

**RESOLUTION NO. 630**

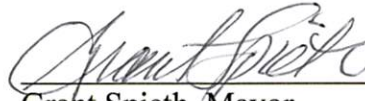
A resolution by the City of Columbus, Kansas, adopting Article XI, entitled, "Discipline and Separations", of the Personnel Regulations for the Employees of the City of Columbus, Kansas.

WHEREAS, the Governing Body reviewed and approved Article XI, included as exhibit to this resolution, at the June 20, 2022 City Council meeting;

NOW THEREFORE, be it resolved by the Governing Body of the City of Columbus Kansas, that Article XI of the Personnel Regulations for the Employees of the City of Columbus, Kansas, shall be adopted.

Passed and approved by the Governing Body of the City of Columbus, Kansas, this 6th day of September, 2022.

CITY OF COLUMBUS, KANSAS



Grant Spieth, Mayor

ATTEST:



Cherri Chancellor, City Clerk

(Seal)



**ARTICLE XI**  
**DISCIPLINE AND SEPARATIONS**

**XI-1 Resignations.**

A. Employees who terminate employment voluntarily shall be terminated in good standing, providing they give a minimum of fourteen (14) calendar days' written notice to their immediate supervisor unless a shorter period of notice is approved by their department head and City Administrator. The period of notice may be reduced or waived upon recommendation of the department supervisor and approval of the City Administrator. for extenuating circumstances, i.e., Family Medical leave, change of residence by unexpected military orders of the employee or spouse, etc. The written notice of resignation shall become part of the personnel file.

B. An employee may withdraw a resignation only under the following conditions:

1. The withdrawal is submitted to the department head before the effective date stated in the notice of resignation.
2. The position has not been filled; and
3. The withdrawal is accepted in writing by the department head with approval of the City Administrator.

C. Failure to give adequate notice shall be noted on the employee's separation documents and may be precluded from consideration for future employment with the City and are precluded from accepting or continuing in any position, volunteer, reserve, or other position, which may compensate the individual for their time.

D. The effective date of termination pursuant to a notice of resignation shall be the last day on which the employee physically works. The value of the employee's accumulated vacation leave shall be paid to him/her without undue delay with his/her final paycheck following separation providing they leave in good standing There is no provision for terminal leave.

**XI-2 Layoffs.**

A. Examples of layoffs are:

1. Abolishment of a position or shortage of work or funds.
2. Completion of seasonal work for seasonal employees.
3. End of temporary appointment because of reinstatement of a regular employee returned from military or other approved leave and transfer to another position in the same class has not been achieved.

B. When it is necessary to reduce the number of employees because of lack of work or funds, or elimination of positions, the department head(s) concerned shall make a thorough investigation of the problem and report his/her findings and recommendations to the City Administrator who shall decide which employees shall be laid off. Analysis of proposed layoffs shall first consider the types of activities to be curtained and the

classifications of positions thereby affected. The department head shall then proceed to the selection of individuals to be released. Employee efficiency shall be the major factor in determining the order in which employees shall be released, and consideration shall then be given to employee's length of service with the City. Advisability of reassigning employees in a higher classification to a lower classification for which they are qualified and laying off those in a lower classification shall also be considered.

### **XI-3 Disciplinary Matters**

A. A department head may recommend progressive discipline and/or dismissal of a regular employee for any just cause to the City Administrator. The City Administrator may recommend dismissal of a department supervisor to the Governing Body. Receipt of signed, written, specific allegations of employee misconduct shall be subject to thorough investigation by the affected department head, Human Resources, and City Administrator, and include opportunity for the employee to meet with the City Administrator Human Resources Department and department head to address the issue(s).

Just cause includes, but is not limited to, any of the following:

1. Insubordination, including failure to comply with a supervisor's instructions and work assignments.
2. Dishonesty, either verbally, in writing or in action, including but not limited to falsification of employment application or other City documents and time sheets.
3. Violation of Article XIII, Standards Relating to Drugs and Alcohol.
4. Failure to comply with safety regulations.
5. Fighting or other disorderly conduct on City premises or while on City business.
6. Stealing of, or unauthorized use of City tools, equipment, or property.
7. Recurring absenteeism, absent without authorized leave, tardiness or leaving the work site early.
8. Conviction of a crime which damages the image or reputation of the city.
9. Inefficiency, including waste of working time or materials.
10. Failure to conduct oneself on duty, in City uniform, or while representing the City, in a cooperative manner within departmental and City policies, practices and goals.
11. Exhibiting on duty conduct or behaviors which interfere with the employee's performance of the City's business, operations, or image.
12. Willful violations of any personnel regulations.
13. Violations of applicable state or City laws and regulations concerning ethics and conflicts of interest.
14. Any act or omission which had, or will have, a material adverse effect on the business, operations, or financial condition of the City.
15. Harassment of other employees or the public.

16. Any other conduct identified in the Columbus City Code as grounds for discipline or dismissal from employment.
17. Careless, reckless, unlawful, or imprudent use of City equipment or vehicles.
18. Failure to adequately perform the essential functions set out in the job description.
19. Any other conduct commonly recognized by reasonable persons as justification for discipline, including dismissal.

B. Progressive discipline shall be followed when practicable. However, when the severity of the inappropriate conduct warrants, and it is in the best interests of the city, any of the following forms of discipline may be imposed at any time so long as such discipline is supported by just cause and the severity of the offense:

1. Oral reprimand which shall be documented by the supervisor.
2. Written reprimand.
3. Suspension with pay.
4. Suspension without pay
5. Dismissal.

An immediate supervisor, department head, or City Administrator may issue oral or written reprimands. Only the City Administrator, or a department head upon approval of the City Administrator, may suspend an employee without pay or recommend dismissal of an employee for disciplinary reasons. All disciplinary actions shall be documented by the department Human Resources or City Administrator and be placed in the employee's confidential personnel file.

C. If an employee's continued presence on the job prior to the date of intended disciplinary action poses a recognizable, significant threat to the public health or safety, or to the business operations or image of the City, such employee may be suspended without pay immediately by the City Administrator and the affected department supervisor, until disciplinary action is determined and administered.

D. An employee shall not be entitled to use accrued vacation leave or sick leave or accrue additional vacation leave or sick leave while suspended without pay.

E. A regular employee shall be granted a pre-termination hearing before the pre-termination board which includes: his or her supervisor, Human Resources, Administrative Council Representative, City Attorney, and City Administrator before a disciplinary measure involving possible dismissal is administered. A pre-termination hearing provides employees the opportunity to rebut allegations and present facts. When the pre-termination hearing board members find just cause to recommend dismissal, employees may appeal the decision to the full Governing Body for a hearing. Employees, if they desire, may voluntarily waive the right to a hearing.

F. A regular employee charged with a criminal offense not related to his/her job may be suspended with pay pending a full investigation if circumstances justify such action. Following such investigation, the employee may be reinstated at the discretion of the Governing Body.