

THE CORPORATION OF THE TOWNSHIP OF O'CONNOR

POLICY FOR PROGRESSIVE DISCIPLINE

PURPOSE: To establish a consistent method of disciplining all Municipal employees and to ensure work duties are carried out.

POLICY STATEMENT: The Township of O'Connor recognizes its responsibility to provide efficient services to the public and expects that all employees will perform work in accordance with this objective.

Where the conduct of an employee becomes a problem and normal corrective action is insufficient to deal with the situation then the corrective action contained in this policy will be followed.

DEFINITIONS:

“supervisor” means

- A person who has charge of a workplace or authority over a worker.

“employee” means

- A person who performs work or supplies services for monetary compensation for the Township of O'Connor.

“workplace” means

- Any land, premises, location or thing at, upon, in or near which a worker works.

EXCEPTIONS: For serious offences, such as fighting, theft, insubordination, threats of violence, the sale or possession of drugs or abuse of alcohol on Township property, the Township reserves the right to bypass the disciplinary steps incorporated in this policy and may make termination the first and only disciplinary action taken. Any action of the disciplinary procedure may be skipped at the discretion of the Clerk-Treasurer and/or Council after an investigation and analysis of the total situation, past practices and circumstances has been made.

OFFENCES: Group 1 Offenses include but are not limited to:

- Being tardy habitually without reasonable cause,
- Being absent without notification or excuse,
- Leaving your job or your regular working place during working hours for any reason without authorization from your supervisor, except for lunch, rest periods and going to the restrooms,
- Disorderly conduct on company property,

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- Immoral conduct or indecency on company property,
- Leaving work before end of shift or not being ready to go to work at the start of a shift,
- Interfering with the work of other employees
- Inefficiency or lack of application of effort on the job,
- Violation of the Township's Employee Code of Conduct and all Township policies,
- Risking the safety of other Township employees,
- Malicious gossip and/or spreading rumours.

Group 2 Offenses include but are not limited to:

- Possession of narcotics, or consuming narcotics on Township property,
- Reporting to work in an intoxicated condition,
- Instigating fighting on Township property,
- Dishonesty or removal of another employee's property or Township property without permission,
- Willful destruction of Township property
- Insubordination (refusal to perform work assigned by an employee's supervisor or by the Clerk-Treasurer that is not unreasonable),
- Possession of firearms or explosives on Township property,
- Misrepresentation of physical condition or other important facts in seeking employment,
- Absence for two consecutive working days without notification to the supervisor or without acceptable excuse.

Penalties for Specific Offenses

Group 1 - First Offense: Oral and/or written reprimand
Second Offense: Suspension or termination

Group 2 – First Offense: Suspension or termination

PROCEDURE:

For all disciplinary steps, union members will be offered the opportunity of having a union representative present.

Disciplinary Steps:

1. The employee will be given, in private (no employee is to be disciplined in public or in front of co-workers), a verbal explanation of the errant behaviour including a reiteration

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of the Township's Code of Conduct for Employees, By-Law 2011-14 hereto attached as Schedule A. In addition, the employee will be advised of the consequences if their behaviour is not corrected. A Verbal Warning hereto attached as Schedule B will be issued and signed by both the supervisor and the employee with copies forwarded to the Clerk-Treasurer and/or Council, the employee and if unionized, the appropriate union representative. The employee shall also be offered information on the Township's Employee Family Assistance Program (EFAP). If no further problem occurs with regard to the issue raised at the verbal warning stage, no further disciplinary action will be taken.

2. If the problem persists, the supervisor, following consultation with the Clerk-Treasurer and/or Council, will arrange to meet with the employee privately. The supervisor will prepare for the meeting by reviewing all notes and files related to the incident or problem in question and any past discipline taken, either verbal or written.

During the meeting the supervisor will:

- Explain to the employee why he/she has been called to the meeting
- State the specific problem in terms of actual performance and desired performance
- Review the progressive discipline policy with the employee and explain what steps have been taken already and what the next step will be.
- Give the employee a chance to respond, explain and defend his/her actions.
- Acknowledge the employee's story and be sure to include it in the notes of the discipline session.
- Tell the employee that the behaviour is expected to change, giving specific examples and suggestions.
- Have the employee repeat or confirm that he/she understands the problem and is clear on what changes are expected.
- Inform the employee that the session will be summarized and documented with copies forwarded to the Clerk-Treasurer, the employee and if unionized, the appropriate union representative.

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- Issue a written warning hereto attached as Schedule C, signed by the supervisor and the employee.
- Reassure the employee that his/her work is valued and ensure the employee that he/she can continue to work for the Township.

After the Meeting:

- Using notes from the session, a memo will be written summarizes the conversation.
 - The employee will be provided with a copy of the signed written warning and the notes of the conversation before the end of the day.
 - The employee will be informed that copies will be forwarded to the Clerk-Treasurer and/or Council and if unionized, the appropriate union representative and it will be emphasized that the information is confidential and will not be shared with anyone else.
 - The employee's behaviour and performance will be monitored to ensure that the problem has been corrected.
3. If verbal and written warnings fail to bring about a change in the undesired behaviour or work performance, the employee will be subject to Disciplinary Action as deemed necessary by the Clerk/Treasurer and or Council.
 4. All steps in the disciplinary procedure, beginning with the first verbal warning will be documented and retained in the employee's personnel file.

DISCIPLINARY ACTION: Probation

An employee may be placed on probation in connection with the written warning for a period of time determined by the Clerk-Treasurer and/or Council. Wage increases and vacation will not be given during his period, however all benefits will continue.

Investigative Suspension

An investigative suspension is a period of three (3) working days, during which time an employee is relieved of his or her job because of alleged serious misconduct.

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If after the investigation it is found that:

- Discharge is warranted, the employee shall not be paid for the period of the investigative suspension and the discharge shall be effective immediately.
- Misconduct is determined, but not of a sufficiently serious nature to warrant discharge, the employee shall receive a warning notice and forfeit pay lost as a result of the investigative suspension and may be placed on disciplinary suspension.
- If no misconduct is determined, the employee shall return to work within the prescribed period and be paid for the time lost as a result of the investigative suspension.

Disciplinary Suspension

A disciplinary suspension is a period of not more than three (3) days and may be given in addition to the investigative suspension as a disciplinary action. The employee is relieved of his or her job assignment because of serious misconduct and shall forfeit pay lost as a result of the suspension. Disciplinary Suspension may also be used in situations where there is a pattern of conduct where the employee has continually engaged in one minor infraction after another and has received a documented verbal and/or written warning.

Crisis Suspension

A crisis suspension is given at the discretion of the supervisor after consultation with the Clerk-Treasurer and/or Council when action must be taken immediately.

Discharge

When the employee is discharged as a result of a serious offense, or as the final step in an accumulation of infractions for which a warning notice or notices have been written, the employee will be discharged for cause instead of given the option to resign, be laid off or retire.

EFFECTIVE DATE:

This policy shall come in effect as of the date of November 28, 2011.

Schedule “A” to the Policy for Progressive Discipline

THE CORPORATION OF THE TOWNSHIP OF O’CONNOR BY-LAW NUMBER 2011-14

Being a By-law to Establish a Code of Conduct for Employees of the Township of O’Connor.

WHEREAS Section 11 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to pass by-laws regarding Accountability and Transparency of the municipality and its operations and of its local boards and their operations; and

WHEREAS Council of the Corporation of the Township of O’Connor deems it expedient to establish a Code of Conduct for Employees;

NOW THEREFORE Council of the Corporation of the Township of O’Connor hereby enact as follows:

1. THAT this Council does hereby adopt an Employee Code of Conduct Policy, attached hereto as Schedule “A” and the Confirmation of Receipt and Understanding, attached hereto as Schedule “B”
2. THAT Schedules “A” and “B” forms part of this by-law.
3. THAT this By-law shall come into force and take effect upon receiving the final passing thereof.

ENACTED AND PASSED this 24 day of October, 2011.

The Corporation of the
Township of O’Connor

B. J. Loan
Acting Mayor

Lorna Buob
Clerk-Treasurer

**THE CORPORATION OF THE TOWNSHIP OF O'CONNOR
SCHEDULE "A" TO BY-LAW NUMBER 2011-14**

**CODE OF CONDUCT FOR THE
EMPLOYEES OF THE TOWNSHIP OF O'CONNOR**

A. PURPOSE OF THE CODE OF CONDUCT

The Employee Code of Conduct Policy sets minimum standard for the behaviour of employees of the Township of O'Connor in carrying out their functions. It has been developed to assist employees to:

1. Work together harmoniously in accordance with the standards of the Township of O'Connor;
2. Act in the best interest of the Township when performing their duties;
3. Promote the Township's values, beliefs and policies; and
4. Act in a manner consistent with the highest moral, legal and ethical principles.

This policy recognizes that individuals have the right to be treated with respect in the workplace. The Township does not, and employees should not, condone behavior in the workplace that is unacceptable and likely to undermine the safety and productivity of co-workers and themselves.

The Township of O'Connor, in exercising its responsibilities as the employer, will endeavour, at all times to provide a positive work environment, which is free from offensive remarks, material or behaviour and where employees provide courteous and efficient service to the community in a friendly and professional manner.

The standards established in this policy are intended to reinforce the responsibilities of all parties in achieving and maintaining a positive work environment.

This policy applies to all persons employed by the Township of O'Connor, with the exception of Council. This policy will also apply to third parties whom provide work or services on municipal property or in conjunction with municipal services.

A breach of this policy will result in disciplinary action as set out in the Township's Progressive Disciplinary Policy.

1. STANDARDS OF CONDUCT

The following are examples of, but not limited to, the types of conduct which the Township of O'Connor considers unacceptable and deserving of discipline, up to and including termination.

- a) Deliberate or willful destruction or damage to property, equipment, machinery or tools belonging to the Township, fellow employees, member of Council or members of the public.
- b) Theft or misappropriation of property belonging to the Township, fellow employees, Council members or any person associated with the Township.
- c) Engaging in immoral conduct, wearing or using obscene or abusive language while on municipal premises, while on duty or while representing the Township of O'Connor.
- d) Harassment of fellow employees.

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- e) Possession of dangerous weapons or illegal items on municipal property or while on duty.
- f) Fighting, threatening or intimidating others, or provoking or instigating a fight on municipal property or while on duty.
- g) Engaging in illegal conduct on municipal property or while on duty.
- h) Demonstrating insubordinate behaviour towards or refusing to follow directions or instructions from his/her supervisor or any person of authority.
- i) Engaging in poor work habits including performing the duties or responsibilities of one's position while impaired by drugs (legal and/or illegal) and alcohol. Also performing duties while impaired by other causes such as sleep deprivation, in which the manner or to a degree that the safe performance of the work might be compromised.

2. WORKPLACE DRESS

Employees shall dress in attire appropriate for the employee's position, having regard to the nature of the employee's work and the importance of maintaining a safe and professional work environment image.

3. OUTSIDE REMUNERATION

An employee engaged in outside employment may carry on business or receive public funds for personal activities provided that it does not place upon him/her demands inconsistent with his/her job and in particular;

- a) It does not interfere with the performance of his/her duties while working.
- b) It does not constitute actual or perceived conflict of interest; and
- c) It does not use municipal property, services, equipment, information or supplies, which he/she has access to by virtue of his/her employment with the Township.

4. DEALING WITH THE PUBLIC

Employees are expected to conduct themselves in a friendly, courteous and professional manner when dealing with the public.

5. CONFLICT OF INTEREST

The Township recognizes the right of its employees to be involved in activities as citizens of the community, but employees must keep their role as private citizens separate and distinct from their responsibilities as Township employees and avoid conflict of interest. Conflict of interest situations shall include, but is not limited to;

- a) The employee's private affairs or financial interests are in conflict with his or her duties, responsibilities and obligations or result in the public perception that such a conflict exists;
- b) The employee's ability to act in the public interest on behalf of the Township would be impaired or appear to be impaired by the conflict; or,
- c) The employee's actions may compromise or undermine the trust, which the public places in the Township and its administration.

6. CONFIDENTIALITY

Confidential information that is not for public disclosure, or privileged information available only to Township employees, will not be used in order to benefit an employee or others. If the

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employee is unsure as to the status of information, the immediate supervisor should be consulted.

7. GIFTS AND BENEFITS

Gifts or benefits should not be accepted where it may be determined by management that the employee could be influenced in making a business decision as a consequence of accepting such hospitality.

8. ENFORCEMENT AND CONTRAVENTION PROCESS

It is the responsibility of every supervisor to ensure that employees are aware of the Employee Code of Conduct Policy as well as all Township policies. All employees of the Township of O'Connor shall read, or have read to them, this policy and shall sign the Employee Code of Conduct Confirmation of Receipt and Understanding (Schedule "B").

A supervisor, who is aware that an employee has failed to observe the code of conduct, shall take the appropriate corrective action as per the Township's Progressive Discipline Policy.

If an employee has reason to believe that a supervisor is committing a serious breach of the code of conduct, he/she may approach the Clerk-Treasurer.

All employees have the responsibility to report verbally, or in writing, any evidence of breach of the standards set out in this policy and procedure. Reports should be submitted to the employee's direct supervisor with a copy forwarded to the Clerk-Treasurer. Employees have a responsibility not to be frivolous or vindictive in making such reports.

Supervisors and management staff have an ongoing responsibility to respond immediately to stop any activity in the workplace, which undermines this policy, whether or not there has been a report or a complaint. Inaction on the part of any supervisor or exempt management staff will be investigated by the Clerk-Treasurer and may result in disciplinary action being taken. A supervisor may require a complaint or report to be submitted in writing before taking any action under this policy.

**THE CORPORATION OF THE TOWNSHIP OF O'CONNOR
SCHEDULE "B" TO BY-LAW NUMBER 2011-14**

TOWNSHIP OF O'CONNOR

EMPLOYEE CODE OF CONDUCT

CONFIRMATION OF RECEIPT AND UNDERSTANDING

I, _____, have received a copy of the Township of O'Connor's Employee Code of Conduct Policy and have read it or have had it read to me and I fully understand its content.

Employee's Signature

Date

Supervisor's (or designates) Signature

Date

Schedule "B" to the Policy for Progressive Discipline

Verbal Warning Form

Employee's name: _____

Date of verbal warning: _____

Specific offense or policy violation:

Specific statement of the expected performance:

Any explanation given by the employee or other significant information:

Supervisor (please print name)

Supervisor Signature

Date

**Schedule "C" to the Policy for Progressive Discipline
Written Warning Form**

Employee's name: _____

Date of conversation: _____

Specific offense, policy violation or performance problem:

Specific change in the employee's performance or behaviour that is expected:

Employee's Comments:

Supervisor's Comments:

Supervisor (please print name)

Supervisor Signature

Date

Employee's Signature

Date

Employee was asked to sign this written warning on _____ but declined to sign.