## Discipline Policy (Non-Union Only)

### POLICY STATEMENT
The City of Hamilton (“the City”) has an objective to foster positive, long term relationships with its employees. Given this approach, our primary goal is to provide a work environment through training, development, and strong management allows employees and the City to fulfill this objective. Recognizing that there are individuals who do not wish to align with this purpose, this Policy contains fair and constructive disciplinary procedures which are intended to facilitate rehabilitation in the workplace rather than punishment.

### PURPOSE
The purpose is to adopt a consistent approach to progressive discipline to identify and address employee performance and behaviour problems including violations of City policy.

### SCOPE
This Policy applies to all non-unionized City employees, including permanent full-time and part-time, temporary and contract employees, and to management employees and students (collectively called “Employees”).

The provisions of the applicable collective agreement govern discipline for unionized employees.

### DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
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<tbody>
<tr>
<td>Progressive Discipline</td>
<td>Escalating disciplinary consequences that move from level one (verbal warning) through to level four (termination). Discipline is conducted progressively to provide the employee with an opportunity to take corrective action and improve their performance to meet expectations.</td>
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<td>Suspension (Pending Investigation)</td>
<td>The removal of an employee from the workplace with/without pay that is issued when the facts pertaining to a particular incident are being investigated and, in the supervisor’s opinion, the employee should not continue working until the matter is dealt with. The Investigation may result in the employee being suspended or terminated as assessed on a case-by-case basis.</td>
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### TERMS & CONDITIONS
Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance, unsubstantiated absences or lateness, or violation of the City’s policies, practices, or procedures. However, discipline may be issued for conduct that falls outside of those identified areas. Further, the City need not resort to progressive discipline, but may take whatever action it
The City will conduct investigations, if necessary, into misconduct or performance problems prior to imposing discipline. An employee may be suspended with or without pay while the City conducts its investigation. The employee who may be subject to discipline is expected to co-operate in those investigations or risk additional discipline for failure to do so. The employee is also expected to advise his or her supervisor if there are any factors the supervisor should consider that might justify the employee’s conduct.

Progressive discipline may be imposed on employees even when the conduct that leads to more serious discipline is not the same that resulted in less severe discipline. For example, violations of different rules could be considered the same as repeated violations of the same rule for purposes of progressive action. In addition, the employee’s past performance record will be taken into consideration in assessing whether a more severe penalty should be imposed, to recognize the cumulative effects of the employee’s conduct and the fact that the employee is not responding appropriately to corrective action.

The City will normally adhere to the following progressive disciplinary process. However, depending on the facts of the situation, the severity of the offence, or the frequency of misconduct, one or more steps in the process may be passed over and a more severe disciplinary consequence imposed. While the following will set out the normal process, the City reserves the right, in its sole discretion, to decide whether and what disciplinary action will be taken in a given situation.

**FIRST LEVEL - VERBAL WARNING**: An employee will be given a verbal warning when he or she engages in problematic conduct or performance. As the first step in the progressive discipline policy, a verbal caution is meant to alert the employee that a problem may exist or that one has been identified, which must be addressed. Verbal warnings will be documented and maintained by the employee’s supervisor.

**SECOND LEVEL - WRITTEN WARNING**: A written warning is more serious than a verbal warning. A written warning will be given when an employee engages in conduct that justifies a written
warning or the employee engages in unacceptable behavior during the period that a verbal warning is in effect. Written warnings are maintained in an employee’s personnel file within Human Resources and remains in effect for two years from the date of the written warning or for a longer period if the employee is disciplined again.

**THIRD LEVEL – SUSPENSION**: A suspension without pay is more serious than a written warning. An employee will be suspended when he or she engages in conduct that justifies a suspension or the employee engages in unacceptable behavior during the period that a written warning is in effect. The length of the suspension will depend on the seriousness of the offence and the employee’s discipline record. An employee’s suspension will be documented and, regardless of the length of the suspension issued, will remain on file in the employee’s personnel file for two years from the date of the suspension or for a longer period if the employee is disciplined again. An employee may be subject to varying levels of suspension. For example, an employee might receive a one-day suspension and then for a future infraction receive a three-day or five-day suspension depending on the nature of the infraction.

**FOURTH LEVEL – TERMINATION OF EMPLOYMENT**: The infraction may be so severe that the penalty is termination of employment for the employee, for cause. Termination of employment might also occur if the employee has been subject to varying levels of progressive discipline and has not corrected his or her behaviour or performance. If this applies, see the City’s “Termination of Employment Policy (Non-Union)”.

### RESPONSIBILITIES

| Employee | o Maintain a level of performance acceptable to the Corporation.  
|          | o May appeal a disciplinary consequence to the second-removed supervisor (e.g. to the employee’s supervisor’s manager)  
| Managers/Supervisors | o Consult with Employee & Labour Relations (Human Resources) prior to imposing discipline on an employee.  
|          | o Manage and document the performance of all direct report employees. This includes providing the appropriate support to employees to assist them in correcting a performance problem.  

Human Resources

- Communicate this Policy and its associated Procedures to employees so they understand and are aware of the escalation levels.
- Forward a copy of all disciplinary letters and/or notices to Human Resources. All disciplinary documentation will remain in the employee’s file in Human Resources.
- Consult with Human Resources regarding an employee appeal to imposed discipline, and may, as a result of the consultation (1) confirm the discipline; (2) vary the disciplinary consequence; (3) retract the discipline; or (4) take any other action deemed necessary in the situation.
- Provide administrative support for this Policy and its associated procedures. This includes maintaining an official record of all performance reviews in each employee’s file as well as providing consultative services to management on discipline issues.
- Seek approval from the City Manager prior to any non-union employee termination.
- Answer employee questions regarding this Policy and, as requested, policy application to specific cases.

COMPLIANCE

Any employee who is found to have violated this policy shall be disciplined according to the severity of the actions. Failure to comply with this Policy will result in disciplinary action, up to and including dismissal.

RELATED DOCUMENTS

The following related documents are referenced in this Policy:
1. Termination of Employment Policy (Non-Union)
2. Discipline Procedure (Non-Union)
3. Code of Conduct for Employees Policy

HISTORY

The corporate Policy Review Group was consulted in the creation of this Policy.

This policy replaces the previous policy approved by Corporate Management Team in 2002.

Senior Management Team approved this policy 2014-05-29