

APPROVED \_\_\_\_\_



## EMPLOYEE DISCIPLINE POLICY

### I. GENERAL

It is the goal of the Fairbanks North Star Borough to fairly and consistently administer employee discipline when needed to ensure appropriate employee behavior.

### II. PURPOSE

This policy sets forth uniform procedures for administering employee discipline.

### III. RESPONSIBILITY

- A. Each Department Director shall ensure that the procedure set forth in this policy is followed by their department staff in a consistent manner.
- B. Compliance with this policy is the responsibility of all Borough employees.
- C. Human Resources shall maintain this policy.

### IV. POLICY

It is the policy of the Fairbanks North Star Borough to establish and maintain a formal system of employee discipline applicable to all Borough employees that conforms with the recognized principles of proper personnel management. This policy will ensure that the rules of the work place and accepted standards of employee conduct are adhered to by all Borough employees, and discipline, when deemed necessary, is equitably and uniformly administered. This system will apply to all Borough employees except for appointed officials, and employees fulfilling probationary status.

### V. PROCEDURE

- A. Supervisors are acting as an authorized agent of the Borough, and punitive sanctions administered by management may be subject to review. Management must always be able to justify its actions through documentation and/or verifiable testimony of witnesses.
- B. Discipline must conform to the following criteria:
  - 1. Management must make a reasonable effort to assure that the work force at large, and each individual employee, is aware of the rules and what criteria constitutes acceptable job performance. All employees will be furnished a copy of work rules, their position classification, a briefing by their supervisor covering job assignments, working hours, break times, appropriate dress, and any other relevant topic particular to the specific job and assigned functions.
  - 2. Management must conduct a thorough, impartial and objective investigation to fully determine all the facts surrounding an incident or issue, and act in a timely manner. The following factors must be specifically addressed:
    - a) Define the incident or issue in very precise terms.

- b) Determine who was involved, if there were any witnesses and how the matter was brought to management's attention.
  - c) Indicate the date, time, and exact location of the incident.
3. The employee involved must be provided a meaningful opportunity to present information on the issue or incident. An employee has a right to request union representation during an investigative interview if the employee has reasonable belief that discipline or other adverse consequences may result from what he/she says in the interview. In such an instance, the supervisor has the following options:
    - 1) stop questioning the employee until the union representative arrives; or
    - 2) call off the interview and reschedule; or
    - 3) continue the interview if the employee voluntarily gives up his/her rights to a union representative. In all cases the employee shall be informed of the subject of the interview prior to commencement of the meeting.
  4. The form of discipline to administer must be based upon the following considerations:
    - a) The disciplinary action must be appropriate to the offense (i.e., it must not be excessive).
    - b) Discipline must be applied consistently, both in the department and throughout the organization.
- C. It is an accepted principle of management that discipline will be administered in progressive stages in order to be reasonable and equitable. This sequence of discipline generally involves oral counseling, written warning, suspension without pay, and dismissal for just cause. See attached "Table of Suggested Disciplinary Penalties."
1. Oral Counseling: This is a conference between an employee and the immediate supervisor in which the subordinate is informed that specific conduct is unacceptable. Attention is directed to the appropriate written rule or standard, and the employee is advised that future incidents of unacceptable behavior will result in more serious formal disciplinary action (which could be suspension, or dismissal in some cases). It is critical that a written record of the counseling session be made by the supervisor on the Oral Counseling Summary form, and retained as a "anecdotal record" (APEA Agreement, Article 25, Section 5.C) to be maintained by the supervisor as a confidential record. The Oral Counseling Summary form should be completed in its entirety and signed and dated by both the employee and the supervisor. If the problem is corrected within the specified time and there are no further disciplinary actions within one (1) year, the oral counseling notes shall be purged from the record.
  2. Written Warning: This is a formal written warning given to employees who do not respond to counseling, or are involved in a moderately serious incident that is not of sufficient magnitude to warrant a suspension. The written warning will specifically outline the incident or offense, date, time, place, witnesses, and will include a warning that any further violations of rules will result in either a suspension or dismissal (whichever is appropriate). The employee and the attending representative (e.g. union) shall be requested to acknowledge receipt of the written warning by signature. A copy will be presented to the employee and the original will be forwarded to Human Resources for inclusion in the employee's personnel file. Timelines for purging written warnings are noted in the appropriate collective bargaining agreement. Written warnings for non-represented employees shall be

purged from the personnel file within two (2) years, provided no further disciplinary actions occur within that time-period.

3. Suspension: Suspension action must be coordinated with the Human Resources Director prior to implementation. This is an action by which an employee is suspended from work without pay for a specified time. The time an employee may be suspended ranges from one to five working days. The documentation process (e.g., gathering of formal evidence, statements, etc.) is essentially the same as that required to issue a written warning to an employee. The suspension letter will detail the facts, establish the length of enforced absence without pay, the date it is to begin, and contain the specific notation that any future violations of work rules or standards of conduct will result in more serious action, up to and including dismissal. The employee and the attending representative (e.g., union) shall be requested to acknowledge receipt of the letter by signature. A copy will be presented to the employee and the original will be forwarded to the Human Resources Director for inclusion in the employee's personnel file.
4. Dismissal for Just Cause: Dismissal action must be coordinated with the Human Resources Director prior to implementation. This is the involuntary employment termination of an employee who fails to respond to lesser disciplinary actions and warnings, fails to perform up to reasonable job standards, or who commits a major infraction of work rules (e.g., theft, assault, dishonesty, fighting, intentional falsification of official records, possession or being under the influence of prohibited narcotics or alcohol during duty hours, gross negligence or gross insubordination -- this is not an all-inclusive list). The infraction or failure to respond to lesser disciplinary actions must be proven by a preponderance of the evidence. This means that it is more likely than not true that the employee has committed the infraction or has failed to respond to lesser disciplinary actions. A full written report of the incident must have been completed before dismissing an employee for just cause. A representative (e.g., a union representative) shall be present when the supervisor informs the employee of the dismissal. The employee must be presented with a letter which states the incident, date, and location. The exit interview form is to be completed during the conference and forwarded to the Human Resources Director, who will give the employee a copy along with their final pay. The provisions of FNSB 2.24.321 apply in the dismissal of all employees, unless expressly excluded.

D. The Human Resources Director will represent the Borough in final grievance resolution, defend the Borough in Human Rights and EEOC complaints, and serve as the technical labor relations advisor to management. The Human Resources Director is available to provide guidance to all levels of management in disciplinary issues or to assist in investigations.

## VI. SUPPLEMENTAL INFORMATION

### A. References –

1. FNSB 2.24.321
2. FNSBEA/APEA Collective Bargaining Agreement

3. Laborers Local 942 Collective Bargaining Agreement
4. American Arbitration Association, Principle of Discipline

B. Definitions –

1. Anecdotal Records - Counseling notes, work papers, evaluation notes, etc., are anecdotal records. These temporary records must be incorporated in the employee's performance evaluation or a written warning. They shall not be considered official records or kept as a secret personnel file. They shall be made available for review by the employee upon request.
2. Progressive Discipline - A system that provides one or more warnings of unacceptable conduct to employees, prior to termination of employment.

C. Attachments –

1. Oral Counseling Summary Form

D. Revision History –

Supersedes Policy No.	Effective Date
35.05	10-10-90

FAIRBANKS NORTH STAR BOROUGH

TABLE OF SUGGESTED DISCIPLINARY PENALTIES

Listed below is a table of unacceptable employee conduct (this is not an all-inclusive listing), and disciplinary sanctions that normally would be deemed appropriate. However, it is recognized that there may be factual considerations which could mitigate or increase the severity of the discipline to be applied; it is a recognized principle of management that supervisors have the latitude to make such determinations.

OFFENSE/INCIDENT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE	5TH OFFENSE
<b>ABSENTEEISM/TARDINESS:</b> (Arriving late for work, Absent from work without prior approval; abuse of leave; failure to return timely from leave of absence, leaving early from work without approval, failure to continue in service when not properly relieved)	Oral Counseling or Written Warning	Written Warning or 1 Day Suspension	3 Day Suspension	5 Day Suspension or Dismissal	Dismissal
<b>ABSENT WITHOUT LEAVE:</b> (failure to show or call in for regularly scheduled shift)	1 <sup>st</sup> Day- Written Warning	2 <sup>nd</sup> Day- 3 Day Suspension	3 <sup>rd</sup> Day- Termination		
<b>CARELESSNESS AND NEGLIGENCE:</b> (An improper act or omission that could result in inefficiency of the operation or cause minor injuries, or property damage)	Written Warning or 1-3 Day Suspension	5 Day Suspension or Dismissal	Dismissal		

OFFENSE/INCIDENT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE	5TH OFFENSE
<b>CONFIDENTIALITY BREACH:</b> ( Releasing confidential documents/information, sharing confidential information with others, accessing confidential information for a non-business purpose)	5 Day Suspension or Dismissal	Dismissal			
<b>CONSUMPTION OF ALCOHOL AND/OR ALCOHOL-RELATED CONDUCT:</b> (Reporting for duty while under the influence of alcohol; possession of an open container, consumption of alcoholic beverages while in duty status)	Dismissal				
<b>DISHONESTY OR FALSIFICATION OF EMPLOYER DOCUMENTS:</b> (Intentionally providing false and/or erroneous work related information. i.e. employment applications/interviews, timesheets, and other documents/statements, etc.)	5 Day Suspension or Dismissal	Dismissal			
<b>DRUGS: USE AND/OR POSSESSION:</b> (Possession, consumption, or being under the influence of controlled substances/ narcotics or unprescribed drugs while in duty status or on the Employer's premises)	Dismissal				
<b>FAILURE TO FOLLOW INSTRUCTIONS:</b> (Failure to comply with reasonable orders/work rules, procedures or Borough policies)	Oral Counseling or Written Warning or 1 Day Suspension	Written Warning or 1-3 Day Suspension	5 Day Suspension	Dismissal	
<b>FAILURE TO PROPERLY COLLECT REVENUE (FEES, FARES, ETC)</b>	Oral Counseling	Written Warning	1 to 5 Day Suspension	Dismissal	
<b>FIGHTING:</b> (Any act of physical aggression causing physical injury toward another person that cannot be proven to be a minimal defensive maneuver of essential self protection to ward off an attack, while in duty status)	5 Day Suspension or Dismissal	Dismissal			

OFFENSE/INCIDENT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE	5TH OFFENSE
<b>GROSS INSUBORDINATION:</b> (An intentional refusal to comply with an order or written policies, abusive behavior from profane or threatening language to physical violence toward a supervisor in the presence of other employees)	5 Day Suspension or Dismissal	Dismissal			
<b>GROSS NEGLIGENCE:</b> (Any act of carelessness or omission in job performance that results in a threat to the physical safety of the employee or other persons; causes major property damage; or creates a significant potential liability or loss for the Employer)	5 Day Suspension or Dismissal	Dismissal			
<b>HARASSMENT:</b> (Any form of harassment that violates the Harassment Policy)	Written Warning or 1-5 Day Suspension or Dismissal	1-5 Day Suspension or Dismissal	Dismissal		
<b>INAPPROPRIATE CONDUCT/DISOURTESY:</b> (Abusive, profane, or obscene language or rude, discourteous actions toward coworkers or members of the public)	Oral Counseling or Written Warning or 1-3 Day Suspension	5 Day Suspension or Dismissal	Dismissal		
<b>INAPPROPRIATE USE OF BOROUGH EQUIPMENT/RESOURCES:</b> (Using Borough resources for personal use [not including incidental use] , or for personal financial gain)	Written Warning or 1-3 Day Suspension	1-5 Day Suspension or Dismissal	Dismissal		
<b>INAPPROPRIATE USE OF COMPUTER/NETWORK RESOURCES</b> (Accessing pornography etc., using network for any illegal activity; using computer for personal business ventures; willful acts or omissions that may cause loss of services or interference with borough functions)	1-5 Day Suspension or Dismissal	Dismissal			
<b>INSUBORDINATION:</b> (Any willful failure to comply with an order or written policies where such refusal does not overtly work to dilute supervisory authority)	1-3 Day Suspension	5 Day Suspension or Dismissal	Dismissal		
<b>INTENTIONALLY DESTROYING EMPLOYER PROPERTY OR EQUIPMENT:</b>	1-5 Day Suspension or Dismissal	Dismissal			

OFFENSE/INCIDENT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE	5TH OFFENSE
<b>MOONLIGHTING:</b> (Holding other employment that is not properly disclosed or authorized by the Borough)	Oral Counseling or Written Warning or 1-5 Day Suspension	Written Warning or 1-5 Day Suspension or Dismissal	Dismissal		
<b>OFF-DUTY MISCONDUCT:</b> (A direct and demonstrable relationship between the conviction of an offense and the performance of the employee's job)	1-5 Day Suspension or Dismissal	Dismissal			
<b>POOR ATTITUDE:</b> (Employee's negative attitude and behavior which results in damage to workplace morale or efficiency which creates a breach between employee and employer, making a continuing relationship difficult)	Oral Counseling or Written Warning	Written Warning or 1-5 Day Suspension	1-5 Day Suspension or Dismissal	Dismissal	
<b>PREVENTABLE VEHICLE ACCIDENT:</b> (Accident is defined as coming into contact with a fixed or moving object, which results in damage. Preventable vehicle accident is one in which the driver failed to do everything that reasonably could have been done to avoid the accident), unless the action meets the standard for Carelessness & Negligence or Gross Negligence.  <i>(For purposes of this infraction only, the time period used is three years)</i>	Defensive Driving Class and/or Oral Counseling or Written Warning or 1-3 Day Suspension	Defensive Driving Class and/or Written Warning or 1-3 Day Suspension	Defensive Driving Class and/or 5 Day Suspension or Dismissal	Dismissal	
<b>SAFETY RULE- MAJOR VIOLATION:</b> (Any major infraction of a safety rule, safety procedure or safety policy where there is substantial probability that serious physical harm or death) could occur	Written Warning or 1-5 Day Suspension or Dismissal	1-5 Day Suspension or Dismissal	Dismissal		
<b>SAFETY RULE- MINOR VIOLATION:</b> (Any minor infraction of a safety rules, safety procedures or safety policies that has a direct relationship to job safety and health, but probably would not cause serious physical harm or death)	Training and/or Oral Counseling	Training and/or Written Warning	1-3 Day Suspension	5 Day Suspension	Dismissal
<b>SLEEPING ON THE JOB:</b>	Written Warning, 1-5 Day Suspension or Dismissal	1-5 Day Suspension or Dismissal			

OFFENSE/INCIDENT	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE	5TH OFFENSE
<b>SUBSTANDARD PERFORMANCE:</b> (Failure to meet job standards, poor productivity, loafing, lack of quality in work product, failure to complete work assignments timely and accurately, failure to complete required paperwork)	Oral Counseling	Written Warning	1-3 Day Suspension	Dismissal	
<b>SUBSTANDARD PERSONAL APPEARANCE:</b> (Failure to present a well-groomed appropriate appearance or unacceptable personal hygiene)	Oral Counseling	Written Warning	1 to 3 Day Suspension	Dismissal	
<b>THEFT:</b> (Wrongful appropriation of money, property, equipment, or material from other employees, public, or Employer)	Dismissal				