




## POLICY AND PROCEDURE STATEMENT

<b>SUBJECT</b> GROUND FOR DISCIPLINARY ACTION & PENALTIES	<b>PAGE 1 OF 9</b>	<b>DATE EFFECTIVE</b> NOVEMBER 1, 2018		
<b>SECTION/POLICY NO.</b> 6.02	<b>APPROVED BY</b>  MAYOR	<b>SUPERSEDES</b> VOA III-1, DECEMBER 11, 2009		
<b>PREPARED BY</b> VILLAGE ADMINISTRATOR	 VILLAGE ADMINISTRATOR	<b>APPROVAL DATE</b>	<b>ISSUE DATE</b> 12/31/2017	<b>REVIEW DATE</b>
<b>REFERENCE</b>	 PERSONNEL/BENEFIT COMMITTEE	<b>DISTRIBUTION LIST</b> WEBSITE, MAYOR, COUNCIL CLERK-TREASURER, AND VILLAGE EMPLOYEES		

**SCOPE**

- I. This Policy applies to Ashville Personnel, Ashville Government, and Contract Staff.

**POLICY:**

- I. The Group I, II and III Offenses which follow illustrate the kinds of offenses which his/her historically warrant the penalties established for the group.
- II. In general, Group I Offenses are of a relatively minor nature. They cause only a minimal disruption to the organization in terms of a slight yet significant decrease in organizational productivity, efficiency and/or morale. If ignored, Group I Offenses usually cause only temporary or minor impact to organization unless they are compounded over time.
- III. Group II Offenses are more serious than Group I Offenses. They cause a more serious and longer lasting disruption to the organization. If ignored, Group II Offenses can have a more serious and longer lasting impact against the organization than Group I Offenses.
- IV. Group III Offenses are very serious or, possibly, criminal. They cause a critical disruption to the organization. If ignored, Group III Offenses cause long lasting and serious impact against the organization.

**PURPOSE:**

- I. To have consistent processes in place for disciplinary actions and penalties.
- II. To have standards that meet federal, state and local legal requirements.

**PROCEDURE:**

The Group I, II and III Offenses which follow illustrate the kinds of offenses which his/her historically warrant the penalties established for the group.

In general, Group I Offenses are of a relatively minor nature. They cause only a minimal disruption to the organization in terms of a slight yet significant decrease in organizational productivity, efficiency and/or morale. If ignored, Group I Offenses usually cause only temporary or minor impact to organization unless they are compounded over time.

Group II Offenses are more serious than Group I Offenses. They cause a more serious and longer lasting disruption to the organization. If ignored, Group II Offenses can have a more serious and longer lasting impact against the organization than Group I Offenses.

Group III Offenses are very serious or, possibly, criminal. They cause a critical disruption to the organization. If ignored, Group III Offenses cause long lasting and serious impact against the organization.

## Group I Offenses

First Offense.....Instruction & Cautioning

Second Offense.....Written Reprimand

Third Offense.....Up to three (3) working days suspension without pay.

Fourth Offense.....Up to ten (10) working days suspension without pay.

Fifth Offense.....Termination

OCCURRENCE	RANGE OF REMEDIES				
	FIRST OCCURRENCE	SECOND OCCURRENCE	THIRD OCCURRENCE	FOURTH OCCURRENCE	FIFTH OCCURRENCE
<b>Personnel</b>					
Failure to "report off" work or unauthorized absence					
Unexcused Tardiness					
Leaving the job to which assigned or leaving premises at any time during working hours without proper authorizations					
Unexcused or unauthorized absence on one or more scheduled days of work or assigned overtime					
Failure to commence duties at the beginning of the work period, or leaving work prior to the end of the work period.					
Making preparations to leave work without authorization before lunch, any scheduled break, or before quitting time.					
Leaving a continuous operations position before being relieved by another employee.					
Neglect or carelessness in signing in or out, clocking in or out, or signaling in or out.					
Unauthorized absence from work.					
Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.					
Distracting the attention of others, or otherwise causing disruption on the job.					
Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.					
Threatening, intimidating, coercing, or interfering with subordinates or other employees.					
Failure to cooperate with other employees as required by job duties.					
Abuse of Village property or equipment.					

OCCURRENCE	RANGE OF REMEDIES				
	FIRST OCCURRENCE	SECOND OCCURRENCE	THIRD OCCURRENCE	FOURTH OCCURRENCE	FIFTH OCCURRENCE
Unauthorized use or possession of another employee's equipment.					
Failure to follow safety rules or disregard of common safety practices.					
Failure to observe Department Rules.					
Obligating the Village for any expense, service or performance without prior authorization.					
Failure to report accidents, injuries or equipment damage.					
Disregarding job duties by neglect of work, conducting personal business or reading for pleasure during working hours.					
Unsatisfactory work or failure to maintain required standard of performance.					
Use of telephone for other than Village business purposes without authorization.					
Violation of departmental uniform regulations.					
Any conflict with job duties and outside employment.					
Failure to Communicate Absence					
Failure to observe any village policy or guideline					
PROHIBITED PERSONNEL PRACTICE Committing a prohibited personnel practice (See US Code: TITLE 5 PART III Subpart A CHAPTER 23 Sec. 2302)					
Unsafe Act causing injury to self or others or damage to property or endangering the safety of self or others					
Unsafe Act causing no injury or property damage; not endangering the safety of self or others					
Security compromised					
Failure to safeguard classified material Security not compromised					
Failure to observe posted smoking prohibitions					
Failure to use protective clothing or equipment					
Violation of safety or traffic regulations at work or on an					

OCCURRENCE	RANGE OF REMEDIES				
	FIRST OCCURRENCE	SECOND OCCURRENCE	THIRD OCCURRENCE	FOURTH OCCURRENCE	FIFTH OCCURRENCE
installation					
Violation of safety or traffic regulations while working causing injury to self or others or damage to property or endangering the safety of self or others					
Violation of safety or traffic regulations while working which result in no injury or property damage; not endangering the safety of self or others					
Security compromised with failure to safeguard classified material					
Security not compromised with failure to safeguard classified material					
Unauthorized disclosure or use of information or other protected material (e.g., records covered by the Privacy Act, CFR, or CEAP records)					
Careless workmanship resulting in delay in production or spoilage or waste of materials					
Criminal, dishonest, infamous or notoriously disgraceful conduct					
Excessive discourteous conduct to the public confirmed by an immediate supervisor's report of four such instances within any one-year period					
Disrespectful conduct, use of insulting, abusive or obscene language to or about other personnel					
Reckless driving or improper operation of a motor vehicle which causing personal injury to self or others or damage to government property					
Reckless driving or improper operation of a motor vehicle which causes no personal injury to self or others or damage to government property					
Misuse of government equipment (e.g. unauthorized use of electronic mail, internet, phones, or facsimile equipment)					
Misuse of charge card (e.g. use for unauthorized personal expenses, failure to pay charge card bill in a timely manner, or failure to use card for required expenses arising from official travel)					

Group II Offenses

First Offense.....Instruction and up to three (3) days suspension without pay.

Second Offense.....Up to ten (10) day suspension without pay.

Third Offense.....Termination

OCCURRENCE	RANGE OF REMEDIES		
	FIRST OCCURRENCE	SECOND OCCURRENCE	THIRD OCCURRENCE
Loafing, wasting time, inattention to work, sleeping on the job			
Clocking another employee's time card			
Use of, or being under the influence of alcohol while at work			
Unlawful use, being under the influence, or possession of drugs or drug paraphernalia while at or off work.			
Unlawful use, being under the influence, or possession of drugs or drug paraphernalia while at work			
Refusal to obtain counseling & rehabilitation after having been found to use illegal drugs			
Unlawful distribution, sale, or transfer of drugs or drug paraphernalia on or off duty			
Discourteous treatment of the public.			
Reporting for work or working while unfit for duty.			
Possession of or drinking alcoholic beverages on the job.			
Conduct violating morality or common decency.			
Unauthorized use of Village property or equipment.			
Performing private work on Village time.			
Willful failure to sign in or out, clock in or out, or signal in or out when required.			
Unauthorized failure to report for overtime work after being scheduled to work according to overtime policy.			
Willful failure to make required reports.			
Unauthorized solicitation on Village premises			
Making or publishing false, vicious or malicious statements concerning employees, supervisors, the Village or its operations.			

OCCURRENCE	RANGE OF REMEDIES		
	FIRST OCCURRENCE	SECOND OCCURRENCE	THIRD OCCURRENCE
Refusing to testify in court, before the Civil Service Commission, during an accident investigation, or any type of public hearing.			
Lying during a complaint or grievance investigation or hearing.			
Unauthorized posting or removal of notices or signs from bulletin boards.			
Unauthorized distributing or posting written or printed matter of any description on Village premises.			
Trespassing.			
Willful disregard of Department Rules.			
Use of abusive or threatening language toward Supervisors.			
Unauthorized political activity.			
For police officers, carrying weapons off duty while using alcoholic beverages.			
Willful misuse of equipment resulting in damage to the equipment or an accident.			
DRUG TESTING Refusal to provide a urine sample when required			
Failure to appear for testing when directed, without a deferral			
Substituting, adulterating or otherwise tampering with a urine sample, testing equipment or related paraphernalia			

Group III Offenses

First Offense.....up to and including termination.

<b>OCCURRENCE</b>	<b>RANGE OF REMEDIES</b>
	<b>FIRST OCCURRENCE</b>
Discrimination against an employee or applicant based on race, color, religion, sex, sexual orientation, disability, national origin, or age, or any reprisal or retaliation action against a complainant, representative, witness, or other person involved in the EEO complaint process.	
Wanton or deliberate neglect of duty or in the care, use or custody of any Village property or equipment.	
Wanton or deliberate destruction, in any manner, of Village property, tools, equipment, or the property of employees.	
Lying during accident investigations. Falsifying or altering any time card (own or other employee's).	
Falsifying or assisting in falsification or destruction of any Village records.	
Lying or withholding information required on employment applications.	
Making false claims or misrepresentation in an attempt to obtain any Village benefit.	
Betting, gambling, or the promotion thereof while at work.	
Theft or concealment of any property of the Village or of other employees.	
Use or the sale of controlled substances, anytime, and sale of alcoholic beverages on the job.	
Fighting or attempting to injure other employees, supervisors, or persons.	
Unauthorized carrying or possession of firearms on Village property.	
Discharging a firearm in a <u>non-life threatening</u> situation or not in accordance with Departmental policy (other than approved target practice).	
Concealing a communicable disease such as TB which may endanger other employees.	
Harassment - Any act of harassment - sexual, racial or other; telling jokes that may be perceived as offensive; making racial or ethnic slurs.	
Violation of confidentiality which results in disruption of any law enforcement action.	
Unnecessary and unwarranted violence (physical or mental) to a prisoner.	
Dishonesty or any dishonest action. Examples included but are not limited to: theft, pilfering, opening desks assigned to other employees without authorization; theft or pilfering of lunch boxes, refrigerator, tool kits, or other property of the Village or other employees without authorization; inserting slugs in vending machines; lying to secure an excused absence or to justify an absence or tardiness;	
Insubordination at a non-emergency	
Insubordination at an emergency situation	
Disobedience to constituted authorities; deliberate refusal or failure or delay in carrying out any proper order, work assignment or instruction; insubordination, including failure to follow local or higher level policy	

The following activities, behaviors are considered as unacceptable and may result in disciplinary action:

1. Willful violation of any Village of Ashville rule; any deliberate action that is extreme in nature or is obviously detrimental to the Village of Ashville's efforts to operate profitably.
2. Negligence or any careless action, which endangers the life or safety of another person.
3. Being intoxicated or under the influence of a controlled substance while at work; use or possession or sale of a controlled substance, in any quantity, while on Village of Ashville premises, except medications prescribed by a physician which do not impair work performance; showing up to work under the influence.
4. Unauthorized possession of dangerous or illegal firearms, weapons or explosives on Village of Ashville property or while on duty.
5. Engaging in criminal conduct or acts of violence or making threats of violence toward anyone on Village of Ashville premises or when representing the Village of Ashville; fighting, or provoking a fight, on Village of Ashville property.
6. Negligent losses or damage of Village of Ashville property.
7. Insubordination or refusal to obey instructions properly issued by your supervisor or Mayor or Village Administrator that pertains to your work; refusal to help out on a special assignment.
8. Threatening, intimidating or coercing fellow employees on or off Village of Ashville premises, at anytime or for any purpose.
9. Engaging in any act of sabotage; willful or gross negligence causing the destruction or damage of Village of Ashville property, or the property of fellow employees, residents or visitors.
10. Theft of Village of Ashville property or the property of fellow employees; unauthorized possession or removal of Village of Ashville property, including documents, from the Village of Ashville premises without prior permission from management; unauthorized use of Village of Ashville property or equipment for personal reasons; using Village of Ashville equipment for personal profit.
11. Dishonesty; willful falsification or misrepresentation on your application for employment or any other work records; lying about sick, personal or other leave; falsifying a reason for a leave of absence or any other information requested by the Village of Ashville; alteration of Village of Ashville records or other Village of Ashville documents.
12. Malicious gossip and/or spreading rumors; engaging in behavior designed to create discord, lack of harmony or otherwise disrupt work performance; willfully restricting work output or causing others to do the same.
13. Immoral conduct or indecency on Village of Ashville property.
14. Unsatisfactory or careless work; failure to meet production or quality standards as explained to you by your manager or supervisor; mistakes due to carelessness or failure to get necessary instructions.
15. Leaving work before the end of the normal workday or not being ready to start work at the beginning of the regular workday, without prior approval of your supervisor or the Mayor or Village Administrator; stopping work before the time specified for stopping.
16. Sleeping on the job; loitering or loafing during working hours.
17. Excessive use of Village of Ashville telephone for personal calls, personal use of Village of Ashville e-mail, or any other personal use of Village of Ashville equipment.
18. Creating or contributing to unsanitary conditions.
19. Obscene or abusive language, rudeness, or disorderly/antagonistic conduct toward any manager or employee, a member of the public, a resident or customer, or other person during work hours or on Village of Ashville premises.
20. Careless or negligent driving of Village of Ashville vehicles.
21. Failure to maintain a neat and clean appearance in terms of the standards established by your supervisor or Mayor or Village Administrator; any departure from accepted conventional modes of dress or personal grooming; wearing improper or unsafe clothing.
22. Alteration of time sheets or other records, whether they are your records or those of somebody else; causing somebody else to alter or falsify your time records.
23. Participation in any form of illegal gambling or other gambling that interferes with performance of your job.
24. Accepting gifts or gratuities from individuals and firms with which the Village of Ashville does business, in return for the continuation of that business.



25. Accepting gifts or gratuities from individuals and firms with which the Village of Ashville does business is limited under all circumstances to twenty-dollars (\$20).
26. Behavior that constitutes a felony, or M-1 or M-2 Misdemeanor, according to the laws of the State of Ohio.
27. Failure to promptly report accidents, personal injury or property damage to your immediate supervisor.
28. Failure to observe parking and other regulations of the Village.
29. Failure to properly clean assigned work area.
30. Reporting false reason for absence.
31. Removal of notices, signs or written information in any form from Village areas without permission.
32. Defacing or changing any posted matter.
33. Defacing or intentionally damaging property of the Village, fellow employees or citizens.
34. Circulating petitions or distributing literature, written or printed matter of any description, or posting literature or written or printed matter of any description on Village property, including the Village parking lots, without permission.
35. Circulating petitions or distributing literature written or printed matters of any description involving union activities on work time without permission.
36. Unauthorized selling merchandise or services of any kind or pursuing personal enterprises on Village time.
37. Refusal to work requested overtime without acceptable excuse.
38. Scavenging.
39. Defrauding a citizen of the Village.
40. Failure to attend required meetings.
41. Renting or lending Village property without written authorization.
42. Using or storing personal property on Village property without prior authorization.
43. Giving information to the media, (other than routine departmental news releases), without prior approval from the Mayor or designee.
44. This summary of conduct subject to discipline does not limit the Village to establish new or amended rules and procedures or to enforce other penalties or discipline if necessary. Instances of conduct which violate Village policy not covered specifically by this rule will be handled and disciplinary measures taken as required by the facts and circumstances involved.