



5.01 DISCIPLINE

Rule

Any employee within the classified service is subject to disciplinary action for cause. Such discipline may include but is not limited to an oral reprimand, written reprimand, demotion, loss of pay, suspension or discharge.

Discipline of permanent (non-probationary) employees in the classified service is normally progressive, beginning with an oral or written warning and proceeding to suspension, demotion or discharge. Disciplinary action may also take other forms such as withholding privileges. Serious offenses such as stealing, workplace violence, conviction of a bias crime, unwelcome sexual touching, refusal to obey a legitimate order or other causes in which the employee's performance or behavior will not be improved through corrective measures may justify discharge without the necessity of prior warnings or attempts at corrective discipline. In all cases, the level and degree of penalty shall be in keeping with the seriousness of the offense, taking into account the circumstances relevant to the incident.

For less serious infractions, which warrant progressive discipline, the ultimate goal is to put the employee on notice of unacceptable conduct and to give the employee a reasonable opportunity to modify his or her behavior. It is not the purpose of this rule to promote or require some "lock-step" progression of disciplinary measures to every disciplinary action involving permanent, non-probationary employees in the classified service.

Prohibited Activities

Cause for disciplinary action shall include but not be limited to the following:

1. Incompetence, inadequate performance or nonperformance of assigned duties.
2. Neglect of duty or negligence in performance of duty causing a substantial risk of personal injury or damage to property.
3. The use of intoxicants, or illegal use or possession of controlled substances on the job; reporting for work under the influence of intoxicants; or the use of drugs which create a substantial risk of injury to self or others or which impair work performance.
4. Habitual or excessive absence or tardiness, or abuse of sick leave privileges.
5. Absence from duty without authorization or failure to notify one's supervisor when unable to report to work on time.
6. Conviction of a felony, or conviction of any crime where the conviction would tend to impair effectiveness as a City employee or tend to bring discredit or reproach upon the City or bureau involved.

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7. Violation of safety rules or policies.
 8. Violation of the provisions of federal or state law, or of the City Charter, ordinances or any City rules or regulations including bureau-specific policies.
 9. Discourteous treatment of the public or other employees, offensive conduct or conduct unbecoming a City employee.
 10. Insubordination, willful disobedience or failure to follow a lawful supervisory directive.
 11. Inappropriate or unauthorized personal use of City resources, including, but not limited to tools and equipment, materials and supplies, vehicles, facilities and grounds, work time and information resources and technologies.
 12. Dishonesty.
 13. Fraud in securing employment.
 14. Falsification of Timesheets.
 15. Physical violence, including engaging in acts of bodily harm or threatening to inflict bodily harm, physical intimidation, verbal or written threats of violence.
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**Due Process
Requirements**

If an appointing authority initially determines there is just cause for discharge, demotion or suspension of a permanent classified service employee, the appropriate supervisory authority shall provide the employee with notice of proposed disciplinary action. Such notice shall be at least seven (7) calendar days, or at least one (1) day for suspensions of one (1) day or less, prior to the effective date of the proposed disciplinary action. The notice shall include grounds for such action, the effective date of the proposed action, and the right to respond either orally or in writing, prior to the final determination of discipline.

Suspension or Discharge

Any represented employee shall be entitled to representation at any meeting which might result in disciplinary action.

Unless withdrawn or otherwise amended, the disciplinary action shall become effective as specified in the disciplinary document. A copy of the notice, written response, if any, and final action shall be filed with the Director of Human Resources and become part of the employee's official employment record.

**Manager & Supervisor
Responsibility**

It shall be the responsibility of each bureau to ensure that all employees are advised of the City's Human Resources Administrative Rules and that violation of these rules may result in discipline up to and including suspension and/or discharge for a first violation.

A Discipline Log Entry must be recorded at the time the final copy of the notice of discipline is submitted to Labor Relations for inclusion in the discipline log.

Reduction in Pay

Employees designated by the City of Portland as exempt from the Fair Labor Standards Act (FLSA) are not subject to disciplinary suspension of less than one week except in the case of major safety violations, which warrant serious discipline.

Appeal

Unless otherwise provided by a collective bargaining agreement, any permanent employee in the classified service who is suspended, demoted or discharged, shall have the right to appeal the action to the Civil Service Board. [See Civil Service Board Administrative Rule](#) for procedure.

**Administrative Rule
History**

Adopted by Council March 6, 2002, Ordinance No. 176302
Effective April 5, 2002
September 16, 2005
