

## Enclosure 6

### CSWD Personnel Rules & Regulations - dated June 2019

<b>PART 5. DISCIPLINARY AND GRIEVANCE PROCEDURES</b>
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#### 5.1 DISCIPLINARY/GRIEVANCE PROCEDURE

##### 5.1-1 Policy

The Executive Director shall be responsible for enforcing standards of conduct and rules and regulations. Failure to comply with standards of conduct or any rules and regulations may result in disciplinary actions. Disciplinary action shall include only the following: written reprimand, demotions, suspensions, last chance agreements and discharge. The Executive Director and /or the Manager shall be responsible for preparing written documentation of disciplinary action imposed. Any and all disciplinary action shall be reported to the Executive Director. All written documentation shall be filed in an employee's personnel file in the centralized personnel record keeping system.

In appropriate circumstance management may determine that it is the best interest of CSWD that an employee who is suspected of misconduct be placed on administrative leave while an investigation is undertaken. Administrative leave in itself is not discipline. In most cases, administrative leave will be paid. The determination of paid versus unpaid leave will be determined by the Executive Director in consultation with CSWD's Attorney and the circumstance.

##### 5.1-2 Coverage

All employees who have successfully completed the orientation period as required by these regulations.

##### 5.1-3 Disciplinary Action-Progressive Discipline Policy

CSWD is committed to a fair and equitable progressive disciplinary system. Management has both the right and responsibility to correct and/or discipline staff for misconduct, errors or inappropriate behavior or actions which adversely affect the operations and/or the reputation of CSWD. This progressive discipline policy and procedure assigns specific disciplinary actions to specific types/categories of offenses. Some offenses require immediate termination, while others may require only a warning. Despite the foregoing, in all cases, disciplinary action shall be consistent with the nature of, and the seriousness of the offense and the number of previous offenses. (See Progressive Discipline Flow Chart on next page.) Multiple or repeated Level One and/or Level Two Offenses can result in termination.

#### Level One Offenses

Under this progressive disciplinary system, the least serious offense is called a Level One Offense. Examples of Level One Offenses are:

- Excessive absences, tardiness, or early quitting
- Unauthorized time away from the workstation;
- Failure to meet established work quality standards;
- Failure to attain production requirements;
- Use of obscene, abusive, or disruptive language or behavior;
- Failure to pay attention to job responsibilities; and
- Failure to adhere to and follow established work procedures.

### Level Two Offenses

Level Two Offenses are more serious and may require suspension, with or without pay. Some examples of Level Two Offenses are:

- Failure to follow supervisory instructions where the consequences are only minimal in the view of the Executive Director;
- Incompetencies in performing assigned duties;
- Falsification of time sheets or other written reports or records;
- Violation of established safety rules;
- Leaving the work site without informing the supervisor;
- Unauthorized use of materials or equipment;
- Fighting on CSWD premises; and
- Failure to report absences of a full day without proper notification.

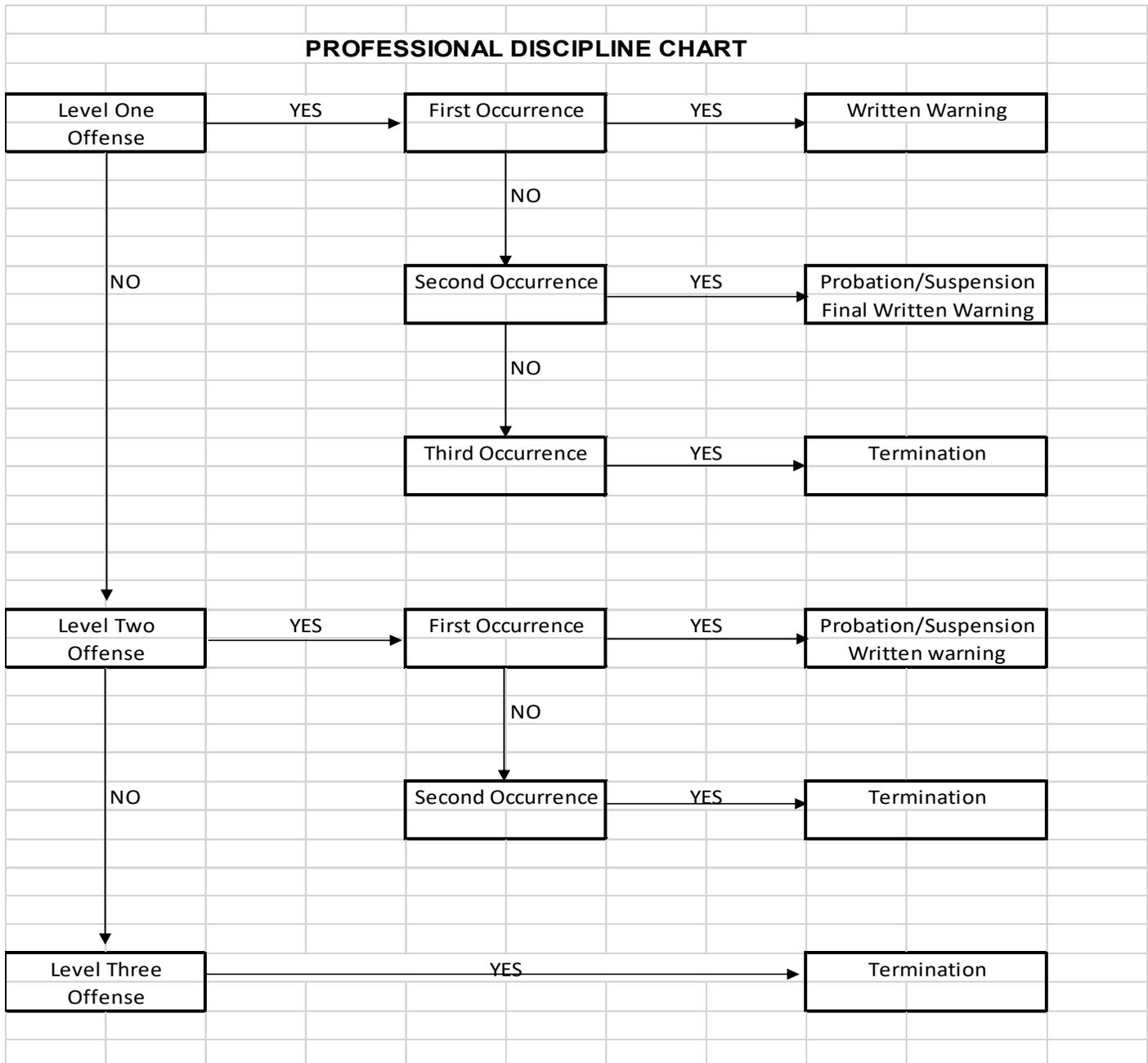
### Level Three Offenses

Level Three Offenses are the most serious offenses and usually result in discharge after the first offense. Examples of Level Three Offenses are:

- Failure to follow supervisory instructions where the consequences are significant in the view of the Executive Director;
- Working or being on the job while under the influence of alcohol, narcotics or other drugs or the possession of controlled substances, unless approved by appropriate authority;
- Misrepresenting or withholding information on job application records, reports, or other information which is work related;
- Damaging, misusing, or defacing CSWD property or the property of another;
- Theft, misappropriation, or unauthorized possession of CSWD or another's property;
- Immoral or indecent conduct during work hours or on municipal property, or which otherwise affects the employee's ability to effectively perform his or her job;
- Unauthorized possession of weapons, firearms, explosives, etc., on work site or CSWD property (See Section 4.18); and
- Falsification of data.
- Actions or threats, either verbal or written, towards the safety and health of others, including the public and other employees.
- Following written notice to the employee for failure to report to work without contacting CSWD for two consecutive days will result in immediate termination after the employee is

given written notice and an opportunity to be heard. Exceptions may be made for medical or other emergencies.

5.1-4 Progressive Discipline Procedure:



I. Level One Offenses

1. FIRST OCCURRENCE

### Written Warning

If the violation is a Level One offense, the first step under the progressive disciplinary system shall be a written notice.

### Issuance of Written Warning

The Executive Director or Manager shall meet with the employee to discuss the alleged conduct and rule violation. Thereafter, the Executive Director or Manager may issue a written warning. A written warning shall include: the charge; the specific behavior and dates of the behavior, as appropriate; a statement that continuance of the behavior will result in severe disciplinary action; an offer of assistance in correcting the behavior; circumstances affecting the severity of the disciplinary action and any right of appeal. Where appropriate, a timeframe shall be set in which the unacceptable conduct must be corrected. A copy of the written warning shall be given to the employee and a copy shall be placed in the employee's personnel file. If, however, in the three-year period after the issuance of any written warning there are no other written warnings issued to the employee, the written warning will remain in the employee's file, but it will no longer be considered a First Occurrence for the purposes of progressive discipline.

## 2. SECOND OCCURRENCE

### Suspension/Final Written Warning

The Executive Director may suspend an employee, with or without pay, for a period or periods not to exceed ten (10) working days. If circumstances warrant the Executive Director may place the employee on paid administrative leave pending determination of any disciplinary action.

Prior to imposing any unpaid suspension, the Manager or Director of Administration shall furnish the employee with a written statement setting forth:

- 1) the rule (s) believed to have been violated
- 2) the specific alleged behavior and dates of the behavior, as appropriate;
- 3) a copy of any relevant prior discipline;
- 4) the disciplinary action being considered;
- 5) an invitation to the employee to meet with the Executive Director on a specific date and time,
- 6) that this meeting is the employee's opportunity to present any documents, testimony, other evidence or arguments the employee wishes the Executive Director to consider before the Executive Director decides;
- 7) that the employee may bring a representative to the meeting at the employee's expense; and
- 8) that the employee may ask the District's witness questions.

After the meeting is completed, the Executive Director will issue a written decision which shall include a statement of the conduct that occurred, which rule (s), if any, were violated, whether any unpaid suspension or lesser discipline shall be imposed and if so, the effective dates, a warning that continuance of the behavior will result in severe disciplinary action, including discharge; an offer of assistance in correcting the behavior; and any right of appeal. A copy of the Executive Director 's written decision shall be given to the employee and placed and another one shall be placed in the employee's personnel file. Written warnings for Second Occurrences are not eligible to be removed from the employee's personnel file.

### 3. THIRD OCCURRENCE

#### Termination

The third occurrence of a Level One Offense will result in termination. If circumstances warrant the Executive Director may place the employee on paid administrative leave pending determination of any disciplinary action. If the employee engages in conduct the Manager or Director of Administration believes to be a third occurrence of a Level One Offense, the Manager or Director of Administration shall furnish the employee with a written statement setting forth:

- 1) the rule (s) believed to have been violated
- 2) the specific alleged behavior and dates of the behavior, as appropriate;
- 3) a copy of any relevant prior discipline;
- 4) the disciplinary action being considered;
- 5) an invitation to the employee to meet with the Executive Director on a specific date and time,
- 6) that this meeting is the employee's opportunity to present any documents, testimony, other evidence or arguments the employee wishes the Executive Director to consider before the Executive Director decides;
- 7) that the employee may bring a representative to the meeting at the employee's expense; and
- 8) that the employee may ask the District's witness questions.

After the meeting is completed, the Executive Director will issue a written decision which shall include a statement of the conduct that occurred, which rule(s), if any, were violated, whether termination or lesser discipline shall be imposed and if so, the effective dates, and any right to appeal. A copy of the Executive Director 's written decision shall be given to the employee and another one shall be placed in the employee's personnel file.

#### II. Level Two Offenses

Level Two Offenses are more serious than Level One Offenses and may require suspension for a period without pay. If an employee commits two Level Two Offenses, the employee may be terminated.

## 1. FIRST OCCURRENCE

Suspension/Final Written Warning

(See description under Level One Offense, Second Occurrence)

## 2. SECOND OCCURRENCE

Termination

(See description under Level One Third Occurrence)

## *III. Level Three Offenses*

Level Three Offenses are the most serious offenses and usually result in immediate termination.

(See description under Level One Third Occurrence)

### 5.1-5 Grievance Procedure

Grievances shall relate to improper application of these personnel rules and regulations or disciplinary actions and shall be resolved in the following manner:

#### (a) First Step

An aggrieved employee shall discuss any matter of dispute with an immediate Manager in a mutual effort to resolve any problem or misunderstanding. Upon failing to resolve any grievance in an informal manner, an aggrieved employee may present a grievance in writing to the Executive Director within ten (10) days from the time the employee has knowledge or reasonably should have had knowledge of the occurrence which gave rise to the grievance. The written grievance shall contain the following information: the section of the regulation upon which the grievance is based; the occurrence (s) being grieved; applicable dates and time; any pertinent information relative to the grievance; and indication of the relief that is desired. The Executive Director within five (5) working days of receipt of a grievance shall provide an answer in writing to the aggrieved employee. If the employee's manager is the Executive Director, the employee may follow procedures set forth in subsection (b) below

#### (b) Second Step

If the grievance has not been resolved as provided in (a) above, the aggrieved employee may within ten (10) working days after receipt of the written answer from the Executive Director present the grievance in writing with a request for a hearing to the Board of Commissioners. The Board of Commissioners shall hold a hearing on the grievance within thirty (30) days after its receipt. The Board of Commissioners, may support, modify or reverse the action of the Executive Director, provided, however, such action to modify or reverse a decision shall be by roll call vote of the Board of Commissioners. Any such decision shall be final. The Board shall issue a written decision within 15 days following completion of the hearing.

### 5.1-6 Procedural Protections

Employees may be represented by counsel or another representative when meeting with the Executive Director and/or the Board of Commissioners. Any expenses incurred by an employee during the grievance process shall be borne by the employee. If any employee is required or requested to be present at any hearings on a grievance, the employee shall not lose any pay for work time lost.

If the employee receives either an unpaid suspension or is discharged by the Executive Director (see sections above) and wishes to contest the decision, the employee must file an appeal with the Board. The employee's appeal is to be filed in writing and delivered to the Executive Director within 7 business days of the date of the Executive Director's decision. The Board or a committee thereof will hold a hearing on the appeal at its next regular board meeting or within 15 business days of the date of the appeal, whichever is longer. The Board or the committee shall issue a written decision within 10 business days of the close of the hearing and its decision shall be final.

Managers/directors shall not retaliate or take any disciplinary action against an employee based on the filing of any grievance.

#### 5.1-7 Failure to Act

Grievances/appeals are expected to be filed in a timely manner and all-time limits specified in the grievance/appeal process shall be met by the employee filing a grievance and CSWD, provided, however, any time limit may be extended by written agreement of the Executive Board and the employee filing a grievance/appeal. Failure of the employee to meet the time limits specified in this section shall result in a grievance/appeal being declared null and void. Failure by CSWD to act in accordance with the time limits set forth in this section shall be an automatic denial of the grievance and shall move the grievance to the next step.

## **5.2 TERMINATION**

#### 5.2-1 Severance Pay

Severance Pay will be granted to employees whose termination is initiated by CSWD. No severance allowance will be paid if the employee resigns or is discharged for cause (Section 5.1-5 for examples of just cause). Employees having less than one-year of service will not receive severance pay. Employees having over one year of service will receive two weeks of severance pay.

#### 5.2-2 Exit Interview

Departing employees will be interviewed by the Director of Administration. The interview is designed to share ideas, express concerns, or thoughts regarding employment at CSWD. The exit interview form will be filled out by the Director of Administration and included in the employees Personnel file. When appropriate two interviewers may be used.

### 5.2-3 Final Paycheck

CSWD will make every effort to give the departing employee his/her final paycheck at the time of separation. If this is not possible, the check will be issued with the next payroll. Employees accrued vacation and compensatory time at the final day of employment will be included in the final paycheck. CSWD does not pay for unused sick time or personal time.

### 5.2-4 Giving references on former or current employees

Employees may sign a Reference Check Waiver Form when they leave the employ of CSWD or when they are actively seeking employment elsewhere. Failure to sign the form will deny CSWD the right to release information, other than dates of hire, on the employee. Any Manager, who makes a false and/or defamatory statement about another employee, or previous employee, while giving information on a professional reference shall be acting on his/her own personal behalf, and not on behalf of CSWD. Any employee who gives a personal reference on a former or current employee shall be acting on his/her own personal behalf, and not on the behalf of CSWD.