

5.01 DISCIPLINE

Rule

Any employee within the Auditor's Office classified service is subject to disciplinary action for cause. Such discipline may include but is not limited to an oral reprimand, written reprimand, demotion, loss of pay, suspension or discharge.

Discipline of permanent (non-probationary) employees in the Auditor's Office classified service is normally progressive, beginning with an oral or written warning and proceeding to suspension, demotion or discharge. Disciplinary action may also take other forms such as withholding privileges. Serious offenses such as stealing, workplace violence, conviction of a bias crime, unwelcome sexual touching, refusal to obey a legitimate order or other causes in which the employee's performance or behavior will not be improved through corrective measures may justify discharge without the necessity of prior warnings or attempts at corrective discipline. In all cases, the level and degree of penalty shall be in keeping with the seriousness of the offense, taking into account the circumstances relevant to the incident.

For less serious infractions ~~that, which~~ warrant progressive discipline, the ultimate goal is to put the employees on notice of unacceptable conduct and to give ~~them~~ employee a reasonable opportunity to modify their behavior. It is not the purpose of this rule to promote or require ~~a~~ some "lock-step" progression of disciplinary measures to every disciplinary action involving permanent, non-probationary employees in the Auditor's Office classified service.

Prohibited Activities

Cause for disciplinary action shall include but not be limited to the following:

1. Incompetence, inadequate performance or nonperformance of assigned duties.
2. Neglect of duty or negligence in performance of duty causing a substantial risk of personal injury or damage to property.
3. The use of intoxicants; or illegal use or possession of controlled substances on the job; reporting for work under the influence of intoxicants; or the use of drugs which create a substantial risk of injury to self or others or which impair work performance.
4. Habitual or excessive absence or tardiness, or abuse of sick leave privileges.
5. Absence from duty without authorization or failure to notify one's supervisor when unable to report to work on time.
6. Conviction of a felony; or conviction of any crime where the conviction would tend to impair effectiveness as an Auditor's Office ~~City~~ employee or tend to bring discredit or reproach upon the Auditor's Office or the City ~~or bureau involved~~.
7. Violation of safety rules or policies.

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8. Violation of the provisions of federal or state law, or of the City Charter, ordinances or any City or Auditor's Office rules, ~~or~~ regulations or including ~~bureau specific~~ policies.
 9. Discourteous treatment of the public or other employees, offensive conduct or conduct unbecoming a public City employee.
 10. Insubordination, willful disobedience or failure to follow a lawful supervisory directive,
 11. Inappropriate or unauthorized personal use of City resources, including, but not limited to tools and equipment, materials and supplies, vehicles, facilities and grounds, work time and information resources and technologies.
 12. Unauthorized use or disclosure of restricted or confidential information. (See Attachment to HRAR 11.04 Protection of Restricted and Confidential Information)
 13. Dishonesty.
 14. Fraud in securing employment.
 15. Falsification of ~~T~~timesheets.
 16. Physical violence, including engaging in acts of bodily harm or threatening to inflict bodily harm, physical intimidation, verbal or written threats of violence.
 17. Bullying (see attached guidance)
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Due Process Requirements

If ~~an appointing authority~~ a division manager ~~initially~~ determines there is just cause for discharge, demotion or suspension of a permanent Auditor's Office classified service employee, the ~~appropriate supervisory authority~~ division manager, in consultation with the City Auditor or designee, shall provide the employee with notice of proposed disciplinary action. Such notice shall be at least seven (7) calendar days, ~~or~~ at least one (1) day for suspensions of one (1) day or less, prior to the effective date of the proposed disciplinary action. The notice shall include grounds for such action, the effective date of the proposed action, and the right to respond either orally or in writing, prior to the final determination of discipline.

Suspension or Discharge

Any represented employee shall be entitled to representation at any meeting which might result in disciplinary action.

Unless withdrawn or otherwise amended, the disciplinary action shall become effective as specified in the disciplinary notice document. A copy of the notice, written response, if any, and final action shall be filed with ~~the Director of Human Resources Management Services~~ and become part of the employee's official employment record.

Manager & Supervisor Responsibility

It shall be the responsibility of each division bureau manager to ensure that all employees are advised of the ~~City's Human~~ Auditor's Human Resources

~~Administrative~~ Rules and that violation of these rules may result in discipline up to and including suspension and/or discharge for a first violation.

A Discipline Log Entry will be recorded in consultation with the Bureau of Human Resources must be recorded at the time the final copy of the notice of discipline is submitted to Labor Relations for inclusion in the discipline log.

Disciplinary Suspensions for FLSA Exempt Employees

Employees designated by the City of Portland as exempt from the Fair Labor Standards Act (FLSA) generally are not subject to disciplinary suspension of less than one week. However, FLSA exempt employees may be suspended without pay for one or more full days for major safety violations or violations of significant workplace conduct rules.

Administrative Leave

~~Bureau Directors~~The City Auditor may place an employee on administrative leave for up to 60 calendar days to remove an employee from the workplace ~~for due to~~ concerns about workplace safety or ~~–~~during an investigation that may lead to termination. ~~Bureau Directors~~The Auditor may approve administrative leave for up to 10 calendar days during the seven-day notice period prior to the effective date of a proposed termination. Administrative leave ~~shall may not~~ be extended ~~unless approved by the~~ City Auditor, Director of Human Resources and the Commissioner-in-Charge or other elected official. Under some limited circumstances and with the approval of the City Auditor, administrative leave may also be unpaid. ~~Any unpaid administrative leave must be approved by the Director of Human Resources.~~

Placement of an employee on administrative leave is not a disciplinary action.

Appeal

Unless otherwise provided by a collective bargaining agreement, any permanent employee in the Auditor's classified service who is suspended without pay, demoted or discharged shall have the right to appeal the action to an impartial hearings officer the Civil Service Board. See Civil Service Board Administrative Rule for procedure.

Administrative Rule History

~~Adopted by Council March 6, 2002, Ordinance No. 176302~~
~~Effective April 5, 2002~~
~~Revised September 16, 2005~~
~~Revised July 9, 2007~~
~~Revised May 9, 2008~~
~~Revised April 17, 2009~~
~~Revised December 4, 2013~~
~~Revised April 25, 2016~~
