

NEW CAREER SERVICE DISCIPLINE RULE

PLEASE READ AS SOON AS POSSIBLE

TO: Appointing Authorities, Managers, and Employees

FROM: Don Cordova
CSA Director

DATE: February 28, 2006

SUBJECT: Revisions to Career Service Rule 16 DISCIPLINE AND DISMISSAL

The Career Service Board has approved revisions to Career Service Rule 16 governing discipline and dismissal (and related rules). **THIS NEW RULE WILL GO INTO EFFECT ON MARCH 15, 2006, AND WILL BE THE BASIS FOR DISCIPLINARY ACTION AFTER THAT DATE .** Please provide a copy of these new rules to employees who do not have access to the a City e-mail account.

The new Rule 16 contains the following substantive changes to Career Service disciplinary procedures:

- Reorganizes the rule for better flow.
- Increases length of time allowed for investigatory leave.
- Allows appointing authorities to require employees on investigatory leave to stay at home, be available by phone, perform work, or return to work.
- Maintains the progressive discipline process.
- Combines the lists for reasons for progressive discipline and dismissal into one list, deleting redundancies. For example removing the requirement for three successive “Needs Improvement” ratings for dismissal.
- Allows discipline to be imposed for being charged with a crime if the facts underlying the charge can be shown to be true.
- Creates new form of discipline - “Involuntary temporary reduction in pay” - and establishes guidelines for its use.

PLEASE NOTE THAT THIS RULE CHANGE WILL NOT TAKE EFFECT UNTIL MARCH 15, 2006. DISCIPLINE IMPOSED PRIOR TO MARCH 15, 2006 WILL BE COVERED BY THE CURRENT RULE 16. THE CURRENT RULE 16 WILL ALSO APPLY TO THE IMPOSITION OF DISCIPLINE WHEN A PRE-DISCIPLINARY LETTER WAS ISSUED PRIOR TO MARCH 15, 2006. INVESTIGATORY LEAVE IMPOSED PRIOR TO MARCH 15, 2006 WILL ALSO BE COVERED BY THE CURRENT RULE.

MEMORANDUM

REVISION 5, SERIES C

TO: Holders of CSA Rule Books
FROM: Career Service Board
DATE: February 28, 2006
SUBJECT: Revision of Career Service Rule 16 DISCIPLINE AND DISMISSAL

The Career Service Board has revised Career Service Rule 16 DISCIPLINE AND DISMISSAL and related rules. The effective date of this revision is March 15, 2006.

	<u>Page Number</u>	<u>Issuance Dates</u>
Remove	1-4 1-5 1-8, 1-14 1-15 3-2 4-11 Entire chapter 16 16-1 16-2 16-3 16-4, 16-5 16-6 16-7 16-8 through 16-10	January 1, 2006 March 19, 2004 January 1, 2006 June 1, 2004 September 7, 2000 March 19, 2004 July 30, 2003 April 15, 1999 June 10, 2003 April 15, 1999 May 30, 2003 January 1, 2006 April 15, 1999
Replace	1-4, 1-5, 1-8, 1-14, 1-15 3-2, 3-2.1 4-11 Entire chapter 16 16-1 through 16-9	February 23, 2006 February 23, 2006 February 23, 2006 February 23, 2006

PLEASE NOTE THAT THE EFFECTIVE FOR THIS RULE REVISION IS MARCH 15, 2006.

PLEASE INSERT IN YOUR RULE BOOK ON THE EFFECTIVE DATE. THANK YOU.

Compensatory time off:

The hours absent from duty granted to compensate for authorized overtime worked. (Effective July 1, 1977; Rules Revision Memo 97A).

Compensatory time plan:

A plan approved by the Personnel Director which provides for the accrual of compensatory time on a straight time basis in certain periods of the year and its discharge in other periods of the year. (Eff. 7/1/77; Rules Rev. 97A).

Continuous service date:

The effective date of an employment appointment or a re-employment appointment in the career service, whichever is later; or the effective date of appointment from a reinstatement list plus credits for service prior to lay-off. This definition does not affect employee rights to sick leave and vacation leave as established in the Revised Municipal Code or the Career Service Rules. (Eff. 12/15/83, Rules Rev. 51B; Revised 3/19/2004; Rules Rev. 247B)

Demotion appointment:

One which changes an employee from a position in one class to a different position in another class if (1) the second class is in the same pay schedule, and the first three digits of the identification number of the pay grade in the second class are lower than the first three digits of the first class; or (2) in a different pay schedule, with a lower entry rate. (Eff. 9/1/89; Rules Rev. 129B).

Disabled individual:

An individual who (1) has a physical or mental impairment which substantially limits one or more major life functions; or (2) has a record of such impairment; or (3) is regarded as having such an impairment; or (4) has begun or successfully completed a supervised drug rehabilitation program and is no longer engaged in the illegal use of drugs. (Eff. 1/1/93; Rules Rev. 160B).

Disadvantaged:

As used in Rule 6 - Career Training Service, a person whose individual or family income falls below a given level established from time to time by the Personnel Director. (Eff. 1/1/88; Rules Rev. 101B).

Disqualification:

An involuntary no-fault separation of an employee, or action in lieu thereof, based on a legal, physical, mental or emotional impairment or incapacity, occurring or discovered after appointment, which prevents satisfactory performance of the duties and responsibilities of the position. (Eff. 3/15/79; Rules Rev. 110A).

Documented performance:

A verifiable assessment of an individual's work performance, including PEPR ratings, disciplinary actions, and safety violations. (Eff. 3/19/2004, Rule Rev. 247B)

Domestic Partner:

An unmarried adult, unrelated by blood (closer than would prohibit marriage in Colorado pursuant to the Colorado Revised Statutes), with whom an unmarried employee has an exclusive committed relationship, maintains a mutual residence and shares basic living expenses. (Eff. 3/16/95; Rules Rev. 178, Series B).

Effective date:

The date when a personnel action takes effect; in the case of separation, the employee's last day of work, exclusive of accrued vacation leave or compensatory time. (Eff. 5/16/56; Rules Rev. 16A).

Eligible:

A person who has passed an examination and whose name is on an eligible list for certification. (Effective December 15, 1988; Rules Revision No. 118, Series B).

Eligible list:

A list of those who have met the requirements for a given class in the Career Service. (Effective May 16, 1956; Rules Revision Memo 16A).

Emergency:

A condition which meets any of the following criteria:

- a) Fire, flood, catastrophe, or other unforeseen disaster;
- b) A station must be manned and no other employee is available for work;
- c) A significant work stoppage; or
- d) Any other occurrence affecting the general public health, safety, welfare and convenience, which requires immediate action. (Effective December 18, 1978; Rules Revision Memo 107A)

Lay-off:

The involuntary separation of a career status unlimited employee, or a limited employee appointed prior to January 16, 2004, resulting from the abolishment of a position. (Eff. 9/18/1980, Rules Rev. 127A; Revised 3/19/2004, Rule Rev. 247B).

Lay-off unit:

An appropriation account, appropriation sub-account, combinations of appropriation sub-accounts, or combinations of appropriation accounts for the purposes of lay-off. (Eff. 11/01/1979, Rules Rev.115A; Revised 3/19/2004, Rule Rev. 247B).

Lay-off Unit Reinstatement List:

Employees shall be placed on the Lay-off Unit Reinstatement List for the classification they have been laid off from, demoted in lieu of lay-off from, or have voluntarily resigned or voluntarily demoted in lieu of lay-off from. The Lay-off Unit Reinstatement List shall only be used within the Lay-off Unit the employee was in when the lay-off took place. (Effective March 19, 2004, Rule Revision Memo 247B)

Leave:

An authorized absence from regularly scheduled work hours which has been approved by proper authority. (Effective May 16, 1956; Rules Revision No. 16A).

Length of Service:

Total number of years, months and days of continuous service, (for examination purposes) including time an employee is on authorized leave of absence without pay, but exclusive of service in non-career status positions. (Effective December 15, 1988; Rules Revision No. 118B; Revised March 19, 2004, Rule Revision Memo 247B).

Limited position:

One which has a specified ending date. (Effective September 18, 1980; Rules Revision No. 127A).

Minimum qualifications:

The qualifications contained in the class specification which a person must possess in order to qualify or compete for a given class of positions in the Career Service. (Effective November 1, 1979; Rules Revision No. 115A).

Separation:

The termination of employment by reason of probation, disqualification, lay-off, resignation, retirement, dismissal, or death. (Effective September 18, 1980; Rules Revision Memo 127A).

Serious health condition:

An illness, injury, impairment or physical or mental condition, which involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider. (Effective February 8, 2005, Rules Revision Memo 257B)

Sexual harassment:

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment. (Effective March 22, 1984; Rules Revision 60B).

Staggered work schedule:

The assignment of differing reporting times to individual employees. (Effective November 14, 1978; Rules Revision 104A).

Standard work week:

The five-day, forty-hour work week. (Effective May 16, 1956; Rules Revision 16A).

Transfer appointment:

One which moves an employee from a position in one class to a different position:

- a) in the same class in a different agency; or
- b) in a different class in the same pay schedule where the first three digits of the identification number of the pay grade are the same; or
- c) in a different class in a different pay schedule where the entry rates are the same. (Effective September 1, 1989; Rules Revision 129B).

Unlimited position:

One which has no specified ending date. (Effective September 18, 1980; 127A).

Weekly Rate:

The weekly rate is the predetermined rate of pay the employee is eligible to receive for one forty (40) hour week of work. (Effective June 1, 2004, 249B)

Work days:

The established or scheduled days an employee shall work. (Effective May 16, 1956; Rules Revision 16A).

Work week:

The total of scheduled work days in a seven (7) day period starting at 12:01 A.M. on Monday and ending on Sunday evening at 12:00 Midnight, unless a different period has been established in accordance with these rules. (Effective September 19, 1985; 75B).

Workmen's compensation:

Benefits received by an employee who is injured while carrying out his work assignment as determined by the Workmen's Compensation Act of Colorado. (Effective May 16, 1956; Rules Revision 16A).

a) Recruitment Notices:

Written notice of tests for jobs must be posted in the Career Service Authority office and other places where potential applicants would be likely to see the notice.

b) Content of the Notices

The notice must contain the job title, pay range, recruitment open and close dates, minimum qualification requirements, the time and place of making application and the type and weight of test to be given.

Job descriptions will be available at the Career Service Authority office on request.

Written notice of tests must be posted for at least 48 hours, not including weekends and holidays.

3-22 Testing Procedures

a) Completion:

Applicants must submit a completed application including additional required information by the posted closing date. The application is part of the testing process.

b) Timeliness:

Testing procedures must be followed. Failure to follow procedures in a timely manner is grounds for disqualification. Failure to follow procedures and/or failure to apply by the closing date may cause rejection of an application.

c) Rejection of Applications

Applicants may be ineligible to test for any valid reason, including the following:

- 1) Incomplete application or giving false information in the filing or testing processes;
- 2) Failure to meet qualifications, or to timely file for testing consideration;
- 3) Not suitable for the position, including criminal convictions; or
- 4) Dismissal from the Career Service. Employees dismissed from the Career Service are not eligible to test for five years after the date of dismissal. (Effective March 15, 2006; Rules Revision Memo 5C)

3-23 Testing

Tests are used by the Career Service Authority to predict how well a candidate may do a job and to allow the Career Service Authority to compare the people competing for a job with each other so the best qualified applicants may be identified.

a) Types of Tests

The Career Service Authority may give one or all of the following kinds of tests:

- 1) Written tests.
- 2) Performance tests.
- 3) Evaluation of experience and education.

- O. Promotion to a higher class: The name of an eligible that has been promoted to a higher class is removed from all eligible lists at or below the level of the promotional class. No restoration will be permitted.
- P. Failure to satisfactorily perform on-call assignments: Notice that an on-call employee has, failed to perform assigned duties may result in the removal of the name of the on-call individual from the on-call eligible list. For purposes of this rule, notice shall mean written notification by the employing agency to the Career Service Authority. Restoration will not be permitted during the one-year period.
- Q. Dismissal: Employees dismissed from the Career Service shall be removed from all eligible lists and will not be added to any eligible lists for five (5) years after the date of dismissal. No restoration is permitted. (Effective March 15, 2006; Rules Revision Memo 5C)

RULE 16
DISCIPLINE
AND DISMISSAL
(Effective March 15, 2006; Rules Revision Memo 5C)

Purpose statement:

The purpose of this rule is to establish a progressive discipline process that is governed by the principles of due process, personal accountability, reasonableness and sound business practice.

Section 16-5 Disclaimer

This Rule 16 pertaining to discipline and dismissal does not create or constitute any contractual rights between or among the City, the Career Service Board ("Board"), the Career Service Authority ("CSA") and any employee. This Rule 16 may only be modified, rescinded, or revised, in writing, by the Board, which reserves the right to unilaterally modify, rescind, or revise Rule 16 at any time consistent with its rule-making process.

Section 16-10 Service of written notice

Written notices required to be served on an employee under this Rule 16 shall be served on the employee either in person with a certificate of hand delivery, or by first class U.S. mail, with a certificate of mailing to the employee's last known address.

Section 16-20 Purpose of discipline

The purpose of discipline is to correct inappropriate behavior or performance, if possible. The type and severity of discipline depends on the gravity of the offense. The degree of discipline shall be reasonably related to the seriousness of the offense and take into consideration the employee's past record. The appointing authority shall impose the type and amount of discipline he or she believes is needed to correct the situation and achieve the desired behavior or performance.

Section 16-30 Investigatory Leave with Pay

- A. An appointing authority may place an employee on investigatory leave with pay pending an investigation of a possible rule violation or failure to meet standards of performance when it is determined by the appointing authority that it is in the best interest of the City. Investigatory leave may be for no more than forty-five (45) calendar days. It may include the period of time required to complete the investigation, as well as any time necessary to conduct a pre-disciplinary meeting and render a decision regarding discipline.

- B. If the investigation has not been completed within the forty-five (45) calendar day time period, the appointing authority may request from the Career Service Personnel Director ("Personnel Director") an extension of time appropriate to complete the investigation and render a decision. The Personnel Director may approve a request for an extension for good cause shown. Additional extensions may be granted at the discretion of the Personnel Director. The appointing authority shall notify the employee of any extension that is granted by the Personnel Director.
- C. The appointing authority may require the employee to remain at home and/or be available by telephone; to participate in the investigatory process and/or to perform work during their normal work hours; or to return to work prior to the end of the period of investigatory leave. If an employee is unable to meet the requirements listed above, or chooses to attend to personal business during their normal hours of work, the appointing authority's regular procedures regarding the use of leave shall apply.

Section 16-40 Pre-disciplinary Notification of Contemplation of Discipline or Dismissal and Notice of Pre-disciplinary Meeting.

- A. Before an employee with career status is suspended, given an involuntary temporary reduction in pay, involuntarily demoted or dismissed, the appointing authority shall hold a pre-disciplinary meeting. A pre-disciplinary meeting is not required for verbal or written reprimands.
- B. The purpose of the pre-disciplinary meeting is to allow an employee to:
 - 1. Correct any errors in the department or agency's information or facts upon which it proposes to take disciplinary action; and
 - 2. Tell his or her side of the story and present any mitigating information as to why the disciplinary action should not be taken.
- C. Since a pre-disciplinary meeting is not an administrative hearing, witness testimony is not allowed.
- D. Employees must be served with written notice seven (7) calendar days prior to the pre-disciplinary meeting. The seven (7) calendar day notice period starts on the day following the date shown on the certificate of mailing or certificate of hand delivery.
- E. The written notice of the pre-disciplinary meeting shall contain the following:
 - 1. That disciplinary action is contemplated;
 - 2. The specific conduct or omission committed by the employee which the department or agency believes is in violation of the Career Service Rules ("Rules"), the City Charter, the Denver Revised Municipal Code, Executive Orders or other applicable legal authority;
 - 3. The purpose of the pre-disciplinary meeting as described in Section 16-40 B. of this rule;

4. The date, time and location of the pre-disciplinary meeting; and
 5. That the employee is entitled to have a representative of his or her own choosing present at the meeting.
- F. The department or agency may approve or deny requests to re-schedule pre-disciplinary meetings, but shall accommodate such requests whenever practicable.

Section 16-50 Progressive Discipline

- A.
1. Whenever practicable, discipline shall be progressive. However, any measure of discipline may be used in any given situation as appropriate. A lesser discipline other than dismissal may be imposed where circumstances warrant.
 2. Failure to correct behavior or committing additional violations after progressive discipline has been taken may subject the employee to further discipline, up to and including dismissal from employment.
 3. This rule should not be interpreted to mean that progressive discipline must be taken before an employee may be dismissed.
- B. In order of increasing severity, the disciplinary actions which an appointing authority may take against an employee for violation of the Rules, the City Charter, or the Denver Revised Municipal Code, Executive orders or any other applicable legal authority include:
1. Verbal reprimand.
 2. Written reprimand.
 3. Suspension without pay, or involuntary temporary reduction of pay.
 4. Involuntary demotion, with a reduction in pay pursuant to Rule 9 PAY ADMINISTRATION.
 5. Dismissal.

Section 16-60 Discipline and Dismissal

The following may be cause for the discipline or dismissal of a Career Service employee:

- A. Neglect of duty.
- B. Carelessness in performance of duties and responsibilities.
- C.
1. Theft, destruction, or neglect in the use of City property or property of any agency or entity having a contract with the City; or
 2. Theft of property or materials of any other person while the employee is on duty or on City premises.

- D. Unauthorized operation or use of any vehicles, machines, or equipment of the City, or of any entity having a contract with the City, including, but not limited to, the unauthorized use of the internet, e-mail or telephones.
- E. Any act of dishonesty, which may include, but is not limited to:
 - 1. Altering or falsifying official records or examinations;
 - 2. Accepting, soliciting, or making a bribe;
 - 3. Lying to superiors or falsifying records with respect to official duties, including work duties, disciplinary actions, or false reporting of work hours.
- F. Using official position or authority for personal profit or advantage, including kickbacks.
- G.
 - 1. Being under the influence, subject to the effects of, or impaired by alcohol, an illegal drug or a legal drug being used improperly: while on duty; while performing City business; while in a City facility; or while operating a City vehicle or other equipment.
 - 2. Consumption of alcohol, an illegal drug or a legal drug being used improperly: while on duty; in a City facility; on City property; while operating City vehicles or equipment; or while performing City business. The consumption of alcohol at an officially sanctioned function by an off-duty employee is not a violation of this rule.
- H. Selling, purchasing, transferring or possessing an illegal drug or a legal drug improperly: while on City property; while in a City facility; while on City equipment or in a City vehicle; or while on duty.
- I. Possessing a weapon on City property or a work location without written permission of the employee's appointing authority.
- J. Failing to comply with the lawful orders of an authorized supervisor or failing to do assigned work which the employee is capable of performing.
- K. Failing to meet established standards of performance including either qualitative or quantitative standards. When citing this subsection, a department or agency must describe the specific standard(s) the employee has failed to meet.
- L. Failure to observe written departmental or agency regulations, policies or rules. When citing this subsection, a department or agency must cite the specific regulation, policy or rule the employee has violated.
- M. Threatening, fighting with, intimidating, or abusing employees or officers of the City, or any other member of the public, for any reason.

- N. Intimidation or retaliation against an individual who has been identified as a witness, party, or representative of any party to any hearing or investigation relating to any disciplinary procedure, or any violation of a city, state, or federal rule, regulation or law, or against an employee who has used the dispute resolution process in good faith.
- O. Failure to maintain satisfactory working relationships with co-workers, other City employees, or the public.
- P. Conviction of or being charged with a crime. Prior to imposing discipline under this subsection, the department or agency shall follow the guidelines contained in subsection 16-61.
- Q. Discrimination or harassment of any employee or officer of the City because of race, color, religion, national origin, sex, age, political affiliation, sexual orientation or disability. This includes making derogatory statements based on race, color, religion, national origin, sex, age, political affiliation, sexual orientation or disability. Discipline for this prohibited conduct does not have to rise to the level of a violation of any relevant state or federal law before an employee may be disciplined and the imposition of such discipline does not constitute an admission that the City violated any law.
- R. Unauthorized absence from work; or abuse of sick leave or other types of leave; or violation of any rules relating to any forms of leave defined in Rule 11 LEAVE.
- S. Reporting to work after the scheduled start time of the shift.
- T. Unauthorized performance of work by non-exempt employees outside of the established work schedule.
- U. Failure to use safety devices or failure to observe safety regulations which: results in injury to self or others; jeopardizes the safety of self or others; or results in damage or destruction of City property.
- V. Engaging in a strike, sabotage, or work slowdown.
- W. Divulging confidential or otherwise sensitive information to unauthorized individuals.
- X. Conduct which violates the Rules, the City Charter, the Denver Revised Municipal Code, Executive orders, or any other applicable legal authority.
- Y. Conduct prejudicial to the good order and effectiveness of the department or agency, or conduct that brings disrepute on or compromises the integrity of the City.

16-61 Contemplating or Imposing Discipline on an Employee Convicted of or Charged with a Crime.

Upon notification that an employee has been charged with or convicted of a crime, the appointing authority shall follow the guidelines described below:

- A. If an employee has been charged with a crime, before imposing discipline, the department or agency must determine there is a preponderance of evidence demonstrating that the employee engaged in the conduct which forms the factual basis for the crime with which the employee is charged. The department or agency must also consider: the nature and type of the conduct which supports the charge; the nature of the position the employee holds in the City and the relationship of the position to the facts underlying the charge; and the impact of the facts on the employee's ability to perform the position.
- B. If an employee has been convicted of a crime, before imposing discipline, the department or agency must consider: the nature and type of crime for which the person has been convicted; the facts underlying the crime; the nature of the position the employee holds in the City and the relationship of the position to the crime; the impact of the facts on the employee's ability to perform the position; and any evidence of rehabilitation.
- C. Conviction of a crime or the facts underlying a charged crime may be grounds for any form of discipline outlined in this Rule 16, up to and including dismissal, when the conviction or facts underlying the charged crime renders the employee unfit to perform their job, brings disrepute upon the City or compromises the integrity of the City.
- D. If the department or agency, after considering these factors, believes that discipline is appropriate, it shall proceed with the pre-disciplinary procedures contained in this Rule 16.

Section 16-70 Disciplinary procedures

Appointing authorities may designate agents to act for them in imposing discipline under this Rule 16.

16-71 Verbal reprimand

Verbal reprimands must be accompanied by a notation in the supervisor's file and the agency's file on the employee. The employee shall be notified that a verbal reprimand is being documented in their file.

16-72 Form for Written Reprimand, and Notices of Discipline

- A. Written reprimands: Written reprimands shall identify the violations or failures to meet performance standards on the job with sufficient specificity and detail so as to enable the employee to correct his or her behavior and to enhance future performance. Written reprimands shall also contain a notice that the employee may file a grievance on the written reprimand and may also seek mediation in accordance with Rule 18 DISPUTE RESOLUTION.
- B. Notices of discipline or dismissal: Written notices of suspension, involuntary temporary reduction of pay, involuntary demotion or dismissal shall:
1. Identify the violations or reasons for failure to meet performance standards in detail so as to enable the employee to understand the basis for the discipline. The violation(s) indicated shall be those listed in the notice of contemplation of disciplinary action, except for any charges or violations which are dropped.
 2. Contain a reference to the opportunity afforded the employee to tell his or her side of the story in accordance with section 16-40 of this rule and that the information presented at the pre-disciplinary meeting was considered by the department or agency in reaching a determination.
 3. Contain a notice that the employee may appeal the suspension, involuntary temporary reduction of pay, involuntary demotion, or dismissal pursuant to Rule 19 APPEALS and that an employee may also seek mediation pursuant to Rule 18 DISPUTE RESOLUTION.
- C. A written reprimand, notice of suspension, notice of involuntary temporary reduction of pay, notice of involuntary demotion and notice of dismissal shall be sent to the CSA for inclusion in the employee's personnel file, along with the completed personnel action form, if required.
- D. Failure of a supervisor or appointing authority to comply strictly with the provisions of this section 16-70 shall not constitute a basis for reversing a disciplinary action on appeal unless the employee shows that his or her rights were substantially violated by the lack of compliance.

16-73 Disciplinary Action Following Pre-disciplinary Meeting

- A. Personnel decisions relating to progressive discipline may take into account any relevant prior disciplinary action.

- B. Disciplinary action based on the pre-disciplinary meeting and other pertinent information obtained by the appointing authority shall be taken within fifteen (15) calendar days after the meeting. However, if an appointing authority presents to the Personnel Director documented extenuating circumstances requiring additional time, the Personnel Director may extend the date for taking disciplinary action for an additional ten (10) calendar days. A request for an extension of time must be sent to the Personnel Director prior to the expiration of the fifteen (15) day time period. If disciplinary action is not taken within the fifteen (15) day time period and a request for extension of time is not timely submitted to the Personnel Director, the agency must repeat the steps contained in section 16-40 before disciplinary action may be taken.
- C. A written notice of the disciplinary decision and the reasons for the disciplinary action being taken shall be served on the employee. The notice shall be considered served on the date shown on the certificate of hand delivery or mailing.
- D.
 - 1. A verbal reprimand may not be grieved or appealed.
 - 2. An employee may file a grievance of a written reprimand in accordance with Rule 18, DISPUTE RESOLUTION. An employee may not appeal a written reprimand to the Career Service Hearings Office.
 - 3. An employee may directly appeal a suspension, involuntary temporary reduction of pay, involuntary demotion or dismissal in accordance with Rule 19 APPEALS.

16-74 Guidelines for involuntary temporary reduction of pay

When an involuntary temporary reduction in pay is imposed on an employee, the employee's pay shall not be reduced:

- A. More than two pay steps; or
- B. Below the lowest step of the employee's pay range; or
- C. For less than seven (7) pay periods; or
- D. For more than thirteen (13) pay periods.

Any merit increase award shall be based on the employee's normal rate of pay, not their temporarily reduced rate of pay.

16-75 Procedure for Dismissal

- A. Dismissal of employees during employment probation: During the probationary period following employment or re-employment appointment, dismissal by the appointing authority shall be final. However, such action may be appealed only on the grounds of alleged discrimination because of race, color, religion, national origin, sex, age, sexual orientation, disability, or political affiliation, in accordance with Rule 19 APPEALS. The employee shall be given written notice of dismissal.
- B. Employees dismissed after employment probation: The appointing authority shall give the employee written notice of dismissal on or before the effective date, unless the dismissal is immediate.
- C. Dismissed employees are not eligible for future employment in the Career Service for a minimum of five years following such dismissal. The Personnel Director shall establish procedures governing how dismissed employees may be placed on eligible lists after the five years have elapsed.
- D. Current address: It is the responsibility of each Career Service employee to assure that official personnel records of the City reflect the employee's current mailing address, current residence address and telephone number at all times.