**SECTION VII - SEPARATIONS AND DISCIPLINE**

**A. TYPES OF SEPARATIONS**

All separations of employees from positions with the City of Kingston shall be designated as one of the following types and shall be accomplished in the manner indicated: resignations, lay-offs, disability, death, retirement, abolishment of position, and dismissal. At the time of separation and prior to final payment, all records, assets, and other items of city property in the employee's custody must be transferred to the department. Any amount due because of shortages shall be withheld from the employee's final compensation on a depreciated/prorated basis, as long as the employee’s final pay is not reduced below minimum wage.

**B. RESIGNATION**

In the event an employee decides to leave the municipal government's employ, a two (2) week notice should be given to his/her supervisor so that arrangements for a replacement can be made. In such a case employees will be expected to return any/or all city equipment assigned. An unauthorized absence from work for a period of three (3) consecutive working days may also be considered a voluntary resignation by the department head or the City Manager. After voluntary resignation, an employee who returns to city employment will have his/her status of seniority, pay, leave, etc., begin at the same level as an initial employee beginning work for the first time.

**C. LAY-OFF**

The department head, upon approval from the City Manager may lay-off an employee in the city service when he/she deems it necessary by reason of shortage of funds, the abolition of a position, or other material changes in the duties or organization of the employee's position, or for related reasons that are outside the employer's control and that do not reflect discredit upon the service of the employee. In the event that a lay-off becomes necessary, consideration shall be given to organizational needs, the quality of each employee’s service, and then length of service in determining retention.

* The duties performed by an employee laid-off may be assigned to other employees already working who hold positions in the appropriate class.
* Temporary employees shall be laid-off before regular employees.
* A laid-off employee who is reinstated as a city employee within 90 days from the date he/she was laid off will be reinstated with full benefits as if he/she had not been laid off.

**D. DISMISSAL**

All city employees not under an employment contract for a specified time period are employees-at-will of the city. The city reserves the right to discipline any employee at any time and for any reason, with or without cause, or for no reason at all, as allowed by law. There may be occasions the city takes disciplinary actions short of termination against an employee.

The types of disciplinary action options are:

• oral reprimand,

• written reprimand,

• suspension,

• demotion, and

• dismissal

Reasons for dismissal may include, BUT NOT BE LIMITED TO: misconduct, negligence, incompetence, insubordination, irresponsible behavior, unauthorized absences, falsification of records, violation of any of the provisions of the Charter, ordinances, or the following rules:

1. Incompetence or inefficiency in performing duties;
2. Conviction of a criminal offense or of a malfeasance involving moral turpitude;
3. Violating any lawful and reasonable regulation, order, or direction made or given by a superior, or insubordination that constitutes a serious breach of discipline;
4. Being intoxicated, drinking any intoxicating beverages, or being under the influence of a drug or narcotic while on duty;
5. Theft, destruction, carelessness, or negligence of city property;
6. Disgraceful personal conduct or language toward the public, fellow officers, or employees;
7. Unauthorized absence or abuse of leave privileges;
8. Incapacity to perform the essential functions of a job because of permanent or chronic physical or mental defect that cannot be reasonably accommodated;
9. Accepting any valuable consideration that was given with the expectation of influencing the employee in performing his/her duties;
10. Falsifying records or using official position for personal advantage;
11. Loss of an employee's driver's license and driving privileges by due process of law when the employee's position makes operating a motor vehicle necessary in performing his/her duties;
12. Violating any of the provisions of the City Charter, Personnel Rules and Regulations Policy; or
13. Violation of any departmental policies or rules.

**E. DISABILITY**

An employee may be separated for disability when he/she cannot perform required duties because of physical or mental impairment that cannot be accommodated without undue hardship or that poses a direct threat to the health and safety of others. Reasonable accommodations may include transfer to a comparable position for which the individual is qualified. Action may be initiated by the employee or the municipality, but in all cases it must be supported by medical evidence acceptable to the City Manager. The city may require an examination at its expense and performed by a licensed physician of its choice.

**F. DEATH**

Separation shall be effective as of the date of death of an employee. All compensation due in accordance with these rules shall be paid to the beneficiary of the employee.

**G. RETIREMENT**

Whenever an employee meets the conditions set forth in the retirement system’s regulations, he/she may elect to retire and receive all benefits earned under the appropriate retirement system. It is recommended that employees who are eligible for retirement and who wish to retire should advise the human resource clerk and their department head/supervisor of their intentions three (3) to six (6) months prior to the anticipated date if at all possible to allow sufficient lead time to complete appropriate paperwork and processing. Failure to do so may delay the desired retirement date.

**DISCIPLINARY ACTIONS**

**A. DISCIPLINARY ACTION**

1. All city employees not under an employment contract for a specified time period are employees at-will of the city. The city reserves the right to discharge at-will employees for cause or for no reason, except that no employee will be discharged for reasons that are prohibited by state and federal law.
2. In some instances, a specific incident in and of itself may justify severe initial disciplinary action; however, the action to be taken may depend on the seriousness of the incident and the whole pattern of the employee’s past performance and conduct. The types of disciplinary actions are:
   * oral reprimand,
   * written reprimand,
   * suspension,
   * demotion, and
   * dismissal

**B. ORAL REPRIMAND**

When lapses in job performance or behavior occur and a supervisor's counseling over a reasonable period of time has yielded no improvement or corrective action from the employee, the supervisor may give an oral reprimand and place a memo in the personnel file at City Hall stating the date of the oral reprimand, what was said to the employee, and the employee's response.

**C. WRITTEN REPRIMAND**

The supervisor administering the reprimand may advise the employee that the action is a written reprimand and emphasize the seriousness of the problem; cite previous corrective actions and/or informal discussions relating to the offense; identify the problem and/or explain the offense; inform the employee of the consequences of continued undesirable behavior; detail corrective actions and identify dates by which the corrective actions will be taken.

**D. SUSPENSION**

The department head/supervisor must make a recommendation for suspension from duty as soon as possible to the City Manager, naming the employee affected and details of the reason for the action. In all cases final decision for action rests with the City Manager. The city manager may delegate authority to suspend employees to department heads when in the best interest of the city.

**E. DEMOTION**

Involuntary assignment of an employee from one class to another class that has a lower maximum pay rate, rank and/or responsibility. It could result in a reduction in pay.

**F. DISMISSAL**

All city employees not under an employment contract for a specified time period are at-will employees of the city. The city reserves the right to discharge at-will employees for cause or for no reason, except that no employee will be discharged for reasons that are prohibited by state and federal law.