

City of Northampton, Massachusetts
Human Resources Department

Effective Date: 12/3/2004
Updated: 6/11/2012

CONDUCT, DISCIPLINE AND DISCHARGE

POLICY

Although the City of Northampton supports the theory of corrective discipline, management retains the right to exercise discretion and take whatever disciplinary action is appropriate to the particular circumstances. Violations of rules or policies or poor performance may result in disciplinary action that may include, depending on the circumstances and the discretion of management, verbal or written warnings, suspension (with or without pay) or immediate discharge. These disciplinary measures do not constitute an exclusive list of possible actions, and may be taken in any order. They are intended merely as a guide and are not intended to create a contract or modify the employment at will relationship.

RESPONSIBILITY

The Director of Human Resources is responsible for administration of this policy.

Managers are responsible for the developing, implementing and training related to all City of Northampton policies and procedures. All managers are responsible for determining when the process of discipline will start.

Every employee is responsible, as a condition of employment, for complying with all aspects of City of Northampton policies. Each employee is responsible for notifying his or her manager when there is reason to believe that a violation of a policy has or will occur. Each employee is responsible for seeking clarification of any policy if they are unsure about its meaning or application.

CONDUCT

General-City employees are prohibited from engaging in any conduct that could reflect unfavorably upon city service. City employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person/entity when conducting city business. Employees are expected to keep in mind that they are public employees and are to conduct themselves in a manner that will in no way discredit the City, public officials or fellow employees.

Conflict of Interest-No employee shall accept or agree to accept, either directly or indirectly, any favor, gift, loan, fee, service or other item of value, in any form whatsoever, from an organization or individual if it is intended to, or gives the impression of, rewarding or influencing the employee in carrying out his/her appointed duties.

No employee shall grant, while carrying out his/her appointed duties, any favor, gift, loan, fee, service or other item of value, in any form whatsoever, to an organization or individual if it is intended or gives the impression of rewarding or influencing the organization or individual. Any individual who is unsure as to whether a conflict of interest might be created by any action is strongly advised to consult with the Director of

Human Resources before taking any action that might result in loss of employment or state fines.

No city employee shall transact any business in his official capacity with any business entity of which he is an officer, director, agent or member, or in which he owns a controlling interest.

No city employee shall have personal investments in any enterprise, which will create a substantial conflict between his private interest and the public interest.

This policy is not meant to prevent an employee from accepting an award or recognition for meritorious/outstanding achievement for community or government service.

Final determination of any such conflict or prohibition shall rest with the Mayor.

Outside Employment-No employee may engage in additional employment, which, in any manner, interferes with the proper and effective performance of the duties of his position, results in a conflict of interest or subjects the city to public criticism or embarrassment.

Privileged & Confidential Information-Employees must not use privileged/confidential information, gained through the performance of their duties, for financial gain. Nor may employees disclose this information to others for financial gain or other purposes.

City Property-Employees should not, directly or indirectly, use, or allow the use of, city property of any kind for other than official use. An employee who has been provided city equipment such as tools, vehicles, materials, etc. is expected to exercise reasonable care in the use and preservation of such equipment, and to observe all safety precautions while carrying out the assigned work.

Mail & Telephone Use-Employees should not use city telephone facilities for placing personal phone calls when the placing of such calls interferes with the employees ability to carry out their duties, would incur additional financial responsibility by the city or would interfere with the use of facilities for official business. Any such use should be urgent, infrequent and of short duration. Use of city stationary or postage for personal mail is also prohibited.

GENERAL GUIDELINES

Discipline- When an employee is not meeting expectations or they have violated a policy they shall be subject to discipline. Discipline may include verbal or written warnings, suspension (with or without pay) or immediate discharge. The City of Northampton retains the right to determine the manner or process in which an employee is disciplined.

Suspension- When a manager, in consultation with the Director of Human Resources, determines it is desirable or necessary to remove an employee from the workplace as paid or unpaid time. Examples of situations where immediate suspension from duty may be appropriate:

1. When the manager deems it necessary for the safety of either the employee, or others; and,
2. When an investigation is necessary.

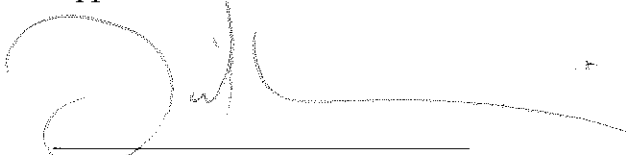
Termination- In cases involving more serious misconduct, a manager, in consultation with the Director of Human Resources may determine that termination is the appropriate disciplinary action. The Director of Human Resources must approve all management recommendations for termination before final action is taken. A non-comprehensive list of examples of unacceptable conduct that may result in involuntary termination are (but are not limited to) as follows:

1. Unauthorized disclosure of information that the City of Northampton regards as confidential;
2. Dishonesty of any nature, theft, falsification of reports and/or records;
3. Use of alcohol or drugs while on duty, and/or reporting to work after such use (See Drug Free Workplace Policy);
4. Mistreatment of a co-worker, citizen, or other individual in carry out the duties of your position;
5. Use of abusive, threatening or obscene language;
6. Refusal to comply with the direction of a supervisor/manager;
7. Disorderly conduct of any kind, fighting, wrestling, or any such activity which is dangerous to life, limb or property (See Violence in the workplace policy);
8. Unexcused and/or unauthorized absence from work for three consecutive days;
9. Unauthorized absence from duty while "clocked in";
10. Neglect of duty;
11. Any other act which is determined to be detrimental to the interests of the City of Northampton, its employees or it's citizens;
12. Unauthorized use or misuse of city property;
13. Any other violation of City of Northampton policies.

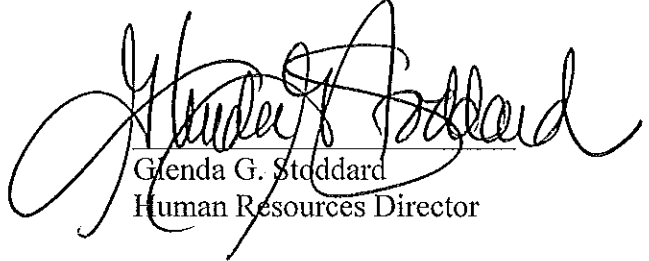
These guidelines do not constitute a contract or guarantee of employment in any respect.

The examples cited above are for illustration only and should not be considered comprehensive or limiting the City's right to discipline or discharge employees, as it deems appropriate. These guidelines may be changed at any time, with or without notice.

Approved:



David J. Narkewicz
Mayor



Glenda G. Stoddard
Human Resources Director