

Truckee-Donner Recreation and Park District Policy Handbook

POLICY TITLE: Procedure for Employee Suspension or Termination
POLICY NUMBER: 224

224.10 Procedure When Employee is Suspended For Five Days or Less - If a permanent, non-probationary employee is suspended without pay for five days or less, a written notice shall be delivered to the employee prior to the beginning of the suspension, and the written notice shall contain the following:

- i. A notice and description of the disciplinary action to be taken;
- ii. The reason or reasons for the disciplinary action;
- iii. The charges and/or materials upon which the disciplinary action is based, including dates and specific circumstances; and,
- iv. A notification that the employee has a right to obtain a hearing by initiating a grievance utilizing the District's grievance procedure.

The employee shall be suspended immediately upon delivery of the notice described above, and the employee shall not be paid for the period of suspension.

224.20 Procedure When Employee is Suspended For More Than Five Days or Terminated - If the District intends to discipline a permanent, non-probationary employee by suspension without pay for more than five days or by termination, then the following steps shall be taken:

- i. At the time that the discipline is proposed, and prior to the imposition of the suspension or termination, a written notice shall be delivered to the employee, which notice shall contain the following:
 - a) A notice and description of the disciplinary action proposed to be taken;
 - b) The reason(s) for the disciplinary action;
 - c) The charges and/or materials upon which the disciplinary action is based, including dates and specific circumstances; and,
 - d) A notice that the employee has a right to a hearing before the discipline is imposed, at which hearing the employee may respond, either orally or in writing, to the General Manager of the District (or if the employee objects in writing to the General Manager then to three Directors selected by the employee).
The employee shall further be notified of the date, time and place set aside for the hearing, which shall be on a working day, during working hours, and not more than five days from the date that the notice is delivered to the employee.

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- e) A notice that the employee shall immediately be placed on a paid leave of absence, which shall continue until completion of the hearing, or the expiration of five working days, whichever occurs first.
- ii. The hearing may be continued upon the written request of the employee, but if continued the District need not continue to pay the employee for more than five working days after the notice is delivered.
- iii. During the hearing, the employee will be provided with an opportunity to respond orally or in writing and to be represented by a person of his/her choice. Further, the employee will have an opportunity to question all materials and individuals involved, and to present material and witnesses concerning the charges contained in the notice to the employee. The review shall be conducted informally, without regard to technical rules of evidence. Either party may transcribe or record the review.
- iv. The General Manager (or three Directors, if applicable) shall issue a written determination as to whether the proposed disciplinary penalty will be sustained, sustained in part and revoked in part, or revoked, within one day from the date of the hearing. The hearing shall be deemed complete when the decision is issued. A copy of the decision shall be delivered to the employee personally or sent by first class mail.
- v. In the event the employee does not appear at the hearing, or notifies the District that he/she will not appear, the penalty will be sustained.
- vi. a) If the proposed discipline is suspension without pay and the penalty is sustained, then the District shall, within the following thirty days, withhold the pay that the employee would otherwise have earned for the period of the suspension. If the proposed discipline is suspension without pay and the penalty is revoked, the employee shall be immediately reinstated with no loss of pay.
b) If the proposed discipline is termination and the penalty is sustained, then the termination shall become effective immediately upon issuance of the written determination. The employee shall not receive any pay after the issuance of the determination. If the proposed discipline is discharge and the penalty is revoked, the employee shall be immediately reinstated with no loss of pay.
- vii. If the employee is dissatisfied with the determination resulting from the hearing, he or she may obtain a post-disciplinary hearing by utilizing the District's grievance procedure.