



Policy Purpose

Outline the disciplinary process for city employees and appeal options from disciplinary actions.

I. Scope

- a. This policy applies to all full-time employees of Salt Lake City Corporation who have satisfactorily completed their probationary period.
- b. At-will employees (including part-time, seasonal, appointed and probationary employees) are not subject to this policy.

II. Progressive Discipline

- a. Progressive discipline typically proceeds in the following sequence: written warning, suspension without pay and termination. Demotion may also be a part of the progressive discipline process.
- b. However, progressive discipline is not required and deviation from the typical progressive discipline sequence may be appropriate in light of the severity (as determined by the supervisor in question) of an employee’s job performance, conduct or behavior (see section IV.b).
- c. Progressive discipline may proceed in the typical sequence even if the job performance, conduct or behavior presently at issue differs from the type of performance, conduct or behavior for which the employee previously received disciplinary or non-disciplinary action.
- d. An employee’s history of prior disciplinary and non-disciplinary action will be considered in determining the appropriate level of discipline.

III. Levels of Discipline

- a. Tier 1 – Written Warning
 - i. No pre-determination hearing is required before the issuance of a written warning. However, supervisors are encouraged to notify the employee of their intent to issue a written warning before it is issued.
 - ii. Appeal:
 - a. Unless the applicable provisions of a MOU provide otherwise, Tier 1 disciplinary action may be appealed to the department director or their designee by submitting the [appeal form](#) to the department director within ten (10) calendar days of the date of the action being appealed.
 - b. The department director or their designee will hear the employee’s appeal in an informal meeting. The meeting will not be recorded, but the employee may bring a representative.
 - c. The department director or their designee has the authority to uphold, rescind or modify the disciplinary action being appealed. The department director or designee’s decision is final and no further appeals are permitted.
- b. Tier 2 – Suspensions without Pay
 - For employees who work 8-hour shifts, an unpaid suspension of 2 days or less.
 - For employees who work shifts longer than 8 hours, an unpaid suspension of 1 or 2 shifts.
 - For employees in the police or fire department, an unpaid suspension of 24 hours or less.
 - i. Pre-determination hearing:



- a. In order to provide the employee notice and an opportunity to respond to the issue(s) raised, a pre-determination hearing is required before Tier 2 discipline may be imposed. The employee will receive written notice of the pre-determination hearing, which will include the allegations against the employee; the date, time and place of the pre-determination hearing; and the employee’s right to bring a representative of their choice to the pre-determination hearing. The audio of the pre-determination hearing will be recorded.
- ii. Appeal:
 - a. Unless the applicable provisions of a MOU provide otherwise, Tier 2 disciplinary action may be appealed to the department director or their designee by submitting an [appeal form](#) to the department director within ten (10) calendar days of the date of the action being appealed. The written appeal should specifically explain the employee’s reasons for submitting the appeal.
 - b. The department director or their designee will hear the employee’s appeal in an informal hearing. The audio of the hearing will be recorded and the employee may bring a representative.
 - c. The department director or their designee has the authority to uphold, rescind or modify the disciplinary action being appealed. The department director or designee’s decision is final and no further appeals are permitted.
- c. Tier 3 –
 - Termination of Employment
 - Demotion to a Position of Less Pay
 - For employees who work 8-hour shifts, an unpaid suspension of more than 2 days.
 - For employees who work shifts longer than 8 hours, an unpaid suspension of more than 2 shifts.
 - For employees in the police or fire department, an unpaid suspension of more than 24 hours.
 - i. Pre-determination hearing:
 - a. In order to provide the employee notice and an opportunity to respond to the issue(s) raised, a pre-determination hearing is required before Tier 3 discipline may be imposed. The employee will receive written notice of the pre-determination hearing, which will include the allegations against the employee; the date, time and place of the pre-determination hearing; and the employee’s right to bring a representative of their choice to the pre-determination hearing. The audio of the pre-determination hearing will be recorded.
 - ii. Appeal:
 - a. For employees in the police or fire department, Tier 3 disciplinary actions may be appealed to the Salt Lake City Civil Service Commission. For all other employees, Tier 3 disciplinary actions may be appealed as follows:
 - b. Department Level Appeal
 - a. Unless the applicable provisions of a MOU provide otherwise, Tier 3 disciplinary action may be appealed to the department director or their designee by submitting an [appeal form](#) to the department director within ten (10) calendar days of the date of the action being appealed. The written appeal should specifically explain the employee’s reasons for submitting the appeal.



- b. The department director or their designee will hear the employee’s appeal in an informal hearing. The audio of the hearing will be recorded and the employee may bring a representative.
- c. The department director or their designee has the authority to uphold, rescind or modify the disciplinary action being appealed.
- c. Final Appeal
 - a. A department director’s or designee’s decision to uphold a tier 3 disciplinary action may be appealed to the appropriate established body (i.e. an appeal board or hearing officer).
 - b. Unless the applicable provisions of a MOU provide otherwise, an employee may appeal a department director’s or designee’s decision by submitting a written appeal to the office of the city recorder within fourteen (14) calendar days of the date of the department director’s or designee’s decision.
 - c. The final appeal will be conducted in accordance with the established body’s applicable procedure and practice. The decision by the established body (i.e. appeal board or hearing officer) is final and no further internal appeals are permitted.

IV. Disciplinary Factors

- a. Employees may be disciplined for any of the below:
 - i. Unsatisfactory job performance, which may include failure to comply with city policies; city, department or division expectations (including any verbal or written expectations communicated by a supervisor); or applicable laws;
 - ii. Conduct or behavior that violates city, department or division policies or applicable laws;
 - iii. Conduct or behavior off-duty or outside of work that violates city, department or division policies; violates applicable law; or otherwise negatively impacts the city, provided that the city articulates how the employee’s off-duty or outside-of-work conduct or behavior negatively or potentially negatively impacts the city.
- b. In determining the appropriate tier of disciplinary action to be taken, consideration will be given to the nature of the violation and the actual or potential impact of the employee’s performance, conduct or behavior at issue. Factors that may be considered include, but are not limited to:
 - i. Safety implications
 - ii. Impact on services
 - iii. Financial implications
 - iv. Level of disruption caused
 - v. City, department or division policies, procedures or expectations at issue
 - vi. Violation of applicable law
 - vii. The employee’s past history, including all non-disciplinary and disciplinary actions received (regardless of the type of performance, conduct or behavior which resulted in the action).
- c. The employee will be advised, in writing, of the disciplinary action being taken. The written notice will include general information regarding any applicable appeal process and a copy of the notice will be placed in the employee’s official personnel file.



V. Disciplinary Considerations

- a. Before disciplinary action is taken, the employee's immediate supervisor or manager should attempt to ensure the employee is made aware of the expectations of the job. This can be accomplished in a variety of ways, including, but not limited to: reviewing the employee's job description with them; reviewing city, department or division policies, procedures or expectations with the employee; communicating expectations to the employee during the hiring process; communicating expectations to the employee during an orientation; engaging in performance discussions with the employee; or taking previous disciplinary action against the employee.
 - i. Performance discussions (which may include, but are not limited to, coaching and counseling sessions or verbal warnings) are non-disciplinary actions designed to promote improvement in performance, conduct or behavior.
 - ii. Performance discussions should be documented in some form, which may include, but are not limited to, a memo to the employee, an e-mail to the employee or the [performance discussion form](#). These documents will not be placed in the employee's official personnel file but may be reviewed and considered in determining whether disciplinary action should be taken.
- b. In some instances, disciplinary action may be issued to an employee without prior warning, depending on the nature and severity of the issue or concern.
- c. Before taking disciplinary action, the issuing supervisor or manager should consult with their human resources consultant. After consulting with HR and others as appropriate, the issuing supervisor or manager will determine which tier of disciplinary action is appropriate.
- d. Before issuing disciplinary action, a review of the relevant information (which may, but is not required to, include an investigation) will be conducted. An investigative interview may be held if a supervisor or investigator determines that such an interview is necessary to obtain additional relevant information. If an investigative interview is held, the supervisor or investigator conducting the interview will comply with all applicable provisions of a MOU.
- e. For appeals to a department director or their designee, an individual who was not involved in the decision to issue the disciplinary action should be assigned to hear the appeal. If the disciplinary action was issued by a department director, the appeal will be heard by a different department director assigned by the human resources director.
- f. Where broader institutional issues are implicated (which may include, but are not limited to, EEO issues (such as discrimination or harassment), workplace violence, fraud, etc.), the appropriate department director or city official may issue disciplinary action.

Current References:

[Policy 3.01.06 Employment Separation and Exit Interviews](#)
[Discipline and Appeal Guidelines Procedure](#)

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Approved and passed this 31st date of December, 2016