

SECTION VII: DISCIPLINARY ACTION

1. GENERAL POLICY.

- A. It is the policy of the Cottonwood Heights Parks and Recreation Service Area that management will inform its employees about what is expected at work, what constitutes employee misconduct, and what the employee's rights are, if disciplined.
- B. The official line of authority and communication concerning policies and procedures is through the immediate supervisor to the Department Head and then the Director. (See Section XXIV, Appendix, Organizational Chart). Any questions or concerns, excluding grievances, which must follow the grievance procedure, Section IV, may be taken to the Executive Director.
- C. It is the responsibility of all employees to observe rules of conduct necessary for the proper operation of Cottonwood Heights Parks and Recreation Service Area government. Administrative procedures have been established for the handling of disciplinary measures when required. All such measures shall follow the presentation of charges to the employee.
- D. Disciplinary action, up to and including termination, may be imposed for misconduct.
- E. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Personnel Record under GRAMMA regulations.

2. TYPES OF DISCIPLINARY ACTION.

- A. Verbal Warning.
 - (1) Whenever grounds for disciplinary action exist, and the Executive Director, or designee, determines that more severe action is not immediately necessary, the deficiency demonstrated should be verbally communicated to the employee and documented.
 - (2) Whenever possible, sufficient time for improvement should precede additional disciplinary action.
- B. Written Reprimand.
 - (1) The Executive Director, or designee, may reprimand an employee. The Executive Director, or designee, shall furnish the employee with an

Employee Warning Report setting forth the reason(s).

- (2) A copy of the Employee Warning Report, signed by the Executive Director or designee and the employee, shall be placed in the employee's personnel file for one year in accordance with GRAMMA regulations. If the employee refuses to sign the form, the Director, or designee, will so state.

C. Suspension.

- (1) The Executive Director, or designee, may suspend an employee with or without pay for up to, but not exceeding, thirty (30) calendar days for cause.
- (2) When suspending an employee, the Executive Director, or designee, shall follow the due process proceedings hereinafter set forth in paragraph 5 of this section, entitled, "Imposing Disciplinary Action".
- (3) On or before the effective date of the suspension, the Executive Director, or designee, shall furnish the employee with a written Employee Suspension Notification setting forth the reason(s) for suspension.
- (4) A copy of the Employee Suspension Notification, signed by the Executive Director, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Executive Director, or designee, will so state.
- (5) An employee on suspension shall be responsible for making full employee contributions to their employee medical insurance benefits.

D. Demotion.

- (1) The Executive Director, or designee, may demote, or reduce in grade, any employee for cause or provide for reasonable accommodation in appropriate circumstances.
- (2) When demoting an employee, the Executive Director, or designee, shall follow the due process proceedings hereinafter set forth in paragraph 5 of this section, entitled, "Imposing Disciplinary Action".
- (3) On or before the effective date of the demotion, the Executive Director, or designee, shall furnish the employee with a written Employee Demotion Notification setting forth the reason(s) for demotion.

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- (4) A copy of the Employee Demotion Notification, signed by the Executive Director, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Executive Director, or designee, will so state.

E. Transfer.

- (1) The Executive Director, or designee, may transfer an employee (with the exception of a probationary employee) by furnishing the employee with written notification.
- (2) A copy of notification, signed by the Executive Director, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Executive Director, or designee, will so state.

F. Termination.

- (1) The Executive Director, or designee, may terminate an employee for cause.
- (2) When terminating an employee for cause, the Executive Director, or designee, shall follow the due process proceedings hereinafter set forth in paragraph 5 of this section, entitled, "Imposing Disciplinary Action".
- (3) On or before the effective date of the termination for cause, the Executive Director, or designee, shall furnish the employee with a written notification setting forth the reason(s) for termination.
- (4) A copy of the notification, signed by the Executive Director, or designee, and the employee, shall be permanently placed in the employee's personnel file. If the employee refuses to sign the form; the Executive Director, or designee, will so state.

3. CAUSES FOR DISCIPLINARY ACTION.

A. Causes for disciplinary action, up to and including termination, may include, but are not limited to, the following:

- (1) Violation of the laws of the State of Utah or the United States, other than minor traffic offenses.
- (2) Violation of the code of personal conduct.

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- (3) Conduct which endangers the peace and safety of others or poses a threat to the public interest.
 - (4) Unjustified interference with work of other Cottonwood Heights Parks and Recreation Service Area employees.
 - (5) Misconduct.
 - (6) Malfeasance.
 - (7) Misfeasance.
 - (8) Nonfeasance.
 - (9) Incompetence.
 - (10) Negligence.
 - (11) Insubordination.
 - (12) Failure to maintain skills/certifications.
 - (13) Inadequate performance of duties or inattentiveness to work.
 - (14) Unauthorized absence or tardiness and/or failure to notify management.
 - (15) Falsification or unauthorized alteration of records.
 - (16) Violation of Cottonwood Heights Parks and Recreation Service Area policies.
 - (17) Falsification of employment application.
 - (18) Discrimination.
 - (19) Sexual harassment or work place harassment.
 - (20) Violation of the Personnel Policies and Procedures.
 - (21) Use of alcohol, illegal drugs, or prescription drugs other than medication prescribed by a physician that may affect job performance, resulting in a positive alcohol or 9 panel drug test.

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- (22) Falsifying Cottonwood Heights Parks and Recreation Service Area Records.
 - (23) Improper use of time clock. i.e. failure to change departments, failure to clock in and/or out, etc.
 - (24) Unauthorized possession of firearms, weapons, or explosives on Cottonwood Heights Parks and Recreation Service Area owned property, with the obvious exception of police officers.
 - (25) Carelessness which affects the safety of personnel.
 - (26) Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the public at large either stated or implied.
 - (27) Theft or removal of any Cottonwood Heights Parks and Recreation Service Area property or services of any employee from the work area premises without proper authorization.
 - (28) Gambling or engaging in a lottery at any Cottonwood Heights Parks and Recreation Service Area work area.
 - (29) Misusing, destroying, or damaging any Cottonwood Heights Parks and Recreation Service Area property or the property of any employees.
 - (30) Deliberately restricting work output of themselves or others.
 - (31) Drinking any alcoholic beverage during work hours, or being under the influence of alcohol, illegal drugs, prescription drugs or non-prescription medication which may affect job performance during work hours.
 - (32) Sleeping during working hours.
 - (33) Physical Violence, fighting, or verbal assault on Cottonwood Heights Parks and Recreation Service Area premises.
 - (34) Any act which might endanger the safety or lives of others.

C. Possession of Weapons and other Dangerous Objects

- (1) It is forbidden for any employee while working or on Cottonwood Heights Parks and Recreation Service Area premises to possess, use, sell or attempt to sell any firearm, facsimile or other dangerous object unless specifically authorized. (Exception: Peace Officer).

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- (2) Possession of weapons and other dangerous objects is defined as dangerous and is prohibited on Cottonwood Heights Parks and Recreation Service Area property, and while traveling in Service Area vehicles, on Service Area funded trips, or while representing Service Area sponsored teams or organizations.

4. CONDUCTING AN INVESTIGATION.

- A. The Executive Director, or designee, may conduct an investigation into the allegations, which form the grounds for disciplinary action.
- B. During an investigation to determine the facts upon which disciplinary action may be imposed, the Executive Director, or designee, may place an employee on administrative leave.
- C. Disciplinary action shall not be imposed until an informal pre-disciplinary hearing, with appropriate written notice, has been completed by the Executive Director, or designee. The investigation shall include an opportunity for the employee to respond to the allegations.

5. IMPOSING DISCIPLINARY ACTION.

- A. The Executive Director, or designee, shall conduct disciplinary action in a consistent manner.
- B. Each employee shall be afforded prior access to Cottonwood Heights Parks and Recreation Service Area's rules, policies, and procedures.
- C. The employee shall receive timely notice of the pre-disciplinary meeting, overview of allegations, and potential disciplinary action.
- D. Prior to imposing the disciplinary action, the employee shall have the opportunity to review the disciplinary action with the Director, or designee. The employee shall have the opportunity to respond to the allegations. The employee's written response, if any, and other related documents shall be placed in the employee's personnel file.
- E. In determining the type and severity of the disciplinary action, the Executive Director, or designee, may consider aggravating and mitigating circumstances which include, but are not limited to, the repeated nature of misconduct; prior disciplinary action imposed; the severity of the misconduct; the employee's work record; the effect on Cottonwood Heights Parks and Recreation Service Area operations; and/or the potential of the misconduct to harm person(s) or

property.

- F. For disciplinary action other than a verbal reprimand, the Executive Director, or designee, shall notify the employee, in writing, of the findings of the investigation/pre-disciplinary hearing. The written statement shall include:
 - (1) The grounds for disciplinary action, including a description of the specific misconduct for which the disciplinary action is being imposed.
 - (2) Any prior disciplinary action imposed.
 - (3) The disciplinary action to be imposed.
 - (4) The effective date and duration of the disciplinary action.
 - (5) The corrective action necessary, if any, for the employee to avoid further disciplinary action.
- G. Suspension, demotion, transfer, or termination of an employee shall require the approval of the Director.
- H. The Executive Director, or designee, may note the disciplinary action on their personal notes at the time the disciplinary action is imposed and/or on the employee's performance evaluation form.

6. APPEAL PROCEDURES.

- A. "Probationary employees" have no appeal rights.
- B. Appealing to Cottonwood Heights Parks and Recreation Service Area's Board of Trustees. Upon written receipt of an Employee Suspension, Demotion, Transfer, or Termination Notice, some employees have the right to appeal the disciplinary process and action imposed by the Executive Director, or designee, to Cottonwood Heights Parks and Recreation Service Area's Board of Trustees (exceptions include Probationary Employees):
 - (1) An employee must submit a written notice of appeal to Cottonwood Heights Parks and Recreation Service Area's Executive Director, or designee, within ten (10) days or an employee will be deemed to have waived all appeal rights.
 - (2) If Cottonwood Heights Parks and Recreation Service Area's Board of Trustees overturns the Employee Disciplinary Action:
 - (a) Cottonwood Heights Parks and Recreation Service Area's Board

may also reinstate any loss of pay associated with the Employee Disciplinary Action.

- (b) The Executive Director, or designee, shall remove the record of the disciplinary action from the employee's personnel file.
- (2) If Cottonwood Heights Parks and Recreation Service Area's Board of Trustees upholds the Employee Disciplinary Action, an employee has no additional appeal rights.

APPROVED AND PASSED THIS 20 DAY OF Oct, 2021

COTTONWOOD HEIGHTS
PARKS AND RECREATION SERVICE AREA

By:  _____

Ben Hill, Executive Director

BOARD OF TRUSTEES

By:  _____

Bart Hopkin, Chairperson