary action to Step 2, the Personnel Appeals Board (PAB).

7.3. Step 2: Personnel Appeals Board

7.3.1. The PAB is comprised of appointed committee members to hear disciplinary cases and render decisions on behalf of the Town. See *Appendix A* for current board members.

7.3.2. Within 7 calendar days from the receipt of the Step 1 appeal decision, the employee may submit a written appeal to the Town Clerk to move the appeal to Step 2. A hearing before the PAB is allowed only after the employee has exercised and exhausted their Step 1 appeal process.

7.3.3. The PAB will follow the *PAB Rules and Procedures* for conducting the appeal hearing and issuing the decision. The PAB's decision will be provided to the employee in writing within 30 calendar days following the hearing. The decision of the PAB is final and binding.

8. REFERENCES

Appendix A: Personnel Appeals Board Members



**TOWN OF PARADISE VALLEY
Administrative Policy**

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**Policy No.
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Appendix A: Personnel Appeals Board Members and Liaison

Revision History:
None

Effective Date:
06/23/2024

Name	Title	Term Start	Term Expiration
Fernando Iacona	Board Member	2023	2025
Deborah Corso	Board Member	2023	2025
Neil Hiller	Board Member	2024	2027