


<p style="text-align: center;"><b>TOWNSHIP OF VERONA</b> <b>COUNTY OF ESSEX, NEW JERSEY</b></p>  <p style="text-align: center;"><i>POLICIES AND PROCEDURES</i></p>	Policy Title:	Employee Discipline Policy
	Policy Reference No:	6-1
	Release Date:	16-December-2020
	Approved By:	Matthew Cavallo, Township Manager
	Authority:	§ 36-1 (C)
	Revision History:	None
	No. of Pages:	4
	Applicability:	All Employees

All employees are expected to meet the Township's work performance standards. The intent of this policy is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the Township's policies and procedures, and other disciplinary problems. All disciplinary procedures will comply with the Department of Personnel rules and regulations, and where applicable, collective negotiations agreements. All conversations with unionized employees regarding discipline, whether resulting in formal discipline or not, will take place in front of a union representative unless the employee declines same in writing. The Township shall offer all employees the right to have a union representative present at all such meetings.

Should a supervisor believe that an employee is not conforming to the Township's policies and rules or to specific instructions, or has acted improperly; the supervisor will first privately discuss the matter with the employee to obtain the employee's view. If the supervisor determines that the employee has acted improperly, the supervisor shall discuss the matter with the Township Manager. Depending upon the gravity of the situation and the employee's past record one of the following actions shall be taken:

**Verbal Reprimand:** The supervisor will verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will place in the employee's official personnel file a record of the verbal reprimand including the date, time, and what was discussed with the employee. (Minor Disciplinary Action pursuant to Civil Service rules and regulations.)

**Written Reprimand:** A written reprimand should clearly identify the problem and outline a course of corrective action within a specific time period. The employee should clearly understand both the corrective action and the consequence (i.e., termination, further discipline) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with a signed acknowledgement of receipt shall be placed in the employee's official personnel file along with a record of the discussion and the

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employee's comments. (Minor Disciplinary Action pursuant to Civil Service rules and regulations.)

**Suspension:** Whenever an employee is recommended for suspension, the Township Manager will make the decision in consultation with the supervisor. The employee should clearly understand both the corrective action and the consequence (i.e., termination. further discipline) if the problem is not corrected or reoccurs. (Minor Disciplinary Action where suspension is five (5) working days or less; Major Disciplinary Action where suspension is more than five (5) working days pursuant to Civil Service rules and regulations.) Suspensions for Township employees covered by Civil Service must not exceed sixty (60) days unless the discipline is based on a crime of the First, Second, Third and Fourth Degree.

**Dismissal:** Whenever an employee is recommended for dismissal, the Township Manager will make the decision after consultation with the supervisor. The Township Manager should also discuss the termination with the Township Attorney, and should advise the Township Council of his/her decision. NOTE: Any discussion of personnel action with the Township Council should be in Executive Session with the employee being served with a Rice Notice at least 48 hours prior to the closed session in accordance with law. The Township Manager should conduct a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. (Major Disciplinary Action pursuant to Civil Service rules and regulations.)

Discipline may be given on a progressive basis, i.e. with discipline starting with a verbal reprimand and progressing up to termination only if the employee behavior does not improve. However, progressive discipline is not required and where deemed appropriate, the Township Manager may start at any level of the discipline process, and or repeat levels if deemed appropriate. The Township Manager may also warn an employee at any stage of discipline that discipline given shall also serve as a FINAL WARNING, and the next time the employee commits a work violation of any kind, the employee shall face immediate termination.

Civil Service employees subject to Major Discipline (a demotion, fine, suspension of more than five (5) days or dismissal) will be provided with a Preliminary Notice of Disciplinary Action ("PNDA") and a Final Notice of Disciplinary Action ("FNDA") after a hearing before the appointing authority. Where the employee is deemed unfit for duty, a hazard or detrimental to the public or where the employee is charged with a crime of the First, Second, Third and Forth Degree which is deemed by the Township as related to his/her employment, the employee may be suspended with or without pay prior to issuing a PNDA. In such cases, the employee must be

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provided with the PNDA within five (5) days of the suspension and must be given an opportunity to hear the charges and respond.

Employees have five (5) days to request a hearing before the appointing authority once the PNDA is served and the hearing must take place within thirty (30) days of the suspension or issuance of the PNDA unless waived by the employee or the parties agree to a later date. Once the hearing before the Appointing Authority is held, the Township has twenty (20) days to render a decision and issue an FNDA.

Where an employee has been suspended pending a hearing, and the charges are not upheld, the Township must reimburse the employee for any time that was unpaid or reinstate any paid time off used by the employee during the suspension period.

Minor disciplinary actions do not require the use of PNDAs or FNDAs. The procedures to be followed for Minor Discipline may be provided in a Collective Negotiations Agreement, an employee may appeal the issuance of the Minor Discipline to the Township Manager, whose decision will be final unless otherwise provided by Collective Negotiations Agreement.

An employee may be disciplined up to and including termination depending upon the circumstances for any of the following reasons as provided in New Jersey Civil Service Rules and Regulation. This list is not all-inclusive and the Township may discipline employees for any act deemed inconsistent with the effective delivery of service to the public.

- Incompetence, inefficiency, or failure to perform duties;
- Insubordination;
- Inability to perform duties;
- Conviction of a crime;
- Conduct unbecoming a public employee;
- Neglect of duty;
- Discrimination that affects equal employment opportunity (as defined in *N.J.A.C. 4A:7-1:1*, including sexual harassment);
- Violation of Township policies, procedures and regulations;
- Falsification of public records including personnel records;
- Violation of Federal, State or municipal regulations concerning drug and alcohol use and possession;
- Chronic or excessive absenteeism or lateness;
- Misuse of public property, including motor vehicles; and
- Other sufficient cause.

All discipline and discharges will be in accordance with Federal and State laws including but not limited to laws against discrimination, laws prohibiting retaliation under the New Jersey Conscientious Employee Protection Act (CEPA), the New Jersey Civil Service Act, applicable collective negotiations agreements and individual contracts. Employees may be represented at any and all hearings relating to discipline by a representative selected by the employee, including but not limited to, union representatives (if any), personal lawyers or lawyers representing the

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applicable Union. The Township shall not incur any cost relating to the employee's selection of representation, unless otherwise required by law.

All discipline, including but not limited to minor discipline, shall be approved by the Township Manager as appointing authority prior to being issued.

This order shall not limit the powers of the Chief of Police prescribed in *N.J.S.A. 40A:14-118*.

Neither this manual nor any other Township guidelines, policies or practices create an employment contract. Employment with the Township may be terminated at any time with or without cause or reason by the employee or Township except the Township shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.

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Revision No.	Revision Date	Nature of Revision	Approved By