



ADMINISTRATIVE DIRECTIVE

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I. PURPOSE

This directive is intended to ensure: (a) disciplinary action is based on just cause; (b) required pre-disciplinary administrative and legal reviews are completed; and (c) the employee is provided with notice of proposed disciplinary action and an opportunity to respond.

II. POLICY

Appointing officers, department directors and the Human Resources Director will ensure that disciplinary actions are based on just cause and administered in a manner that is consistent with applicable rules, regulations and directives.

III. DEFINITIONS

A. Appointing Officer: The city manager or other persons authorized by the City of Tucson Charter to make appointments to civil service.

B. Days: Calendar days unless otherwise indicated. Workdays are distinguished from calendar days to include the employee's normal scheduled days of actual work. Leave, holidays and unscheduled workdays are excluded and not included as workdays.

C. Discharge: Termination of employment of a permanent civil service employee for just cause by an appointing officer.

D. Disciplinary Action: Written reprimand, demotion, suspension, reduction in pay/position or discharge imposed for just cause.

E. Disciplinary Action Subject to Civil Service Commission Review: A disciplinary action may be appealed to the Civil Service Commission when the employee involved is a permanent civil service employee and the disciplinary action results in:

- i. Discharge;
- ii. Demotion or reduction in pay or position;
- iii. A single suspension without pay for more than ten (10) days/eighty (80) hours or the final suspension of an aggregate of suspensions without pay in one year, from the date of the first suspension, that exceeds ten (10) days/eighty (80) hours.

F. Disciplinary Action Subject to Grievance: A disciplinary action may be grieved in accordance with applicable directives and labor agreements when the



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employee involved is a permanent civil service employee and disciplinary action is a suspension of ten (10) days or less or a written reprimand.

- G. **Final Disciplinary Packet:** Supporting documents and forms including, but not limited to, the following, will be filed in the employee’s official personnel record:
 - i. **Notice of Intent to Discipline:** The *Notice of Intent to Discipline* informs the employee of the specific action to be taken and the right of the employee to respond in accordance with Section VI of this Administrative Directive.
 - ii. **Exhibit A:** The *Exhibit A* shall include a brief description of the event and evidence including the date(s) of occurrence or date of discovery and the specific act(s) and/or omission(s), prior disciplinary action and the effective date of the proposed disciplinary action.
 - iii. **Notice of Decision:** The decision rendered, after the employee has had an opportunity to respond, will be issued by the appointing official or his/her designee. The approval signature of the director or designee is required with the *Final Exhibit “A”*.
 - iv. **Personnel Action Request Form (PARF):** The department will complete the PARF and ensure authorized signatures are obtained. The authorized signatures of the Human Resources Director or designee and City Attorney’s office are required for disciplinary action appealable to the Civil Service Commission.
- H. **Just Cause:** Just cause for disciplinary action, up to and including termination, as defined in section 10(3) of the Tucson City Code.
- I. **Suspension:** The temporary termination of services of a permanent civil service employee without pay for just cause.

IV. **DISCIPLINARY ACTION**

- A. **Appropriate and Timely Action**
 The department should take action within 30 days of the occurrence or discovery of the infraction, unless extenuating circumstances exist including, but not limited to, investigation(s) of wrongful conduct, discrimination/sexual harassment or accident. The employee’s immediate supervisor may recommend the form of disciplinary action to the appointing official or his/her designee. The recommended disciplinary action will depend on the totality of the circumstances



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including, but not limited to, the employee’s disciplinary history, recent or similar infraction(s) and the severity of the infraction(s).

B. Disciplinary Packet

The department will prepare a *Disciplinary Packet* in accordance with section II of this AD in support of the proposed disciplinary action. The final *Disciplinary Packet* will include the *Notice of Intent to Discipline* and *Exhibit A*, along with supporting documents including, but not limited to: applicable directives, policies, correspondence, memos, investigation and/or incident reports.

C. Human Resources Department Review

A Human Resources’ designee shall be contacted prior to the issuance of the *Notice of Intent to Discipline* and will be available to advise and assist the department during any phase of the process.

D. Legal Review

Any action that is subject to appeal to the Civil Service Commission shall be reviewed by the City Attorney prior to issuing the *Notice of Intent to Discipline* to ensure compliance and conformity with applicable law, rules and regulations. Additionally, the City Attorney designee will be available to advise and assist the department and Human Resources staff during any phase of the process.

V. NOTICE OF INTENT AND OPPORTUNITY TO RESPOND

A. Issuing Notice of Intent to Discipline

Prior to the department imposing disciplinary action, a *Notice of Intent to Discipline* and the *Exhibit A* will be issued to the employee informing the employee of his/her opportunity to present a written response and meet in person with the appointing officer or designee at a scheduled time, date and place prior to imposing the disciplinary action. The *Notice of Intent* will be issued accordingly:

1. Non-Discharge: At least 2 workdays in advance of the pre-discipline meeting.
2. Discharge: At least seven (7) calendar days in advance of the pre-discharge review meeting. The employee will be placed on imposed leave with pay from the time the *Notice of Intent to Discharge* is issued until the pre-discharge meeting.

B. Opportunity to Respond

The appointing officer or designee must schedule a meeting with the employee to provide the employee an opportunity to respond. The meeting with the appointing officers or designee is not an adversarial hearing. The employee may



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respond in writing or in person to present reasons, along with information and documentation to refute the proposed disciplinary action. If the employee is accompanied by a representative, the representative's role is limited to consulting and advising the employee. The representative will be permitted to ask clarifying questions of the employee and present a statement on behalf of the employee.

The appointing officer or designee must give proper consideration to the employee's response whether written, oral or both, along with supporting information and documentation. Failure of an employee to submit a written response or appear at the meeting will constitute a waiver of the opportunity to respond and the proposed discipline will be imposed.

C. Notice of Decision

After the scheduled meeting, the appointing official or designee's decision shall be documented in the *Notice of Decision* and a copy provided to the employee. The original *Notice of Decision* and *PARF* must be completed and include required signatures to be submitted with the final *Disciplinary Packet* to the Human Resources Department.

VI. SUSPENSIONS

A. In addition to the administrative policies and procedures outlined in section I - IV above, specific policies applicable to a suspension are detailed in this section and must be followed.

1. All suspensions shall commence immediately upon issuance of Notice of Decision or as soon as administratively possible. In no event shall a suspension commence later than sixty (60) days from the Notice of Decision, unless the employee is on authorized medical or military leave.
2. All suspensions shall be imposed on consecutive workdays and include loss of paid holidays.
3. Employees (both exempt and non-exempt from the overtime requirements of the Fair Labor Standards Act) may be suspended without pay in increments of not less than one workday.
4. Hours of suspension will not be considered as hours worked for purposes of calculating overtime for work week.



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VII. DISCHARGE

- A. In addition to the administrative policies and procedures required in sections I – V above, this section is applicable to the proposed discharge of a permanent civil service employee.
 - 1. The department director or designee shall review any proposed discharge of a permanent civil service employee assigned to the department.
 - 2. The department director or designee shall conduct the meeting with the employee.

- B. The employee will be placed on imposed leave with pay when the *Notice of Intent to Discharge* is issued until the pre-discharge meeting. If the employee is serving a suspension or is otherwise on unpaid status when the *Notice of Intent to Discharge* is issued, the employee will remain in an unpaid status in accordance with Administrative Directive 2.01-7, *Employee Leaves*.

Forms

- Form A – Notice of Intent to Discipline
- Form B -- Notice of Intent to Discharge
- Form C – Notice of Decision (Appealable Action)
- Form D – Notice of Decision (Grievable Action)

References

Tucson Charter Chapter XXII; Tucson Code Chapter 10; Civil Service Commission Rule X.

Review Responsibility and Frequency

The Director of Human Resources will review this directive annually, based on date of publication.



 City Manager

3/2/09

 Date



Notice of Intent to Discipline (Non-Discharge)

Employee Name	Department/Division	Date
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YOU ARE HEREBY notified that the _____ Department intends to impose discipline as follows: _____.

Reasons for the proposed disciplinary action are stated in "Exhibit A" (attached).

NOTICE OF MEETING - In accordance with City policies, you have an opportunity to meet with the Department Director or designee to present reasons why the proposed disciplinary action should not occur. A meeting has been scheduled for:

DATE:

TIME:

PLACE:

NOTICE OF YOUR OPPORTUNITY TO RESPOND - You are entitled to present reasons, along with information and documentation, to refute the proposed disciplinary action at the meeting. The meeting with the appointing officer or designee is not an adversarial hearing. If you are accompanied by a representative, the representative's role is limited to consulting and advising you directly. The representative will be permitted to ask you to clarify your statement and/or present a statement on your behalf.

If you do not wish to be present at the meeting, you may respond in writing and present any supporting information and documentation. This written response must be received by the appointing officer or designee prior to or at the scheduled meeting for consideration.

Failure to appear at the meeting or submit a written response will constitute a waiver of the opportunity to respond.

Date Served	How Served	By Whom
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I, _____ received a copy of this notice.
Employee Signature

Department Representative Signature Date



Notice of Intent to Discharge

Employee Name	Department/Division	Date

YOU ARE HEREBY notified that [INSERT DEPARTMENT DIRECTOR'S TITLE] intends to discharge you. The discharge is based on the following:

See "Exhibit A" - Attached

NOTICE OF MEETING

In accordance with City rules and regulations, a pre-discharge review meeting has been scheduled by the department director on:

DATE:

TIME:

PLACE:

NOTICE OF YOUR OPPORTUNITY TO RESPOND

You are entitled to present reasons, along with information and documentation, to refute the proposed disciplinary action at the meeting. The meeting with the department director or designee is not an adversarial hearing. If you are accompanied by a representative, the representative's role is limited to consulting and advising you directly. The representative will be permitted to ask you to clarify your statement and/or present a statement on your behalf.

If you do not wish to be present at the meeting, you may respond in writing and present any and all supporting information and documentation. This written response must be received by the director or designee prior to or presented at the scheduled meeting for consideration.

Failure to appear at the meeting or submit a written response will constitute a waiver of the opportunity to respond.



Notice of Intent to Discharge

If the scheduled meeting is delayed beyond 7 calendar days at your request (or at the request of your representative), you will be placed on unpaid status for the period of such delay beyond the date originally scheduled.

If you are discharged, you may appeal pursuant to Civil Service Commission Rules and Regulations, Rule X, Section 4.

Date Served	How Served	By Whom
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I, _____ received a copy of this notice.
Employee Signature

Department Representative Signature

Date



Notice of Decision (Appealable Action)

Employee Name	Department/Division	Date
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After review and consideration of all information provided at the pre-disciplinary review meeting and/or submitted in writing on <date> and the information set forth in “Exhibit A”, the decision is as follows:

- Discipline will be issued as proposed in the Notice of Intent effective _____.
- Other <describe any variation from the discipline as originally proposed>

<Insert specific items that were considered after the pre-disciplinary review meeting if appropriate.>

Appeal Rights:

Suspensions of more than 10 days (80 hours) or suspensions resulting in a total suspension of more than 80 hours in the prior 12 months – may be appealed to the Civil Service Commission pursuant to Civil Service Commission Rules and Regulations, Rule X, Section 5.

Demotion or Reduction of Pay – may be appealed to the Civil Service Commission pursuant to Civil Service Commission Rules and Regulations, Rule X, Section 5.

Discharge – may be appealed to the Civil Service Commission pursuant to Civil Service Commission Rules and Regulations, Rule X, Section 5.

Date Served	How Served	By Whom
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I, _____ received a copy of this notice.
Employee Signature

Department Director/Designee Signature

Date

**Notice of Decision (Grievable Action)**

Employee Name	Department/Division	Date
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After review and consideration of all information provided at the pre-disciplinary review meeting and/or in writing on <date> and the information set forth in “Exhibit A”, the decision is as follows:

- Discipline will be issued as proposed in the Notice of Intent.**
- Other** <describe any variation from the discipline as originally proposed>

<Insert specific items that were considered after the pre-disciplinary review meeting if appropriate.>

Grievance Rights:

Written Reprimands – may be grieved in accordance with Administrative Directive 2.02-2, Grievance Procedures, and any applicable labor agreement.

Suspensions of 10 days (80 hours) or less - may be grieved in accordance with Administrative Directive 2.02-2, Grievance Procedures, and any applicable labor agreement.

Date Served	How Served	By Whom
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I, _____ received a copy of this notice.
Employee Signature

Department Director/Designee Signature

Date