



POLICIES AND PROCEDURES

SUBJECT Disciplinary Action and Grievance Procedure	DEPARTMENT Human Resources		DEPARTMENT IDENTIFICATION 1400	
	SECTION 1403	PAGES 1	EFFECTIVE DATE 1/1/82	REVISION DATE 12/18/12 TBD

1.0 PURPOSE:

To describe the policies and procedures to be followed by the Human Resources ~~Division~~ **Department** and other City Departments when employees, except Elected Officials, **and** Department Heads ~~and protective service employees~~, are subject to discipline. To describe the policies and procedures to be followed by eligible City employees, the Human Resources ~~Division~~ **Department** and other City Departments in regard to grievances.

2.0 ORGANIZATIONS AND PERSONS AFFECTED:

This policy applies to all City of West Allis departments, boards, commissions, and employees, except as otherwise noted and unless the disciplinary procedures for such individuals are specifically provided for in other City policies, ordinances, and/or statutory regulations.

3.0 POLICY:

It is the policy of the City of West Allis to follow a uniform set of procedures when a City employee is subject to discipline and to provide a grievance procedure pertaining to discipline, termination and workplace safety.

4.0 REFERENCES:

City of West Allis Revised Municipal Code, Section 2.76(7)
~~City of West Allis Civil Service Commission Rules and Regulations~~

5.0 PROCEDURES:

5.1 Causes of Discipline. Causes for discipline include, but are not limited to, ~~the factors set forth in Rule IX, Section 1, of the City of West Allis Civil Service Commission Rules and Regulations.~~ **That an employee:**

- a) **Is subject to a pending criminal charge, if the circumstances of the charge substantially relate to the circumstances of the employee's particular job.**
- b) **Has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the employee's particular job.**
- c) **Is inefficient, produces a substandard quality or quantity of work, fails to completely and accurately document relevant information, leaves his/her job without permission or in any other manner neglects his/her duty.**

- d) Engages in dishonest, misleading, or deceptive conduct.
- e) Is in the possession of or under the influence of drugs or alcohol while on duty.
- f) Is insubordinate or undermines the authority of a supervisor.
- g) Causes and/or works unauthorized overtime.
- h) Has willfully disobeyed established policies, rules or departmental orders promulgated in good faith.
- i) Refuses to obey a lawful and reasonable policy, order, rule or regulation.
- j) Is careless and negligent with City property.
- k) Has engaged in conduct that is not in the best interest of the City or Department.
- l) Is wantonly offensive in his/her conduct or language towards the public or towards City officers or employees.
- m) Has used, or threatened to use, or attempted to use, personal political influence in securing promotion, leave of absence, transfer, change of grade, pay or character of work.
- n) Has been induced, or has attempted to induce an officer or employee in the service of the City, to commit an unlawful act, or to act in violation of any lawful and reasonable departmental or official policy, regulation or order; or has taken any fee, gift or other valuable thing in the course of his/her work, or in connection with it, for his/her personal use, from any citizen, when such fee, gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other citizens.
- o) Has induced or attempted to induce any person, firm or corporation doing business with the City to give employment to any relative of said City officer or employee, or has induced or attempted to induce any person, firm or corporation as aforesaid to show any material favor or consideration of any kind to any relative of said City officer or employee, when said officer or employee holds a position in a department, division or office having direct contact with such person, firm or corporation.
- p) Has stolen or attempted to steal City property, or the property of others, including theft of work time, excessive time on breaks, misuse of sick leave or other designated leave, misrepresenting work time, or failing to accurately record work time.
- q) Is excessively tardy or absent.
- r) Conducts personal business on City time.
- s) Has with respect to political activities and management:
 - (1) Neglected assigned duties and responsibilities or engaged in prohibited political activities.

Following are examples of activities permitted employees as private citizens and those activities which are prohibited:

Voting - An employee may vote as s/he chooses.

Opinions - An employee may express his/her personal opinion on any and all subjects, verbally or in writing. S/He may sign petitions.

Campaign Materials - An employee may voluntarily wear a campaign button or badge, on

or off duty; carry stickers, signs, and other electioneering materials affixed to a privately owned vehicle; however, the use of such materials on City owned vehicles, equipment, buildings, or other City property is prohibited.

Contributions - An employee may voluntarily contribute money or service to a candidate, campaign, party, group, or cause. Solicitation of contributions of money or service during working hours is prohibited.

Candidacy - An employee may run for political office as provided in Section 2.76 (15) (b) of the Revised Municipal Code.

Campaign Work - An off-duty employee may voluntarily circulate nomination papers, distribute campaign literature, type, stuff envelopes and perform other clerical services, telephone and convey voters to the polls, and participate in a political convention, meeting, rally, demonstration or parade. Campaign work of the nature listed under this heading is prohibited during working hours and is further prohibited off duty by any employee in a City uniform or wearing a City badge. Use of City property for campaign work is prohibited.

Memberships and Appointments - An employee may belong to a political party, group, club or civic organization; hold memberships in "Citizens for _____" or similar organizations; serve on political committees or as an officer or delegate in political organizations; attend political meetings or social functions of a political nature. S/He may accept appointments to non-elective boards, committees, and commissions, provided there is no conflict of interest.

Note: Those employees whose salaries are partially financed by Federal funds may be subject to the restrictions of the Federal Hatch Act. Questions about these employees engaging in the permitted activities listed above should be referred to the Human Resources Division for clarification.

- (2) Promised or used influence to secure public employment, or any other benefit financed from public funds as a reward for political activity.
- (3) Discriminated in favor of, or against, an officer, employee, or job applicant on account of his or her political contribution, permitted political activity, or neutrality.

- 5.2 Discipline Procedure. ~~The procedures set forth in Section 2.76(7)(a) of the City of West Allis Revised Municipal Code shall be followed~~ With the exception of protective service employees who are governed by the provisions of Section 62.13, Wis. Stats., whenever a Department Head/Appointing Authority or their designee believes that an one of their employees, other than employees in the Executive Service/City Officers, and protective service employees, has acted in such a manner to have merited discipline, the Department Head/appointing authority or their designee shall seek procedural advice from the City Attorney's Office and the Human Resources Director. Disciplinary action may include, but is not limited to, a verbal warning, written warning, suspension, demotion, termination, or a combination of the above if applicable. Upon determining an appropriate discipline, if any, the Department Head/appointing authority or designee shall provide the employee with written notification of the disciplinary action being imposed and the reasons therefore, and a copy of the same shall be placed in the employee's official personnel file.
- 5.3 Grievance Procedure. The procedures set forth in Section 2.76(5)(b) of the City of West Allis Revised Municipal code shall be followed when eligible employees choose to grieve a discipline, termination or workplace safety issue, all as defined therein.