**SECTION: SEPARATION**

**POLICY:** Involuntary Separation and **EFFECTIVE DATE:** insert date adopted

Progressive Discipline

**STATEMENT OF PURPOSE:**

The purpose of this policy is to outline the City’s approach to employee discipline through a progressive process, while reinforcing the at-will employment status of City employees. This policy provides general guidance for disciplinary actions and establishes expectations for consistent and fair corrective measures in response to employee conduct or performance issues.

**APPLICABILITY:**

This policy applies to all City employees, excluding those appointed directly by the City Council or otherwise protected under Civil Service laws or the City Charter. Employees covered by Civil Service (e.g., Police and Fire) will follow procedures outlined in Chapter 143 of the Texas Local Government Code where applicable. Nothing in this policy alters the at-will nature of employment for employees not covered by Civil Service.

**DEFINITIIONS:**

1. At-Will Employment: A working relationship in which either the employee or the City may terminate employment at any time, with or without cause, and with or without notice, as long as the reason is not prohibited by law.
2. Involuntary Separation: Involuntary separation from a job, also known as involuntary termination, refers to the situation where an employee's employment is ended by the City against the employee's will. This occurs when the employee is willing and able to continue working but is dismissed due to reasons determined by the City.
3. Progressive Discipline: A system of escalating disciplinary actions designed to address and correct employee conduct or performance issues.
4. Disciplinary Action: Any corrective step taken by a supervisor or the City to address unsatisfactory performance or misconduct, which may include verbal counseling, written warnings, suspension, or termination.
5. Civil Service Employees: Employees protected under Chapter 143 of the Texas Local Government Code, generally applicable to certain Police and Fire personnel.
6. Reduction in Force: Reduction in Force (RIF): The elimination of occupied positions within the City due to business necessity or budget constraints, typically resulting in employee layoffs.

**PROCEDURES:**

1. Use of Progressive Discipline
   1. The City may utilize progressive discipline to correct performance or behavioral issues.
   2. Disciplinary steps may include, but are not limited to:
      1. Verbal warning or counseling
      2. Written warning or reprimand
      3. Probation
      4. Suspension (with or without pay)
      5. Demotion
      6. Discharge
   3. The City is not required to follow each step in order and may impose any level of discipline, including termination, based on the severity of the issue, prior performance, disciplinary history, length of service, and mitigating factors.
2. Documentation and File Maintenance
   1. All disciplinary actions other than verbal warnings must be documented and forwarded to Human Resources to be placed in the employee’s official personnel file.
   2. For Civil Service employees, documentation procedures will follow the requirements of Chapter 143 of the Local Government Code, where applicable.
3. Termination Process
   1. In cases involving discharge, supervisors must forward all supporting documentation to Human Resources for review prior to termination.
   2. Human Resources will review the documentation and may initiate a legal review to ensure compliance with applicable laws and City policies.
4. Appeals Process [See Complaint Process Policy]
   1. Employees may appeal disciplinary actions at or above the written reprimand level.
   2. Appeals must be submitted through Human Resources to the Director of Human Resources, in writing, within five (5) business days of the action.
5. Reduction in Force: [See Reduction in Force Policy]