



## CITY OF PROVIDENCE

### 6. DISCIPLINE POLICY

#### Purpose

The purpose of the City of Providence Discipline Policy is to establish a fair, consistent, and legally compliant framework for addressing employee performance and conduct concerns in a manner that supports accountability, corrective improvement, and the effective delivery of public services. This policy is intended to ensure that disciplinary actions are administered for just cause, are proportionate to the nature and severity of the issue and are applied equitably across the City workforce.

#### Scope

This policy applies to all employees, interns, fellows, applicants, contractors, and volunteers associated with the City of Providence unless otherwise excluded by law, ordinance, or collective bargaining agreement (CBA).

Nothing in this policy shall supersede, modify, or diminish any rights, benefits, or obligations contained within applicable collective bargaining agreements (CBAs), or laws. In the event of a conflict between this policy and a CBA, the CBA shall prevail for covered employees. For all other employees not covered by a CBA, this policy shall govern.

#### Definitions

**Corrective Action:** A management action intended to address and correct employee performance or conduct concerns and promote sustained improvement.

**Disciplinary Action:** A corrective measure taken by the City in response to employee performance or conduct that fails to meet established standards, practices, policies, procedures, or legal requirements.

**Due Process:** The procedural protections afforded to employees prior to the imposition of discipline, including notice of allegations, an opportunity to respond, and representation rights where applicable.

**Employee:** Any individual employed by the City of Providence, whether full-time, part-time, temporary, probationary, exempt, non-exempt, union-represented, or non-union. This also includes managers, interns, seasonal, and fellows. Employees may also be referred to as personnel and/or staff.

**Supervisor:** An individual in a position of leadership and/or supervision over other employees, responsible for the direct and/or indirect delivery of performance and services. Supervisors can include and be referred to as department heads, directors, chiefs, managers, or appointed officers. These individuals have the authority to direct, assign, and manage employee performance and conduct in par with City policies, practices and operational standards.

**Just Cause:** The standard required for imposing disciplinary action, ensuring that discipline is reasonable, factually supported, consistently applied, procedurally fair, and proportionate to the offense. Nothing herein is intended to alter the definition of just cause as set forth by industrial common law.

**Performance Improvement Plan (PIP):** A PIP is a formal mechanism utilized to address, set, monitor, and measure the deficient work productivity, service, and/or behavior(s) of an employee to improve performance or modify behavior.

**Pre-Disciplinary Hearing:** A formal meeting conducted prior to the issuance of certain potential disciplinary actions, providing the employee with an opportunity to respond to allegations and present relevant information before the Chief People Officer (CPO/CHRO).

**Progressive Discipline:** A structured approach to discipline that generally involves increasingly serious corrective actions when prior efforts fail to achieve sustained improvement.

**Stale:** Refers to when a violation occurred too long before it was addressed and is considered unenforceable.

**Unsatisfactory Job Performance:** Work-related performance that fails to meet job requirements, performance standards, or expectations as established by job descriptions, operational practices and/or procedures, work plans, policies, or supervisory direction.

**Unacceptable Conduct:** Behavior—on or off duty—that violates City policy, law, or reasonable standards of conduct and undermines workplace integrity, public trust, safety, or City operations.

## Policy

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### 1. **General Expectations**

- A. The City of Providence expects all employees to meet established standards of performance and conduct. When concerns arise, the City shall address such matters through a fair, consistent, and corrective discipline process grounded in just cause.
- B. Disciplinary action(s) shall be administered in a manner that:
  1. Is corrective rather than punitive when circumstances allow
  2. Is proportionate to the nature and severity of the conduct or performance issue
  3. Considers relevant mitigating factors
  4. Is applied equitably across similarly situated employees
  5. Complies with applicable laws, ordinances, and/or collective bargaining agreements.
- C. Any disciplinary action issued in accordance with this policy must be for just cause under one or more of the three following reasons:
  1. Unsatisfactory job performance
  2. Unacceptable conduct
  3. Grossly inefficient job performance/negligence
- D. The categories are not mutually exclusive, as certain actions by employees may fall into more than one category, depending upon the facts of each case.
- E. Infractions with penalties aimed at correction but which can lead to more severe progressive discipline if not corrected including, but not limited to:
  1. Tardiness
  2. Unauthorized absence
  3. Early departure
  4. Careless workmanship
  5. Horseplay
  6. Swearing
- F. Infractions calling for more serious penalties, including discharge. Infractions include, but are not limited to:
  1. Stealing city property
  2. Threats or fighting
  3. Insubordination
  4. Consuming or arriving to work under the influence of alcohol, non-prescription drugs, or illegal substances
  5. Intentionally damaging city property
  6. Violating the Code of Conduct or Code of Ethics
  7. Possession of weapons in the workplace
  8. Safety violations
  9. Illegal conduct
  10. Sexual harassment or misconduct
  11. Use of racial epithets
- G. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly. The standards herein provide for progressive discipline to address issues involving unsatisfactory job performance and/or misconduct, for employees to be given notice of deficiencies, and opportunities to improve.
- H. The level of discipline administered is dependent upon the law, standard, and/or policy violation, severity of the infraction and must be in accordance with appropriate collective bargaining agreements (CBA) where applicable.

- I. For members of a collective bargaining unit, requests for union representation should be honored at a disciplinary meeting or during one which may result in discipline in par with the employees' Weingarten Rights. If union representation is not available during the scheduled meeting, it shall be rescheduled to another time or date as soon as possible. The parties shall make every good faith effort to uphold the employees' Weingarten Rights while not causing unnecessary delay. In the event of an unnecessary delay by the union, such meetings may proceed in the absence of representation.
- J. The City recognizes that while many performance issues may be addressed through coaching, counseling, or progressive discipline, certain conduct either on-duty or off-duty may be so egregious and intolerable that continued employment is not a possibility, and progressive discipline is not appropriate, including immediate termination.

## 2. **Management Standards**

- A. The City holds supervisors, department heads, non-union personnel, and appointed officers of the City to a high standard of conduct, performance, and service delivery.
- B. The City reserves the right to the following:
  - 1. To hold employees in any of the categories as provided in Section 2A to the policies, rules and standards of the City's Personnel System.
  - 2. To exercise its rights as an at-will employer
  - 3. To apply more severe corrective and/or disciplinary action than the levels of progressive discipline described herein and the Disciplinary Action Procedure, including termination of employment.
- C. While City Ordinance may exempt department heads (directors/chiefs) and appointed officers from the City's Personnel System, policies of the City such as this and others can be applied to and enforced for staff at the direction of the applicable governing authority including but not limited to:
  - 1. Mayor
  - 2. Chief of Staff
  - 3. Chief Operating Officer
  - 4. President of the City Council
  - 5. City Council Chief of Staff
  - 6. Chief People Officer (CPO/CHRO) or their designee
- D. Supervisors have the responsibility of ensuring staff are properly trained to meet the expectations of their job.
- E. Supervisors are expected to understand and adhere to the standards, expectations, and operating procedures of managing employees' corrective and/or disciplinary action consistent with this policy. The Department of People and Culture should be contacted for any questions and assistance related to this policy.

## 3. **Informal Corrective Action**

- A. Supervisors are strongly encouraged to engage in productive dialogues with employees in the management of performance and conduct expectations.
- B. The following forms of corrective action should be provided employees where and when applicable and are not considered formal discipline in nature.
  - 1. **Coaching:** Coaching is a proactive, non-disciplinary process through which a supervisor or manager provides guidance, feedback, and support to an employee to address performance gaps, reinforce expectations, and improve workplace behaviors. It is intended to be developmental rather than punitive, focusing on helping the employees succeed in their role by clarifying standards, identifying areas for improvement, and collaboratively establishing strategies for improvement.
  - 2. **Counseling:** Counseling represents an intermediate step between informal corrective action and the formal disciplinary process, for relatively minor infractions. When providing counseling the supervisor should talk privately with the employee and describe the situation, review any previous discussions, and cite any related policies. The counseling session should

be briefly outlined in a note to file, a copy of which should be provided to the Department of People and Culture.

4. **Formal Performance Management Intervention**

- A. Managers are expected to provide mechanisms of formal performance management and corrective action throughout the duration of employees' time in service in order to improve performance, service delivery, or to improve substandard performance. In those cases, whereby an employee is not meeting performance standards or in effort to further improve the performance of an employee, a performance improvement plan may be utilized.
- B. The Department of People and Culture has a PIP Form that should be utilized by supervisors placing employees on a performance improvement plan.
  - 1. The PIP is not considered formal discipline in nature, as it can be applied at any stage of an employee's time in service.
  - 2. This is to be completed by the supervisor and/or department director, reviewed with and signed by the employee.

5. **Progressive Discipline**

- A. When informal corrective action fails to address concern(s), the supervisor, in consultation with the Department of People and Culture - Employee Experience, should initiate the formal discipline process.
- B. The indication for discipline is triggered by one of two general areas of concern
  - 1. Conduct
  - 2. Performance
- C. Gross negligence, gross misconduct, and/or gross non-performance are considerably more egregious in nature and may allow the City to bypass steps in the progressive discipline process.(e.g., not producing enough tickets in comparison to crashing heavy equipment into a facility; communicating in a way that isn't customer service oriented in nature in comparison to saying a racial slur to someone)
- D. **Progressive Corrective Action**
  - 1. The following steps and actions are acceptable forms of progressive corrective action.
    - 1. **Coaching** (non-disciplinary)
    - 2. **Counseling** (non-disciplinary)
    - 3. **Performance Improvement Plan (PIP)** (non-disciplinary)
  - 2. The actions and terms listed herein are not considered disciplinary in nature. However, counseling should be provided prior to issued discipline, when practical, contingent upon the nature and severity of the violation, conduct, and/or deficiency.
  - 3. While the PIP can be applied at any stage of an employee's tenure, it may be applied either before or during the progressive discipline process in cases where an employee is not meeting performance standards or in effort to further improve the performance of an employee.
- E. **Progressive Disciplinary Action:**
  - 1. The stages and actions of discipline listed below are considered components of the progressive discipline process.
  - 2. It is expected that conduct and performance concerns are addressed equitably among employees in like situations.
  - 3. Repeated violations of unacceptable conduct or unacceptable performance should be addressed through the following progressive actions:
    - 1. **Verbal Warning** (disciplinary)
      - 1. Verbal warnings are the initial step in the disciplinary process, for relatively minor infractions. When giving an verbal warning, the supervisor should talk privately to the employee and describe the situation, review any previous discussions, and cite any related policies.

2. The employee should be advised that they are receiving a formal verbal warning. The verbal warning should be summarized in a note to file, with a copy forwarded to the Department of People and Culture – Employee Experience.
2. **Written Warning** **(disciplinary)**
  1. Written warnings are issued by the department director or their designee in the event the employee continues to disregard counseling and a verbal warning, or if the infraction is severe enough to skip lesser disciplinary steps. The written warning sets forth the nature of the infraction in detail and states the next step in the discipline procedure, i.e., a final written warning, should there be a continuance of repetition of the infraction. The department director will discuss the warning notice with the employee's immediate supervisor and with the employee, to be certain that the employee understands the reasons for the disciplinary action.
  2. An original written warning notice is to be handed to the employee at the time of the discussion of the discipline. A copy is to be placed in the employee's personnel file. A copy is to be sent to the Department of People and Culture – Employee Experience and to the union if the employee is represented by a collective bargaining unit.
3. **Final Written Warning** **(disciplinary)**
  1. Final written warnings are issued by the department director or their designee in the event the employee continues to disregard counseling, verbal, and written warning, or if the infraction is severe enough to skip lesser disciplinary steps. The final written warning sets forth the nature of the infraction in detail and states the next step in the discipline procedure, i.e., referral to the Department of People and Culture for suspension or termination, should there be a continuance of repetition of the infraction.
  2. All recommendations for suspension and/or discharge must be made to the Chief People Officer. The department director will discuss the warning notice with the employee's immediate supervisor and with the employee, to be certain that the employee understands the reasons for the disciplinary action.
  3. An original warning letter is to be handed to the employee at the time of the discussion of the discipline. A copy is to be placed in the employee's personnel file. A copy is to be sent to the Department of People and Culture – Employee Experience and to the union if the employee is represented by a collective bargaining unit.
4. **Suspension Without Pay** **(disciplinary)**
  1. Suspensions are administered as a result of a still more serious infraction of rules and standards, or for continued violations after the employee has received a written warning and has made insufficient effort to improve performance. It should be applied only after a thorough evaluation by the supervisor, department director, and approval by the Chief People Officer.
  2. The Department of People and Culture will issue a letter to the employee stating the reason(s) for the suspension, duration of the suspension, and next steps in the progressive disciplinary process, such as termination. The original letter will be delivered to the employee, and a copy will be placed in the employee's personnel file. A copy of the letter will be sent to the department and the union, when applicable.
5. **Demotion** (when/where applicable) **(disciplinary)**
  1. Demotion is applied when the employee fails to improve following the prior levels discipline, which is considered the most severe form, short of a last chance agreement and termination. Prior to a decision to demote an employee, the Department of People and Culture must be consulted to ensure other applicable options have been exhausted, there is a continued lack of improvement or a substantiated concern for safety, and the action meets the standards and rights provided by the collective bargaining agreement, where applicable.
  2. The employee will be notified of the demotion in writing by the Department of People and Culture – Employee Experience with the notice of the date and time the employee is expected to report to the assigned position. The Department of People and Culture – Employee Experience will facilitate appropriate notice and communication as a liaison between the supervisors when an employee is being

demoted to ensure all parties can prepare accordingly. The employee's status will be updated via the Status Change Form process by the department in a timely manner.

**6. Last Chance Agreement / Memorandum of Agreement (disciplinary)**

(when/where applicable)

1. A last chance agreement (LCA) or Memorandum of Agreement is an agreement made between the employee's union and the City which outlines the final measures of expectations for the employee, following significant safety, policy, and performance violations, typically utilized as a final measure to preserve an employee's job and give a final chance to improve before termination. Termination, and/or the other consequences outlined in the agreement are implemented if the employee standards in the agreement are not met.
2. The LCA is executed between the Chief People Officer and the applicable bargaining unit or employee in conjunction with the department director of the employee. The department director will discuss the LCA with the employee's immediate supervisor and with the employee, to be certain that the employee understands the reasons for the disciplinary action.

**7. Termination (disciplinary)**

See the Termination section below.

8. The disciplinary action terms herein are listed in general progression and shall be applied consistently in this order, contingent upon the nature and severity of the offense.
9. Policy violations that indicate a higher consequence than those listed in Sections F.3.1-3 are considered serious enough to warrant a higher level of discipline.

**6. Pre-Disciplinary Hearing**

- A. For employees covered under the City's Personnel System as defined by the City Home Rule Charter, Article IX a formal disciplinary hearing is conducted for employees whose actions may be subject to potential disciplinary action.
  1. Employees shall be provided with notice as to the date, time, and location of hearing, as well as a reference to the potential policy or other workplace violation(s) to be addressed.
  2. Applicable to Local 1033: In the event the union needs additional time to formulate and present a response to the potential policy or other workplace violation(s) addressed during the hearing, the hearing shall be suspended and reconvened at a mutually acceptable date and time, no later than five (5) days from the date of the original hearing.
- B. Pre-Disciplinary Hearings can be requested by department directors of their designee via submission of the Disciplinary Action Report (DAR), or by contacting the Department of People and Culture – Employee Experience.
  1. Referrals should provide a summary of the alleged or identified violation, including date and time.
  2. Hearings are conducted for employees that have previously reached the verbal warning level of discipline. However, regardless of the level of discipline an employee has previously received, a hearing is to be conducted if a new egregious violation is alleged by the City which may warrant a higher level of discipline.
  3. Workplace violations shall be reported by management in a timely manner, including when referring an employee for a pre-disciplinary hearing. Violations reported and/or addressed outside of a reasonable timeframe may be considered stale.
  4. Employees are referred to the Chief People Officer for a hearing when being considered for termination.

**7. Summary of Disciplinary Processes**

- A. Disciplinary processes under this policy are implemented through the City's Disciplinary Action SOP, which establishes detailed procedures, roles, documentation standards, and timelines.
- B. In summary:
  1. Supervisors are responsible for addressing performance and conduct concerns in consultation with the Department of People and Culture.
  2. Informal corrective measures may be used to address minor or emerging issues.

3. Formal disciplinary action requires a determination of just cause and adherence to due process requirements.
  4. Pre-disciplinary hearings are conducted prior to the imposition of certain disciplinary action at and beyond the written warning level.
  5. Union employees are afforded representation and appeal rights as required by law and applicable CBA.
  6. All disciplinary actions are documented and maintained in accordance with City records requirements.
- C. This policy shall be read in conjunction with the Disciplinary Action SOP, which operationalizes these processes.

8. **Termination**

- A. All employees of the City of Providence, to exclude those so-called “at will” employees listed in Section 905 of the Providence Home Rule Charter, may be dismissed only for cause. Prior to termination, the city will ensure that the following criteria have been considered:
1. The employer’s position with respect to the employee is reasonable.
  2. The employer investigated before scheduling the pre-termination (pre-disciplinary) hearing.
  3. The investigation was fair.
  4. Evidence supports the charge against the employee.
  5. There is no discrimination.
  6. The nature of the offense and/or the employee’s past record warrants discharge.
- B. Prior to discharging an employee, the department director must discuss their recommendation with the Chief People Officer to be certain that all the facts have been reviewed and there is cause for discharge. Once a determination to terminate the employee has been made, the Department of People and Culture will schedule a pre-termination (pre-disciplinary) hearing and notify the employee as provided in Section 2A.1 above. During that hearing the employee may have union representation, if applicable.
- C. The Chief People Officer or their designee, pending the outcome of the pre-termination hearing and investigation, will make the final determination regarding whether termination is warranted. The employee will be notified in writing regarding the decision.

**Related Policies:**

Code of Conduct  
Anti-Discrimination – Anti-Harassment Policy  
Performance Evaluation Policy  
At-Will Statement – City of Providence Policy Manual

**Other Related Information:**

[Local 1033 Collective Bargaining Agreement](#)  
[City of Providence Home Rule Charter – Article IX](#)  
[5 - U.S.C. – Weingarten Rights](#)  
[At-Will Doctrine](#)  
Disciplinary Action Report