




POLICY AND PROCEDURE STATEMENT

SUBJECT PRE-DISCIPLINARY CONFERENCE	PAGE 1 OF 2	DATE EFFECTIVE NOVEMBER 1, 2018		
SECTION/POLICY NO. 6.03	APPROVED BY  MAYOR	SUPERSEDES NEW		
PREPARED BY VILLAGE ADMINISTRATOR	 VILLAGE ADMINISTRATOR	APPROVAL DATE	ISSUE DATE 12/31/2017	REVIEW DATE
REFERENCE FAIR LABOR STANDARDS ACT OHIO LABOR STANDARDS	 PERSONNEL/BENEFIT COMMITTEE	DISTRIBUTION LIST WEBSITE, MAYOR, COUNCIL CLERK- TREASURER, AND VILLAGE EMPLOYEES		

SCOPE

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

POLICY:

- I. If the Appointing Authority believes an employee should be suspended, demoted or dismissed, a pre-disciplinary conference will be scheduled to permit the employee to explain the alleged conduct.
- II. Pre-disciplinary conferences will be conducted by a hearing officer selected by the Appointing Authority.
- III. At least twenty-four (24) hours prior to the scheduled starting time of the conference, the Appointing Authority shall provide the employee a written summary of the charges against him. The employee may: (1) appear at the conference to present an oral or written statement in his/her defense; (2) appear at the conference and have a representative who need not be an employee present an oral or written statement in defense of the employee; or (3) elect, in writing, to waive the pre-disciplinary conference.
- IV. At the pre-disciplinary conference the hearing officer shall ask the employee or his/her representative to respond to the written summary of charges. Employees may be punished for refusing to answer charges or lying in a pre-disciplinary conference.
- V. At the conference the employee may present testimony or documents which explain whether or not the alleged conduct occurred. The employee shall provide a list of witnesses to the hearing officer as far in advance as possible, but not less than one (1) hour prior to the pre-disciplinary conference. It is the employee's responsibility to notify witnesses that their attendance is desired.
- VI. The employee or his/her representative may cross examine witnesses.
- VII. The hearing officer shall prepare a written report stating whether he believes the alleged misconduct occurred and summarizing his/her reasoning. Copies of the report shall be promptly forwarded to both the employee and his/her Appointing Authority.
- VIII. The Appointing Authority shall determine what discipline, if any, is appropriate.

PURPOSE:

- I. To have processes in place to follow Village rules and a process in place if rules are not followed.
- II. To have discipline standards that meet federal, state and local legal requirements.

PROCEDURE:

- I. Department Heads and supervisors who believe an employee should be suspended, demoted or discharged shall report the reasons therefore, in writing.
- II. The report must summarize in detail, the behavior or conduct which makes punishment necessary.
- III. The report should be sent through the chain of command to the Appointing Authority for review, appointment of a hearing officer, and delivery to the responding employee.
- IV. The supervisor and employee will be notified of the time, location and hearing officer who will conduct the conference.
- V. The supervisor or a representative will present the Department's evidence to the hearing officer the time designated. The employee, or his/her representative, will be permitted to question any witnesses presented.
- VI. The hearing officer may limit the number of witnesses, the manner and method of questioning, or the issues to be addressed.
- VII. At the conclusion of the Village's case, the employee may present evidence to rebut the Village's evidence or which establishes or justifies the employee's conduct. The supervisor, or his/her representative, may question the employee or any witnesses he presents.
- VIII. The hearing officer shall determine when the conference is concluded and will adjourn the meeting.
- IX. The hearing officer shall prepare a report which sets forth findings of fact based upon the evidence presented at the conference.
- X. The hearing officer's report shall be furnished to both the Appointing Authority or designee and the accused employee.
- XI. Within a reasonable time following receipt of the report, the Appointing Authority or designee shall determine what discipline, if any, is warranted based upon the facts found by the hearing officer.
- XII. If discipline is warranted, the Appointing Authority's or designee shall follow the agency disciplinary policy and procedures.