



## Administrative Regulations Office of the Mayor

**Title:** DISCIPLINE GUIDELINES FOR CLASSIFIED EMPLOYEES

**A.R. Number:** 4.10 **Effective Date:** 10/1/2008 **Page:** 1 of 9

**Supersedes:** Discipline Guidelines **A.R.:** 4.11 **DATED:** 2/1/2007

### I. POLICY

It is the policy of the City of Richmond to address the behavior problems of employees when the unacceptable behavior violates a City Rule, Policy, Regulation, Ordinance, or Law; or when the behavior disrupts, or adversely affects the conduct of City business. Ignoring behavioral problems can allow the unacceptable conduct to become habitual; and therefore become more disruptive, and more difficult to correct. Addressing inappropriate behavior may take the form of discipline— but is not necessarily limited to – warnings, counseling, coaching, referral to REAP, written reprimands, suspension, termination from City service, and prosecution. The City of Richmond reserves the right to determine the discipline that will be imposed or suggested discipline steps to be used at its discretion.

### II. PROCEDURE

#### A. Guidelines for Supervisors and Managers

1. Compile all facts and documentation (notes, evaluations, correspondence, past documented discipline, etc.) relative to the inappropriate actions of the employee. Evaluate the documentation and factual evidence. Consult and review with Human Resources to determine if there are any agency directives, policies, or rules violations that will constitute disciplinary action. Select only those violations that are best supported by the evidence. Do not attempt to "pile on" violations that are not well supported by your documentation.
2. Next determine what discipline is appropriate for the seriousness of the offense. You should not only look at the facts of the infraction, but also at the employee's past record. If the employee has documented performance and/or disciplinary problems in which progressive discipline has been imposed and other steps, such as a formal referral to REAP or a written reprimand(s), then disciplinary measures such as (1) suspension, (2) reduction in pay, (3) disciplinary demotion, or (4) dismissal may be recommended.
3. Pending the resolution of a disciplinary review, the Appointing Authority, shall place the employee on leave without pay if:
  - a. The employee's presence is determined to be a threat to the City, his supervisor or fellow employees.
  - b. The employee is alleged to be in violation of the City's Substance Abuse Policy.
  - c. There are allegations of workplace violence or unlawful harassment.
  - d. There are allegations of theft, fraud, or embezzlement of City property or services (this shall include property leased to the City or otherwise in the possession of the City).
  - e. The employee is charged with a misdemeanor or felony involving possession of marijuana or any controlled substance.

Notwithstanding the aforementioned categories, nothing herein shall limit an Appointing Authority's discretion to place any employee on leave without pay pending disciplinary actions. However, if the behavior of the employee does not fall into one of the aforementioned categories, the Appointing Authority, at his discretion may place the employee on leave with pay or allow the employee to remain in his or a modified position.



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**The approval of the Director of Human Resources is required for any leave with or without pay exceeding ten (10) working days (Administrative Regulation 4.16).**

4. After you have decided to discipline a **classified** employee with anything more severe than a written reprimand, you must follow the procedures outlined in the Personnel Rules, Section Five.

### B. Process for Disciplining a Classified Employee

1. Prior to imposing discipline, the employee shall be notified, in writing, of the reasons for such action and given an opportunity by the Appointing Authority or his designee to respond in the setting of a pre-disciplinary conference. In this written notification, you should identify the policy violations that were carefully selected based on the documentation and provide a brief discussion of the facts and why they support the charge(s) and the discipline being considered. You should also either give a date or time when a pre-disciplinary conference will be held, direct the employee to contact you or your designee to schedule a pre-disciplinary conference, or advise him or her that you will be contacting him or her to schedule a conference.
2. Once the pre-disciplinary conference is scheduled, it is recommended that you send a confirmatory letter to the employee, if you did not provide a date or time of the pre-disciplinary conference in the notice of policy violations letter.
3. Following the pre-disciplinary conference, it may be necessary to conduct a follow-up conference or investigation to confirm information provided or claimed by the employee. Once you have determined that all relevant and appropriate information has been considered, a memorandum must be endorsed by the Appointing Authority and a copy thereof forwarded to the Director of Human Resources and to the employee **within seven calendar days** of the pre-disciplinary conference. The memorandum should provide the details of your findings from the pre-disciplinary conference and what discipline, if any, will be recommended.
4. You are required to consult with the Department of Human Resources for approval before initiating any demotion, reduction-in-pay, suspension (more than ten days), or dismissal.
5. After consultation with HR, a memorandum which seeks approval of the recommended discipline from the Director of Human Resources must be prepared for a signature of approval. If the recommended discipline is dismissal, the memorandum should also seek the approval of the Chief Administrative Officer. This memorandum should identify:
  - a. The charges against the employee, outlining the specific violations of the Administrative Regulations, and/or Departmental policies and procedures. If the disciplinary action is for repeated infractions, include a summary of the documented instances and the actions taken;
  - b. All relevant facts to support your recommendation;
  - c. A statement that the employee has received notice of the charges and that a pre-disciplinary conference has been held;
  - d. A summary of past disciplinary actions for similar infractions;



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- e. A description of the efforts made by the Department to improve or correct the employee's problems; and
- f. Necessary documents that support items a-e.

**Note: A copy of the Recommendation for Discipline memorandum must be sent to the employee within seven (7) days following the pre-disciplinary conference.**

- 7. Once approval to impose the disciplinary action has been received from the Director of Human Resources and/or the Chief Administrative Officer, send a letter to the employee to notify him or her of the effective date of the disciplinary action.
- 8. Contact your payroll coordinator to make any necessary adjustments regarding pay, benefits, and change of work status, as appropriate for the type of discipline imposed. Also, forward all documents concerning the discipline to the Department of Human Resources for filing in the employees official personnel file.

**C. Sample Letters**

- 1. Letter "A" notifies the employee that the Department is considering discipline, laying out the policy violations that may result in discipline and stating that a pre-disciplinary conference has been or will be scheduled.
- 2. Letter "B" should be used to confirm the date and location of the pre-disciplinary conference.
- 3. Letter "C" should be used to give employee findings from pre-disciplinary conference.
- 4. Next, send letter "D" to the Director of Human Resources, recommending discipline. This must be approved by both the HR Director and the Chief Administrative Officer.
- 5. Once you receive the approval, send out letter "E" to the employee.

**D. General Considerations**

- 1. Make sure you give the employee notice of all reasons for discipline.
- 2. Send all correspondence to the employee by certified mail.
- 3. Strictly follow all procedures in the Personnel Rules and as outlined above.
- 4. Assistance may be obtained through the Department of Human Resources.

**III. REGULATION UPDATE**

The Office of the Mayor, the Department of Human Resources and the City Attorney's Office shall be responsible for modification of this Policy.

**APPROVED:**

**MAYOR**



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**LETTER A**

[LETTERHEAD]

[DATE]

**BY CERTIFIED MAIL**

[Employee's Name &  
address]

**RE: PRE-DISCIPLINARY CONFERENCE -- [Discipline]  
NOTICE OF GROUNDS**

Dear [Employee's Name]:

This letter is to advise you that the [Name of Department/Agency] is considering [describe discipline]. You are being considered for [discipline] because:

[List and summarize all reasons for disciplinary action and the specific violation of Personnel Rules, Regulations and/or Departmental Policies and Procedures].

[I will be contacting you immediately to schedule an appointment for a pre-disciplinary conference] or [your pre-disciplinary conference is scheduled for [DATE] at [TIME] in [LOCATION]]. In this conference, you may present any information or evidence for my consideration, which you feel, may have a bearing on my decision.

If you have any questions, please feel free to contact me.

Sincerely,

[Name], [Position]  
[Agency]

C: File

**[CHANGE THIS DOCUMENT AS NEEDED]**



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**LETTER B**

[LETTERHEAD]

[DATE]

**BY CERTIFIED MAIL**

[Employee's Name &  
address]

**RE: PRE-DISCIPLINARY CONFERENCE**

Dear [Employee's Name]:

This letter is to confirm that a pre-disciplinary conference has been scheduled between us for **[DATE, TIME AND LOCATION IN BOLD TYPE]**. In this conference, you may present any information or evidence for my consideration to refute the charges against you which you feel may have a bearing on my decision.

If you have any questions, please feel free to contact me.

Sincerely,

[Name], [Position]  
[Agency]

C: File

**[CHANGE THIS DOCUMENT AS NEEDED]**



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**LETTER C**

[LETTERHEAD]

[DATE]

**BY CERTIFIED MAIL**

[Employee's Name &  
address]

**RE: FINDINGS FROM PRE-DISCIPLINARY CONFERENCE ON [DATE]**

Dear [Employee's Name]:

As a result of your pre-disciplinary conference, the [Name of Department/Agency] has determined that you should be [described discipline] because:

[LIST REASONS WITH BRIEF SUMMARIES]

Therefore, I am recommending to the Director of Human Resources and to the Chief Administrative Officer that your [discipline] be approved. When approval has been received from these parties, you will be notified and the date of [discipline] will be stated. At that time, you will be informed as to how you may appeal this decision.

Sincerely,

[Name], [Position]  
[Agency]

C: File

**[CHANGE THIS DOCUMENT AS NEEDED]**

**NOTE: Recommendations for approval of the Director of Human Resources and Chief Administrative Officer are not required for written reprimands and suspensions of less than ten (10) days.**



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**LETTER D**

[LETTERHEAD]

**MEMORANDUM**

**TO:** [Name], Director  
Department of Human Resources  
**FROM:** [Name], [Title]  
[Agency]  
**DATE:** [DATE]  
**SUBJECT:** Recommendation for [Described Discipline]  
[Employee's Name & Position]

Your recommendation and the Chief Administrative Officer's approval are requested for [discipline] of this employee because: [list all reasons].

The details [continuing and pervasive performance problems and/or misconduct] are outlined below:

[Describe, in summary form, each ground for discipline]

Past problems with this employee and documented discipline include:

[Summarize past problems]

Our Department has made every effort to assist and counsel this employee to improve his performance and correct his employment problems. These efforts include:

[Summarize efforts]

Your early favorable consideration to this request will be appreciated.

C: [Employee's Name]  
File

RECOMMEND APPROVAL:

\_\_\_\_\_  
Director, Human Resources  
APPROVED:

Date

\_\_\_\_\_  
Chief Administrative Officer

Date

**[CHANGE THIS DOCUMENT AS NEEDED]**



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**LETTER E**

[LETTERHEAD]

[DATE]

**BY CERTIFIED MAIL**

[Employee's Name &  
address]

Dear [Employee's Name]:

This letter serves to notify you that, effective [DATE], you have been [describe discipline]. Your (discipline) is based upon the [DATE], letter to you which cites the following grounds for this action: [re-list all grounds included in the notice of charges memo].

You were offered an opportunity to respond to the charges against you in a pre-disciplinary conference on [DATE]. At that time you offered no [new or substantive information relative to your performance issues or evidence to contradict the charges against you, or whatever language is appropriate for the situation].

Should you wish to appeal your [discipline] you are required to follow guidelines set forth in the Personnel Rules for the Classified Service, Section VII (7) – Grievance and Appeal Procedures.

Sincerely,

[Name], [Position]  
[Agency]

C: File

**[CHANGE THIS DOCUMENT AS NEEDED]**