



City of Pittsburgh  
Operating Guideline

|                                       |                               |
|---------------------------------------|-------------------------------|
| <b>Guideline: Disciplinary Manual</b> | <b>Original Date: 10/2002</b> |
|                                       | <b>Revised Date: 4/2009</b>   |

**PURPOSE:** To establish guidelines in determining if disciplinary action is proper and if so, the level of action to be taken.

**POLICY STATEMENT:** This manual will: 1.) describe many of the types of behavior or performance that might require disciplinary action; and 2.) provide supervisors with suggested procedures to issue disciplinary action and tips on how to lessen disciplinary problems.

*Disclaimer No statements in this policy are intended or set forth as contractual commitments or obligations of the City to any individual employee or group of employees, or to establish an exception to the employment-at-will doctrine beyond that specified in the Civil Service Statutes and Rules or pertinent collective bargaining agreement. If there are differences between the various collective bargaining agreements and this policy, the pertinent collective bargaining agreement takes precedence.*

## DEFINITIONS

**Self-discipline:** An employee's ability to follow the policies, procedures, performance standards, regulations and practices established by the City of Pittsburgh and each of its departments. It implies that an employee will strive to perform his/her work in a satisfactory manner.

**Disciplinary action:** A process for dealing with job-related behavior that does not meet expected and communicated performance standards. The primary purpose for discipline is to assist the employee to understand that a performance problem or opportunity for improvement exists.

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## **SELF-DISCIPLINE, SATISFACTORY PERFORMANCE AND DISCIPLINARY ACTION**

In order for the City of Pittsburgh to function properly and to meet its goals, all of its employees must satisfactorily perform the work which they are assigned and use self-discipline in their workplace. Most employees realize that this responsibility lies with each of them.

Supervisors must let employees know what is expected of them and tell employees if their behavior or performance is not satisfactory. Giving this information to employees is the first step in any system of discipline.

A supervisor must consider disciplinary action against employees who fail to meet the City's expectations. In egregious cases, discharge from employment may be justified even where an employee has no prior disciplinary record. In less serious cases, a supervisor should utilize discipline to reinforce the supervisor's instructions and to deter similar problems going forward.

A sound discipline policy which is fairly and consistently enforced can benefit both the employer and the employees. For example, good discipline will:

- Train employees in good work habits
- Establish consistency in work performance
- Avoid disruption in the workplace
- Limit turnover in the work force

Pay close attention to the two most important sections of this manual, "Guidelines to Determine Whether to Take Disciplinary Action," and "Checklist for Issuing Disciplinary Action."

## **BEHAVIOR OR PERFORMANCE REQUIRING DISCIPLINARY ACTION**

There are numerous offenses for which an employee should be disciplined, at levels up to and including discharge. Many, but not all of them, have been listed below.

### SOME EXAMPLES OF OFFENSES

#### **Absenteeism**

- Failure to report to work
- Failure to call off
- Failure to call off on a timely basis
- Leave abuse
- Tardiness
- Leaving work early
- Refusal to work involuntary overtime
- Not in proper workplace
- Failure to return after lunch on a timely basis
- Excessive absenteeism (i.e., causes disruption and/or failure to get the job done)

#### **Non Performance of Duties**

- Sleeping
- Work stoppage
- Wasting Time
- Inaccuracy in work
- Inefficiency
- Incompetence
- Neglecting certain duties
- Failure to inspect/count materials
- Failure to report on-the-job injuries

### **Disruptive**

- Assault
- Fighting
- Gambling
- Abusive/offensive language
- Insubordination
- Actual, implied or threatened use of political influence
- Antagonistic attitude
- Unlawful possession of a weapon
- Soliciting or accepting money or gifts while in the performance of duty
- Sexual harassment or other types of harassment
- Disrespectful behavior toward supervisors, fellow employees, or the public
- Feuding

### **Fitness for Duty**

- Possession, use, or sale of alcohol or drugs
- Immoral conduct

### **Damage to Property**

- Breaking equipment
- Losing equipment
- Wasting material
- Destroying City records

### **Falsification**

- Falsifying employment application
- Falsifying time cards
- Falsifying reason for leave of absence
- Altering records
- Using City equipment/materials for personal use
- Lying to Supervisors

### **Disobedience of Written Regulations**

- City residency
- Employment with any other governmental agency
- Specific safety requirements
- Specific rules

## **GUIDELINES FOR DECIDING TO TAKE DISCIPLINARY ACTION**

Before taking action, supervisors want to be sure that employees deserve disciplinary action and that the supervisors issue the correct level of disciplinary action. There are two steps in deciding whether or not to take disciplinary action and how severe the disciplinary action should be. The first is to identify the offense, and the second is to determine the level of discipline.

The first matter a supervisor must decide is whether or not there is sufficient evidence of the offense. If a supervisor can answer "yes" to all of these five (5) questions, the evidence is probably sufficient.

- 1) Was a rule broken or was the employee's performance unacceptable?
- 2) Did the supervisor gather adequate facts before taking disciplinary action?
- 3) Did the supervisor have enough evidence at the time of the action to find the employee violated a work rule or standard?
- 4) Did the supervisor apply the same rules and penalties to everyone in similar circumstances?
- 5) Does the level of disciplinary action fit the seriousness of the offense and the past record of the employee?

The second step, determining the level of discipline, is closely related to Question 5 above. Supervisors should determine if the disciplinary action fits the seriousness of the offense and the employee's record.

The City generally utilizes five (5) levels of discipline.

- |         |                                                        |
|---------|--------------------------------------------------------|
| Level 1 | - Oral Warning                                         |
| Level 2 | - Written Warning                                      |
| Level 3 | - One (1) day suspension                               |
| Level 4 | - Three (3) day suspension                             |
| Level 5 | - Five (5) day suspension, pending discharge           |
|         | - Five (5) day suspension, not pending discharge       |
|         | - Greater than Five (5) day suspension (up to 30 days) |
|         | - Discharge                                            |

Supervisors must use their own best judgment to decide which level of disciplinary action is appropriate. Often supervisors can start disciplinary action at Level 1. Sometimes, however, an employee's behavior is serious enough to require supervisors to begin disciplinary action at a higher level, to skip levels or, in egregious cases, to proceed directly to a five (5) day suspension, pending discharge.

For example, supervisors may issue a Level 1 Oral Warning to employees for first offenses that are not very serious, such as a single incidence of tardiness. Supervisors would then issue written warnings to employees for a second offense. Additional offenses would lead to suspension and ultimately discharge. For a more serious offense, such as insubordination or willful destruction of City property, supervisors may recommend beginning discipline at Level 3 to suspend the employee for one (1) day. Level 5, suspension pending discharge, might be recommended even on a first offense for such behavior as hitting a supervisor or theft of City equipment.

If employees violate a number of different rules during a particular period, the supervisor has discretion, depending on the seriousness of each violation, to increase the level of discipline for each offense, or not to do so.

When looking at the employee's past record and the seriousness of the behavior or performance to determine the appropriate discipline, the supervisor must consider many other factors. The following factors, among others, may apply:

- How long ago did any prior misbehavior or poor performance occur?
- Do the time limits in a collective bargaining agreement prevent the supervisor from considering past misbehavior or poor performance?
- What effect did this behavior or performance have on the public, other employees, the department, or the City?
- What possible effects could the behavior or performance have on the public, other employees, the department, or the City?
- Did the behavior or performance cause a danger to the employee, other employees, or the public?
- Was the workplace involved directly or indirectly?
- Was the employee's ability to perform the job affected?
- Is this behavior or performance below standard?
- Were other employees involved? If so, how does this disciplinary action compare to the action against them?
- How much time or money was lost?
- Was the behavior or performance deliberate or negligent?
- Is there clear proof of the behavior or performance?
- What are the employee's standard of performance and accomplishments over time?

It is important that a supervisor be fair, consistent, and keep records. For example, it is detrimental to the case when a supervisor imposes disciplinary action one time, does not act after the next offense, and then reacts very strongly to the third offense. Also, many problems arise and disciplinary actions are reversed because prior disciplinary actions were not carefully recorded. For these reasons, be sure to keep a detailed Disciplinary Action Report of each action taken, including oral warnings. Use the Preliminary Investigation Form to gather this important information. Follow your departmental policy of who will actually issue the disciplinary action reports.

Most employees have the right to appeal disciplinary action. Employees represented by a union may grieve any disciplinary action. They may also appeal suspensions over thirty (30) days or discharges to the Civil Service Commission. Employees who have Civil Service protection, but who are not represented by a union, may appeal either suspensions over thirty (30) days or discharge to either the Civil Service Commission or to the Appeals Board. They may also appeal any disciplinary action through their chain of authority ("command").

In all of these cases, the burden of proof is on management. Therefore, a supervisor should follow the guidelines presented in this manual in the event it becomes necessary to defend a disciplinary action before an arbitrator, the Civil Service Commission, or the Appeals Board.

## CHECKLIST FOR DISCIPLINARY ACTION

It is important that supervisors follow the proper guidelines for administering disciplinary action. Below is a checklist to follow when it becomes necessary to discipline an employee.

1. Expect all employees to maintain the standards and follow the rules.
2. React promptly to an offense, but do not jump to conclusions. Inform the employee immediately that the action may be subject to discipline. Use the "Notice of Possible Disciplinary Action" form (see Attachment) to inform the employee that disciplinary action is possible and set a meeting as soon as possible.
3. Get the facts. Complete a thorough preliminary investigation and record the facts (see Attachment for the recommended form).
4. Listen to the employee's side of the story before taking action, unless waiting to speak to the employee causes a hazard on the job.
5. Inform and consult with your supervisor.
6. Notify the employee ahead of time that you plan a meeting to discuss possible disciplinary action. If the employee belongs to a bargaining unit, a union representative may be present at the meeting at the employee's request.
7. Arrange for privacy and adequate time to meet without interruption.
8. Plan ahead of time what you want to ask and say at the meeting.
9. Be calm and professional at the meeting. Do not let personal feelings interfere.
10. If the problem involves a behavior or performance that can be changed, set a reasonable deadline for the employee to change the behavior or performance. Inform the employee of possible consequences if the change does not occur or if the same or a similar behavior or performance is repeated.
11. Keep clear, accurate records of the facts and events described at the meeting.
12. Have the report reviewed by your supervisor and your Personnel Analyst before finalizing.
13. If a disciplinary action is required, make a record of the action on a Disciplinary Action Report (see Attachment).

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14. When filling out a Disciplinary Action Report describe in detail the employee's behavior that led to disciplinary action. Avoid using only descriptive charges instead of facts. For example, when describing the offense, do not simply say that the employee was disruptive in the workplace. Instead, describe in detail the type of behavior that was exhibited, who was involved, what instigated the behavior, where and when the incident took place, and any other specific detail which would describe the reason for the disciplinary action taken.
15. Give the Disciplinary Action Report to the employee and send copies to all parties listed on the Disciplinary Action Report.
16. If appropriate, refer the employee to the Employee Assistance Program (1-800-647-3327).

**Note: If an employee is on loan from another department, the supervisor for whom the employee is working at the time of the violation is responsible for the disciplinary action.**

## **HOW SUPERVISORS MIGHT LESSEN DISCIPLINE PROBLEMS**

Most people realize that some disciplinary problems are inevitable. However, supervisors want to ensure that disciplinary problems are kept to a minimum. Here are a few suggestions to help prevent these problems from arising.

1. Earn the respect and confidence of your employees. Set a good example by following the rules yourself. Be consistent in your actions and behavior. Keep personal feelings out of the workplace.
2. Train your employees carefully. It is easier for employees to perform satisfactorily when they know what is expected of them. Don't make them learn what you want through trial and error.
3. Communicate clearly. Many problems that arise in a work force are due to lack of communication or poor communication.
4. Be sure that you know the policies, rules, standards and procedures under which employees are to operate.

## REFERENCES

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- Black, James Menzies, Positive Discipline. New York: American Management Association, Inc., 1970.
- Fallon, William K., Leadership on the Job. New York: AMACOM, 1981.
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- Phelps, Orme W., Discipline and Discharge in Unionized Firms. Los Angeles, CA University of California Press, 1959.
- Redeker, James R., Discipline: Policies and Procedures. Washington, D.C.: The Bureau of National Affairs, Inc., 1983.
- Silver, Isidore, Public Employee Discharge and Discipline. New York, Aspen Publishers, 2001.

**CITY OF PITTSBURGH  
DISCIPLINARY ACTION REPORT (DAR) – NON-UNION**

| EMPLOYEE'S NAME                                                  | JOB TITLE    | DEPARTMENT                          | BUREAU/DIVISION              |
|------------------------------------------------------------------|--------------|-------------------------------------|------------------------------|
|                                                                  |              |                                     |                              |
| PAYROLL NUMBER                                                   | SOC. SEC NO. | LENGTH OF EMPLOYMENT IN CITY        | LENGTH OF EMPLOYMENT IN DEPT |
|                                                                  |              |                                     |                              |
| REASON FOR DISCIPLINE                                            |              | DATE                                | TIME                         |
|                                                                  |              |                                     |                              |
| FACTS (LIST IN DETAIL. CONTINUE ON BACK IF MORE ROOM IS NEEDED.) |              |                                     |                              |
|                                                                  |              |                                     |                              |
| PREVIOUS DAR'S                                                   | OFFENSE(S)   | DATE(S)                             | DISCIPLINARY ACTION          |
|                                                                  |              |                                     |                              |
| DISCIPLINARY ACTION INVOKED                                      |              | SIGNATURE OF DIRECTOR (OR DESIGNEE) | DATE                         |
|                                                                  |              |                                     |                              |
| POSSIBLE FUTURE DISCIPLINARY ACTION                              |              | EMPLOYEE'S SIGNATURE                | DATE                         |
|                                                                  |              |                                     |                              |

ORIGINAL TO EMPLOYEE

COPIES:

CIVIL SERVICE COMMISSION  
EMPLOYEE'S PERSONNEL FILE  
EMPLOYEE'S SUPERVISOR

**CITY OF PITTSBURGH  
DISCIPLINARY ACTION REPORT (DAR) - UNION**

| EMPLOYEE'S NAME                                                  | JOB TITLE    | DEPARTMENT                          | BUREAU/DIVISION              |       |
|------------------------------------------------------------------|--------------|-------------------------------------|------------------------------|-------|
|                                                                  |              |                                     |                              |       |
| PAYROLL NUMBER                                                   | SOC. SEC NO. | LENGTH OF EMPLOYMENT IN CITY        | LENGTH OF EMPLOYMENT IN DEPT |       |
|                                                                  |              |                                     |                              |       |
| REASON FOR DISCIPLINE                                            |              | DATE                                | TIME                         | PLACE |
|                                                                  |              |                                     |                              |       |
| FACTS (LIST IN DETAIL. CONTINUE ON BACK IF MORE ROOM IS NEEDED.) |              |                                     |                              |       |
|                                                                  |              |                                     |                              |       |
| PREVIOUS DAR'S                                                   | OFFENSE(S)   | DATE(S)                             | DISCIPLINARY ACTION          |       |
|                                                                  |              |                                     |                              |       |
| DISCIPLINARY ACTION INVOKED                                      |              | SIGNATURE OF DIRECTOR (OR DESIGNEE) | DATE                         |       |
|                                                                  |              |                                     |                              |       |
| POSSIBLE FUTURE DISCIPLINARY ACTION                              |              | EMPLOYEE'S SIGNATURE                | DATE                         |       |
|                                                                  |              |                                     |                              |       |

ORIGINAL TO EMPLOYEE

COPIES:

UNION  
LABOR RELATIONS  
CIVIL SERVICE COMMISSION  
EMPLOYEE'S PERSONNEL FILE  
EMPLOYEE'S SUPERVISOR

**PRELIMINARY INVESTIGATION SHEET**

| DEPARTMENT         |  | DATE |  |
|--------------------|--|------|--|
|                    |  |      |  |
| PERSON(S) INVOLVED |  |      |  |

|                                                                                |  |
|--------------------------------------------------------------------------------|--|
| <b>SUPERVISOR</b>                                                              |  |
|                                                                                |  |
| <b>ALLEGED OFFENSE</b>                                                         |  |
|                                                                                |  |
| <b>WHERE DID IT TAKE PLACE?</b>                                                |  |
|                                                                                |  |
| <b>WHEN DID IT TAKE PLACE?</b>                                                 |  |
|                                                                                |  |
| <b>LIST EXACTLY WHAT HAPPENED WITH FACTS IN DETAIL.</b>                        |  |
|                                                                                |  |
|                                                                                |  |
|                                                                                |  |
|                                                                                |  |
| <b>WHO ELSE WAS THERE?</b>                                                     |  |
|                                                                                |  |
| <b>WHAT EVIDENCE IS AVAILABLE AND WHERE IS IT?</b>                             |  |
|                                                                                |  |
|                                                                                |  |
| <b>WHAT PREVIOUS DISCIPLINARY ACTION HAS BEEN TAKEN AGAINST THIS EMPLOYEE:</b> |  |
|                                                                                |  |
|                                                                                |  |
|                                                                                |  |

**(If additional space is necessary, please attach a separate page).**

**NOTICE OF POSSIBLE DISCIPLINARY ACTION**

|       |        |
|-------|--------|
| TO:   | TITLE: |
| FROM: | TITLE: |
| DATE: |        |

Please be informed that on \_\_\_\_\_ you exhibited behavior that may be subject to disciplinary action. This behavior involved:  
 (Date)

|  |
|--|
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |

To discuss this situation please meet with me on:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_