X. DISCIPLINE & GRIEVANCE

A. Discipline Policy.

In General. City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities. It is the policy of the city to administer disciplinary penalties without discrimination.

Probationary Employees. Just cause and progressive discipline are not required for probationary employees. Subject to state law on veterans' preference, and subject to Minn. Stat. Sec. 181.931 et seq., a probationary employee may be disciplined or discharged by the city administrator with or without just cause.

All Other Employees. Disciplinary action against employees shall be for just cause, as deemed appropriate by the city. The supervisor or department head may investigate any allegation regarding the employee on which disciplinary action is based before any disciplinary action is taken.

When possible, discipline of employees will be based on the nature and severity of the infraction and conditions surrounding the incident. Discipline may include oral reprimand, written reprimand, suspension with or without pay, involuntary demotion, forced transfer to a comparable position, withholding a salary increase, decreasing the employee's salary and discharge.

Just Cause. Just cause for discipline includes any and all failures to fulfill an employee's duties and responsibilities. This includes, but is not limited to, the following:

a. failure to properly perform job responsibilities set forth in the employee's job description;

b. failure to comply with this policy;

c. insubordination;

d. engaging in actions or inaction that give the appearance of impropriety;

e. exhibiting a disregard for the need to maintain the public's pride in the City and City government;

f. failure to comply with the equal employment opportunity laws and regulations;

g. knowingly making a false statement or disclosure;

h. falsifying any City document;

i. releasing private or other protected information in violation of Minnesota Statutes Chapter 13;

j. entering into a contract on behalf of the City without the prior consent of the Council.

Disciplinary Authority

a. For all disciplinary issues department heads and supervisors are encouraged to consult with administration.

b. Any disciplinary action that will result in documentation placed in an employee's personnel file requires prior consultation with the city administrator.

c. The hiring authority for a position must approve of disciplinary action that results or may result in loss of wages such as suspension, demotion or termination.

Disciplinary Action Steps. The following steps may be used for disciplinary action against an employee. The city has the right to waive progressive discipline depending on the cause.

a. Oral Reprimand. The employee's supervisor may give the employee an oral reprimand. A written note may be placed in the employee's personnel file indicating that an oral reprimand was given.

b. Written Reprimand. The employee's supervisor may give the employee a written reprimand. The employee must sign the written reprimand to acknowledge its receipt. The signature of the employee does not mean that the employee agrees with the reprimand. The reprimand shall be placed in the employee's personnel file.

c. Suspension or Other Disciplinary Action. An employee may be suspended with or without pay, demoted, transferred to a comparable position, placed on probation, denied a salary increase; or may receive a decrease in salary.

The city will notify the employee of the reason for and length of the suspension, whether it is with or without pay, and any further discipline the employee may face should the misconduct continue. If an investigation is conducted and shows that the allegations of misconduct are false, the employee may receive back pay for some or all of the period of suspension, as determined by the city administrator.

Any employee suspended without pay for more than one pay period shall continue to receive insurance benefits. The employee shall be responsible for paying the employee's share of any premiums if applicable. Such payment is due to the city by the 1st of each month for each full or partial month during which the employee is suspended.

An employee suspended without pay for more than one pay period shall not accrue or be allowed to use any accrued leave or holiday leave.

d. Discharge as Discipline. An employee may be discharged by the hiring authority only for just cause.

Hearing. In any case of discipline under (c) or (d) above, the employee may appeal to the City Council. The appeal must be submitted in writing to the City Council through the city clerk with a copy to the city administrator within 10 days following the disciplinary action. The action of the City Council will be final, subject to any right to appeal under state law.

B. Grievance Policy.

In General. It is the policy of the city insofar as possible to prevent the occurrence of grievances and to deal promptly with those which occur.

Procedure. Employees may file a formal grievance in cases where they believe the policies and procedures of this personnel policy have not been fairly or accurately applied, so long as the subject matter is not covered by a collective bargaining agreement. Grievances shall be handled through the procedures set forth below, unless the grievance relates to sexual harassment, in which case the procedure set forth in the sexual harassment section of this policy shall control.

a. Grievance Brought by Employee. An employee must submit a grievance to his or her supervisor in writing, within 10 days of the incident which is the subject of the grievance. If the supervisor is the subject of or a party to the grievance, then the employee may submit their grievance to the city administrator.

b. Investigation. The city administrator shall discuss the relevant circumstances with the employee and may investigate the matters disclosed in or relevant to the grievance.

   An employee may choose to have a third party, such as a union representative or co-worker, present at an investigatory interview, however, that person has no right to interfere with or participate in the interview, but rather is present merely to act as a witness.

c. Resolution. The supervisor shall consider and examine the causes of the grievance and any other related matters, and attempt to resolve the grievance. The supervisor shall provide written notice to the employee of the resolution, and of the employee's right to appeal the matter to the city administrator.

d. Appeal. The employee may appeal the supervisor's resolution of the grievance to the city administrator. The appeal shall be in writing, and delivered to the city administrator within five days after the supervisor notifies the employee of the supervisor's resolution of the grievance. The city administrator's decision on the appeal is final.