



City of Medford Administrative Regulation

Regulation No. 89-2-R2

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Subject Area: Personnel

Date of Issue: Revised 5/24/95

Supersedes:

TITLE DISCIPLINARY ACTION PROCEDURE

I. PURPOSE

The purpose of this regulation is to identify the procedure to be followed by management personnel who initiate suspension, demotion, or discharge.

II. SCOPE

This regulation is a directive addressed to all management employees. It does not create any new employee rights.

III. SUSPENSION

The following steps shall be taken by the supervisor prior to any disciplinary suspension:

1. Consult with the Personnel Director. At this time labor agreements and personnel rules will be reviewed and applicable procedures will be discussed.
2. The employee shall be given written notice of the reasons for proposed action and an explanation of the supervisor's evidence used in support of the possible sanction. This notice should be personally delivered to the employee and should not be done in the presence of the employee's co-workers. The notice may also be sent via certified mail, if the employee is not at work.
3. Prior to a final decision by management, the employee must be given an opportunity to respond in person or in writing to the allegations before his or her supervisor. This entails giving the employee an opportunity to present any information that might clear the proposed charges or mitigate any discipline. The response should also be heard by the department head, unless he or she was personally involved in the matter. If a hearing is held, a tape recording of it should be made.
4. The person imposing the suspension should be fully informed as to all the relevant circumstances, including the prior work record of the employee. The person imposing the suspension should not be personally involved in the matter in a way that might affect his or her objectivity (for example, in a case of direction insubordination, the immediate supervisor should pass the matter to the next level in the chain of command).

5. **As a general rule, probationary and temporary employees should not be suspended. A probationary or temporary employee whose conduct or performance is unsatisfactory should usually be discharged.**

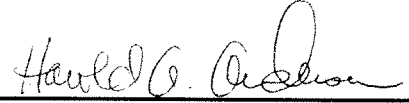
IV. DEMOTION AND DISCHARGE

The following steps shall be taken by the supervisor prior to any demotion or discharge of any regular (i.e., non-probationary) employee and any temporary or probationary employee who is charged by the City with misconduct on the job.

1. **Consult with the Personnel Director, the City Attorney, and the City Manager. At this time labor agreements and applicable procedures will be discussed.**
2. **The employee shall be given written notice of the reasons for the proposed action and an explanation of the supervisor's evidence used in support of the proposed sanction. In the case of a probationary or temporary employee who is being discharged for reasons other than misconduct on the job, it is sufficient to say that the person's employment has been terminated. This notice shall be personally delivered to the employee and should not be done in the presence of the employee's co-workers.**
3. **Prior to a final decision by management, the employee must be given an opportunity to respond in person or in writing to the allegations before his or her supervisor. This entails giving the employee an opportunity to present any information that might clear the proposed charges or mitigate any discipline. Except in the case of a probationary employee, the response should be heard by the department head unless he or she was personally involved in the matter. If a hearing is held, a tape recording of it shall be made.**
4. **The department head shall confer with the supervisor and the Personnel Director to recommend the appropriate type of sanction.**
5. **The department head shall then forward his recommendation to the City Manager along with any information presented by the employee in his or her own defense. The final determination of demotion or discharge shall be made by the City Manager.**
6. **The steps taken to provide due process for the employee shall be documented in writing.**

V. LAST CHANCE AGREEMENT

Before an employee is subject to a "last chance agreement" as an alternative to dismissal, the prior disciplinary or corrective action taken shall be documented in writing. The terms of a last chance agreement shall be in writing and signed by the affected employee.



City Manager

5-26-95

Date