

City Counter to AFSCME  
November 5, 2024

City TA:

Am Km  
11/5/2024

Union TA:

KARL 11/5/24

### Article 35. Discipline and Discharge

1. Disciplinary actions or measures shall include only oral warning, written reprimand, demotion, suspension and discharge. Disciplinary action or measures may be imposed only for just cause. Any disciplinary action or measure imposed upon an employee may be processed as a grievance through the regular grievance procedure.
2. If the parties agree, a Performance Improvement Plan (PIP) may be used in place of the disciplinary steps prior to discharge in cases of employee performance problems. The content of the PIP will be mutually agreed upon and either parties' offer or refusal to agree to a PIP shall not be used against them in the grievance procedure.
3. If the City has reason to reprimand an employee, it shall be done in a manner that will not embarrass the employee before other employees or the public. If the City has reason to discuss any disciplinary action or the possibility of any disciplinary action, the employee shall be given the option of having a Union representative present at any such discussion. Written disciplinary actions shall not be posted; however, this does not preclude management from notifying other management and employees when restrictions are applied to an employee as a result of discipline.
4. Additionally, Police Bureau employees are provided with the following: prior to being interviewed regarding an Internal Affairs investigation for any reason which could lead to disciplinary action, an employee shall be afforded an opportunity and facilities to contact and, consult privately with an attorney of his choosing and/or a representative of the Union.
5. **Discharge, Demotion and Suspension.** The City shall not discharge, demote, or suspend employees without just cause who have completed their probationary period as provided in section 1.1.1. If, in any case, the City feels that there is just cause for discharge, demotion or suspension, the employee involved, and the ~~appropriate~~ Union shall be provided with a written notice of proposed discipline seven (7) calendar days before the effective date. Such notification shall state the nature of the offense for which the employee is being discharged, demoted, or suspended, in detail, specifying dates, locations, and the particular nature of the offense committed by the employee and the right to respond to the authority proposing such action either orally or in writing prior to the effective date of proposed discipline.
6. Records of oral or written reprimand ~~not involving other~~ ~~not involving other~~ disciplinary action, shall be removed from an employee's personnel file after one year, upon the employee's request, provided in the judgement of the City, the employee has taken corrective action and has received no other disciplinary actions. Approval to remove such material from the file shall not be unreasonably withheld. ~~on the employee's request, provided in the judgment of the City, the employee has taken corrective action and has received no other disciplinary actions. Approval to remove such material from the file shall not be unreasonably withheld.~~
7. Any employee found to be unjustly suspended or discharged shall be reinstated with full compensation for all lost time and with full restoration of all rights and conditions of employment unless otherwise stipulated by mutual agreement or otherwise specified in the grievance procedure or by an arbitrator under the grievance procedures hereinafter set forth.
8. Just cause provisions of this section do not apply to temporary employees, as defined in Article 1.
9. Upon separation, discipline, or discharge, a temporary employee as defined in Article 1, may write a statement which will be maintained with the employee's official records on file in the Bureau of Human Resources.