

RESOLUTION NO. 2124

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
 ENDORSING THE CITY MANAGER'S PROPOSED STANDARDS OF
 EMPLOYEE CONDUCT AND SEXUAL HARASSMENT
 POLICY

WHEREAS, the Soledad Municipal Code, 2.08.060 establishes the City Manager's authority with regard to control, order, and direction of City employees; and

WHEREAS, the City Manager is proposing a Standard of Employee Conduct to improve employee performance, provide fair treatment to all employees, and to prevent impulsive and unreasonable discipline, and a Sexual Harassment Policy to prevent sexual harassment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby endorses the City Manager's proposed Standards of Employee Conduct and Sexual Harassment Policy.

PASSED AND ADOPTED at a regular meeting of the City Council duly held on the 25th day of November, 1991 by the following vote:

AYES, and in favor thereof, Councilmembers. Fabian Barrera, Ben Jimenez, Jr., Fred Ledesma, Mayor Pro Tem John Holguin, Mayor Joe Ledesma
 NOES, Councilmembers. None
 ABSENT, Councilmembers None


 MAYOR OF THE CITY OF SOLEDAD

ATTEST:


 CITY CLERK OF THE CITY OF SOLEDAD

CITY OF SOLEDAD

ADMINISTRATIVE POLICY

SUBJECT: STANDARDS OF EMPLOYEE CONDUCT

EFFECTIVE DATE: NOVEMBER 25, 1991

POLICY OBJECTIVE: To establish a policy for standards of employee conduct, identify that conduct which is unbecoming a City employee and potential corrective actions

POLICY:

- A. All employees of the City are expected to adhere to standards of reasonable and prudent conduct. Employees who violate these standards should expect City management and supervisors to take appropriate disciplinary actions. Conversely, employees who perform exceptionally well or go beyond the normal demands of a job should be commended. This Policy is designed to ensure fair treatment to all employees -- to prevent impulsive and unreasonable discipline for improper conduct. The rights of the employee must be protected. However, this does not give any employee the right to disobey rules, to fail to be productive, to be insubordinate, to be discourteous, to endanger others, or to engage in conduct unbecoming a City employee.
- B. The following Standards of Employee Conduct apply to all employees of the City. These standards are not to be considered as a total and complete statement of management's expectations of employee behavior and performance. They are designed to serve as a framework within which employees are expected to conduct themselves and within which supervisors and management are expected to administer discipline should these standards be violated.
- C. The following Standards of Employee Conduct include a variety of offenses as well as possible corrective action to be considered by supervisors in determining whether an employee's actions constitute an offense subject to discipline. Not all possible offenses are listed; only those which are of greater significance

and/or are most common. Various kinds of corrective actions for first, second, and third offenses are also listed. These corrective actions are recommendations only and are for general reference. The appropriate action may be either more or less severe, depending on the circumstances of a case. City management will exercise its discretion in recognizing that a single minor offense by a longterm employee with a good work record could be less severe than if committed by a relatively new employee with a poor work record. Progressive discipline requires that repeated offenses will normally carry more severe corrective actions than first offenses. If the corrective action for a third offense is less than termination and a fourth offense occurs, the principle of progressive discipline will be followed and a more severe corrective action, appropriate to the situation, will be imposed. A pattern of offenses after successive corrective actions ultimately results in dismissal.

- D. An offense is considered "first" offense the first time formal action is taken by the supervisor under the applicable section of this guide. An offense will be considered as a "second" or "third" offense only when it is of the same general nature (not necessarily identical) as the previous offense and the undesirable action has been pointed out to the employee previously. When a previous offense has occurred, the time elapsed between that offense and the current offense will be considered in determining the corrective action.
- E. On some occasions, an employee may commit more than one kind of offense at the same time. Generally, the discipline imposed will not be determined by adding together the corrective actions for each offense. In such cases, the appropriate corrective action will be selected from the range of actions applicable for the more serious offense and the severity of the disciplinary action will be determined after considering the less serious offenses.
- F. An employee may commit various kinds of offenses over a period of time. If the offenses are completely unrelated, they cannot be treated as second and/or third offenses. However, all past offenses, in the absence of any intervening pattern of good conduct, are indicative of a pattern of unsatisfactory behavior and will be considered when determining an appropriate corrective action.
- G. Department heads may establish additional reasonable rules of employee conduct as approved by the City Manager.

H Employees must perform their duties in a manner which earns and maintains the trust and respect of their supervisors, other employees and the public

Conduct Unbecoming a City Employee		Potential Corrective Action		
	Offense	1st Offense	2nd Offense	3rd Offense
1	Using official position or office for personal gain or advantage	Written Notice to Dismissal	6-10 days suspension to Dismissal	Dismissal
2	Engaging in any employment, activity/enterprise which constitutes a conflict of interest	Written Notice to 30 days suspension	6 days suspension to Dismissal	Dismissal
3	Accepting favors/gratuities for services required on the job	Written Notice to Dismissal	6 days suspension to Dismissal	Dismissal
4	Disclosing confidential information	1 day suspension to Dismissal	10 days suspension to Dismissal	Dismissal
5	Using City time/property or equipment without authorization	Written Notice to Dismissal	6 days suspension to Dismissal	Dismissal
6	Malicious destruction of City property or equipment	10 days suspension to Dismissal	Dismissal	
7	Misconduct, on/off the job, seriously reflecting on City employees or employment	1 day suspension to to Dismissal	10 days suspension to Dismissal	Dismissal
8	Commission of an act or acts, which if proved, would constitute a felony/misdemeanor as established by proper investigation providing such act/acts are reasonably and rationally related to the performance of duties and/or conditions of employment	1 day suspension to to Dismissal	10 days suspension to Dismissal	Dismissal
9	Unauthorized possession of City equipment/property	1-20 days suspension	6 days suspension to Dismissal	Dismissal

I Employees must provide a high quality to the public and must consistently perform their duties effectively and efficiently

Job Performance Below Standard

Potential Corrective Action

	Offense	1st Offense	2nd Offense	3rd Offense
1	A violation of City/Department rules	Oral warning to 5 days suspension	6 days suspension to Dismissal	Dismissal
2	Requiring excessive supervision or instruction in performance of duties after completion of training for the position	Oral warning or written notice	Written Notice to 5 days suspension	6 days suspension to Dismissal
3	Misusing/failing to use, delegated authority in the performance of duties	Oral warning to 20 days suspension	6 - 30 days suspension	Dismissal
4	Personal appearance not appropriate for the job in terms of Department standards and/or job safety	Oral warning or written notice	Written notice or 1-5 days suspension	6 days suspension to Dismissal
5	Failure to carry out assigned work or supervisory responsibilities adequately, directly or promptly	Oral warning to Dismissal	1 day suspension to Dismissal	Dismissal

J Employees must perform all duties reasonably required of them, and report for work as scheduled, unless ill, injured, or involved in an emergency

Neglect of, or Inexcusable
Absence from Duty

Potential Corrective Action

	Offense	1st Offense	2nd Offense	3rd Offense
1	Neglect of Duty	Oral Warning to Dismissal	6 days suspension to Dismissal	Dismissal
2	Unexcused, excessive or patterned absenteeism	Written notice to 5 days suspension	6 days suspension to Dismissal	Dismissal
3	Failure to make reasonable effort to notify supervisor of inability to report to work	Oral warning or written notice	Written notice to 5 days suspension	6 days suspension to Dismissal
4	Leaving assigned work location without proper approval or appropriate reason	Written notice to Dismissal	1 day suspension to Dismissal	10 days suspension to Dismissal
5	Frequent and unexcused tardiness	Oral warning or written notice	Written notice to 10 days suspension	10 days suspension to Dismissal
6	Unauthorized sleeping on the job or performance less than attentive	Written notice to Dismissal	5 days suspension to Dismissal	10 days suspension to Dismissal

K Employees must cooperate and work well with other employees and the public

Improper behavior in relations with
Supervisors, fellow employees, or the
Public

Potential Corrective Action

Offense	1st Offense	2nd Offense	3rd Offense
1 Flagrant refusal to perform reasonable work assignments or to cooperate with supervisors or management in the performance of duties (insubordination)	1 - 6 days suspension	Dismissal	
2 Failure to cooperate with or using abusive language toward other employees or the public	Oral warning or written notice	Written notice to 5 days suspension	6 days suspension to Dismissal
3 Unnecessarily disputing the work of other employees	Oral warning or written notice	Written notice to 5 days suspension	6 days suspension to Dismissal
4 Using threats or attempting to harm another employee or the public	6 days suspension to Dismissal	Dismissal	
5 Making false, vicious, or malicious statements about any employee, or City government or Dept management	Oral warning to 30 days suspension	6 days suspension to Dismissal	Dismissal
6 Unauthorized possession of dangerous weapons (firearms/knives) on City property	Oral warning to 30 days suspension	6 days suspension to Dismissal	Dismissal
7 Unauthorized use of dangerous weapons (firearms, knives) or tools which could result or results in harm to another employee or the public	30 days suspension to Dismissal	Dismissal	
8 Actions on the job intended to destroy property or to inflict bodily injury (whether or not the destruction or injury actually occurs)	Written notice to Dismissal	10 days suspension to Dismissal	Dismissal
9 Creating unsanitary conditions	Oral warning to 5 days suspension	6 - 10 days suspension to Dismissal	Dismissal

L Employees must perform their duties in a safe manner This standard is not restricted to operating equipment or motor vehicles

Safety

Potential Corrective Action

Offense	1st Offense	2nd Offense	3rd Offense
1 Operating City equipment unsafely or carelessly	Oral warning or written notice	Written notice to 5 days suspension	6 days suspension to Dismissal
2 Causing or contributing to an accident by operating City equipment in an unsafe manner, as established by proper investigation	1 - 20 days suspension	6 days suspension to Dismissal	Dismissal
3 Violating safety rules or practices which endanger the employee or others or damage City property or equipment	Written notice to 20 days suspension	6 days suspension to Dismissal	Dismissal
4 Playing tricks or jokes, or engaging in horseplay on the job which may lead to physical or emotional injury to employees or others, or damage to equipment or property	Written notice to 10 days suspension	6 - 10 days suspension	10 days suspension to Dismissal

M City employees must be characterized by high personal integrity both in securing employment and in the performance of their duties

Fraud, Dishonesty, Theft, or Falsification
of Records

Potential Corrective Action

	Offense	1st Offense	2nd Offense	3rd Offense
1	Soliciting, accepting or offering a bribe	Dismissal		
2	Theft of or aiding or encouraging the theft of cash, City property or equipment as established by proper investigation	Dismissal		
3	Intentionally falsifying or destroying, without proper authorization, City or Dept records	Dismissal		
4	Intentionally falsifying application for employment or medical information which would have otherwise caused employment disqualification	Dismissal		
5	Deliberately withholding information related to work from supervisors or others requiring the information	Written notice to 10 days suspension	6 - 30 days suspension	Dismissal
6	Falsifying time reports, mileage reports, expense accounts, or similar work oriented documents, falsely claiming sick or allowed pay, falsifying reasons for absence	5 days suspension to Dismissal	Dismissal	

N The City's adopted Affirmative Action policies and City Manager's instructions require employees to practice nondiscrimination and Affirmative Action in the performance of their duties

Affirmative Action

Potential Corrective Action

	Offense	1st Offense	2nd Offense	3rd Offense
1	Making derogatory racial, ethnic or sexist remarks in the presence of the public or other employees while on duty	Oral warning to 5 days suspension	Written notice to 10 days suspension	6 days suspension to Dismissal

TXTSAVE
EMP/CODE

CITY OF SOLEDAD
ADMINISTRATIVE POLICY

SUBJECT: SEXUAL HARASSMENT POLICY
EFFECTIVE DATE: NOVEMBER 25, 1991

POLICY OBJECTIVE. To establish a policy which explicitly prohibits sexual harassment.

POLICY. Sexual harassment means: unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature (like name calling, suggestive comments, or lewd talk) when anyone of the following three factors is met:

1. Submission to that conduct which is made either explicitly or implicitly a term or condition of the individual's employment,
2. Submission to sexual activity or a rejection of the request for sexual favor become a basis for a decision concerning an individual's employment; or
3. The conduct unreasonably interferes with the individual's work's performance or creates an intimidating, hostile, or offensive work environment.

If any employee believes that he or she is the victim of any type of harassment, including sexual harassment, that employee should immediately report the incident to an immediate supervisor. If the immediate supervisor is involved in the reported conduct, or, if for some reason the employee feels uncomfortable about making a report to that level, the report should be made to the City Manager.

The City Manager will investigate any such report and will take whatever corrective action is deemed necessary, including disciplining or discharging any individual who is believed to have violated this prohibition against harassment. The City clearly does not tolerate harassment. Any individuals engaging in such conduct contrary to City policy may be personally liable in any legal action brought against them.