



DISCIPLINARY PROCEDURE

I. CORRECTIVE ACTIONS

Corrective actions must be taken against any City of Mobile employee for violating the rules, regulations, orders, state statutes, city ordinances, procedures, City policies (including all department specific policies), or Code of Conduct established by the City of Mobile (“City”), unless sufficient facts exist to mitigate a violation. Nothing in this policy shall limit the City’s ability to discipline any of its employees pursuant to the Mobile County Personnel Board Rules and Regulations, or any applicable state, local, or federal laws.

II. TYPES OF CORRECTIVE ACTIONS

A. CORRECTIVE COUNSELING

Corrective counseling is a positive reinforcement tool that is utilized by supervisors to encourage desired behaviors and production within the workplace. Training may also be recommended at any time by a supervisor.

Remedial training is designed to correct deficiencies in skills, knowledge and abilities necessary to perform the responsibilities of various assignments. Once a supervisor believes remedial training is necessary, the supervisor will specify in writing the reason for the recommendation and the nature of training that should be provided to the employee. The recommendation should be submitted to the Department Head, through proper channels, for approval and a copy placed in the employee’s personnel file.

B. VERBAL REPRIMAND

Counseling is utilized by supervisors to adjust behavior or increase productivity. It is recommended that supervisors document and maintain a log of employee counseling as an aid for performance reviews.



C. WRITTEN REPRIMAND

A written reprimand is utilized to reinforce an employee’s behavior or productivity. The written reprimand will be issued by the employee’s supervisor with the Department Head’s endorsement and a copy shall be placed in the employee’s personnel file.

D. SUSPENSION/DEMOTION/TERMINATION

All disciplinary actions involving an *actual* or *potential* suspension, demotion or dismissal of a merit system employee. Any recommendation for demotion, dismissal, or suspension should be submitted to the Office of the Mayor, through proper channels, for approval and documented in accordance with the Mobile County Personnel Board Rules and Regulations.

III. PROCEDURE REQUIRED FOR DISMISSAL/SUSPENSION/DEMOTION

All disciplinary actions involving an actual or potential suspension, demotion, or dismissal of a merit system employee shall comply with the Mobile County Personnel Board Rule XIV. The causes for dismissal, suspension or demotion shall be consistent with the causes provided for pursuant to Mobile County Personnel Board Rule 14.2. The procedure to be followed before any merit system employee is dismissed, suspended, or demoted must be in accordance with the Mobile County Personnel Board Rule 14.3.

A. PRE-DISCIPLINARY ACTION NOTICE

A Pre-Disciplinary Action Notice must be in writing and must clearly state the grounds pursuant to Mobile County Personnel Board Rule 14.2 in which dismissal, suspension, or demotion are being sought. A Pre-Disciplinary Action Notice shall also include a brief factual statement indicating why discipline is being contemplated against the employee. Unless otherwise approved by City Legal, a Pre-Disciplinary Action Notice must be delivered to the employee no fewer than twenty-four (24) hours before the Pre-Disciplinary Hearing is scheduled to commence.



Policy #: COM-22-002

Effective Date: 07/01/2022

Supersedes: n/a

Page 3 of 4

B. PRE-DISCIPLINARY HEARING

A Pre-Disciplinary Hearing must be held between twenty-four (24) hours and seven (7) days of delivery of the Pre-Disciplinary Action Notice. It is the best practice to conduct the hearing as soon as possible after the mandatory 24-hour waiting period. The purpose of the Pre-Disciplinary Hearing is to give an employee notice of the allegations against them and to provide the employee with an opportunity to offer any response to the allegations before a decision is made regarding what, if any, disciplinary action should be administered.

At the Pre-Disciplinary Hearing, the City should have a minimum of one hearing official and another representative present. The hearing official will be responsible for conducting the hearing. At the beginning of the hearing, the hearing official shall inform the employee of the specific allegations, which shall include any potential grounds for disciplinary action in accordance with the Mobile County Personnel Board Rule 14.2 and a brief statement of the factual basis related to said grounds. The entire hearing should be audio recorded.

The employee will be provided the opportunity to make a statement, either verbally or in writing, on their own behalf. There will be no other testimony from any witnesses during the proceeding.

The employee has the right to have one personal representative (which may be an attorney) present on their behalf. This is a non-adversarial hearing, the employee's attorney or representative does not have a right, and therefore shall not be provided an opportunity to ask questions, call witnesses or interview the hearing official.

C. PRE-DISCIPLINARY HEARING DECISION

A written decision shall be rendered to the Department Head within five (5) working days of the hearing for endorsement. The decision shall include the findings and the recommended disciplinary action signed by the chairperson and each member of the panel. The panel may request additional time from the Department Head to submit their findings, if reasonably shown necessary.



If suspension, demotion, or dismissal is recommended for disciplinary action, after the Department Head endorses the findings, the decision should be routed through proper channels to the mayor for review and approval or the reversal of the decision. Lesser disciplinary action only needs to be approved and endorsed by the Department Head. The decision of either the Department Head or the Mayor must be communicated to the employee in writing within fourteen (14) days of the hearing.

D. NOTICE OF DECISION

The written notice of the City’s disciplinary decision must be delivered to the employee no later than fourteen (14) days after the Pre-Disciplinary Hearing.

VI. DISCIPLINARY APPEAL PROCEDURE

Any appeal or grievance of a correction action shall be in accordance with the Mobile County Personnel Board Rules and Regulations.

Recommended by:  Robert Lasky Director of Office of Professional Responsibility Date: 7/1/2022	
Reviewed by:  James H. Barber Chief of Staff Date: 7/1/2022	Approved by:  William S. Stimpson Mayor Date: 7/1/2022