

## 5 - DISCIPLINE

### 5.4 – Non-union Employee's Appeal Procedure for employees not covered by Civil Service (Post-disciplinary hearing process)

Revised: July 1, 2007

The following procedure has been established to provide an opportunity for an impartial hearing for employees who are not covered by Civil Service, collective bargaining agreements, or other statutory provisions. The purpose of this procedure is to protect employee rights in regard to the disciplinary actions of suspension and termination and prevent arbitrary or capricious discipline.

Employee counseling and written reprimands do not have the right of appeal.

#### **DISCIPLINE REVIEW BOARD**

The employee has the right to appeal the disciplinary action to a Discipline Review Board within ten calendar days following the pre-disciplinary hearing by delivering a signed, written notice of the appeal to the Human Resources Director.

Upon receipt of the appeal the Human Resources Director will convene the Discipline Review Board and notify the employee's Department Director.

The Board will be composed of a Department Director other than the Director of the Department where the employee works, a City Council member, the Human Resources Director, and the City Administrator. The City Administrator will select the Department Director and the Council member.

The City Attorney will be the Board's legal advisor regarding the relevancy of the material presented, the sufficiency of evidence to sustain the discipline, and any other matter which the Board requests.

The Board will hear all evidence relevant to the action taken. The employee has the right to be present, ask questions of any witness, and present any evidence or testimony that is relevant or that might mitigate the discipline imposed.

The employee's Department Director and/or Division Manager are allowed to attend.

After the hearing has terminated the Review Board and its legal advisor will go into closed session to render its decision. The Board may affirm the disciplinary action as instituted, may reduce or alter the action, or entirely dismiss the discipline. The Board cannot increase the severity of the disciplinary action. The action of the Review Board is final.

This remedy must be exhausted before any outside action can be taken.