

CITY PROPOSAL – DISCIPLINARY PROCESS

City Proposed Language:

ARTICLE 28 DISCIPLINARY ACTION

28.1 The City of San Jose discipline policy is described in City Policy Manual, Section 2.1.3. When the need for disciplinary action arises, disciplinary action will be taken commensurate with the seriousness of the offense. The levels of discipline include informal actions, which are oral counseling, documented oral counseling and written reprimand. Formal disciplinary actions are suspension, demotion and dismissal.

28.2 Step Reduction: As an alternative to suspension, demotion or dismissal, the appointing authority may reduce an employee's salary step up to no more than two steps in a case involving a loss of driving privileges or attendance problems (excluding authorized paid sick leave). The amount and length of time of the salary reduction will be specified in the Notice of Intended Discipline. The salary may be reduced either for a specified period of time or until the condition which caused the salary reduction has been corrected; e.g., reinstatement of city driving privileges. The employee may appeal this action, including the amount and the length of time, to the Civil Service Commission according to the same rules as apply to other formal disciplinary appeals. Reduction of salary step may continue to be used for voluntary settlement agreements.

28.3 [Should an employee appeal a disciplinary action to the Civil Service Commission, the opinion issued by the Civil Service Commission shall be an advisory and non-binding opinion to the City Manager. The City Manager may accept the advisory opinion of the Civil Service Commission or may impose the original disciplinary action described in the Notice of Discipline. Nothing herein precludes the parties from settling the disciplinary matter by mutual agreement at any time.](#)

28.43 No provisions of this Article shall be subject to the grievance procedure of this Agreement. The appeal process for any disciplinary action shall only be those described in the San Jose Municipal Code and City Policy Manual, Section 2.1.3 and are not subject to appeal through the grievance procedure of this Agreement.