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City Employee Accountability and Disciplinary Procedures



HISTORY:

Traditional Progressive Discipline



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Overview of the old model

- Suspension-based progressive system
- Typical suspension without pay levels: 3, 5, 7, 10, 15 days

Intent behind old system

- “Pound of flesh” philosophy
- Belief that painful consequences would deter future violations

Outcomes and organizational impact

- Did not create a high-performance workplace
- Often resulted in fear, resentment, and inconsistent improvement
- Financial and operational disruption caused by suspensions



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Transition to the Current Policy



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Basis for the new approach

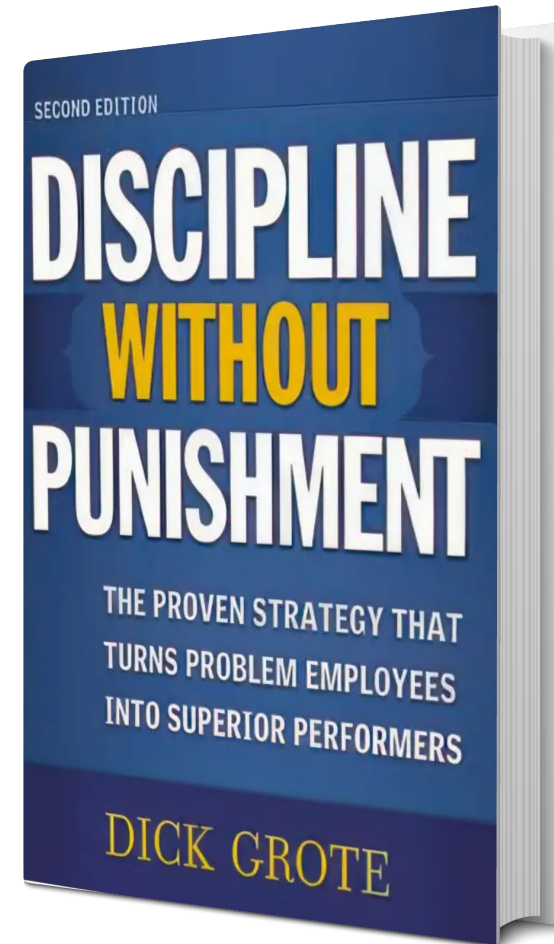
- Derived from Dick Grote's book "Discipline Without Punishment"

Implementation

- First adopted at the Houston Airport System (HAS)
- Expanded to Houston Public Works (HPW)
- Officially became citywide policy in May 2015

Strategic shift

- Moving from punitive discipline to a positive, accountability-based system
- Focus on respect, fairness and constructive guidance



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Overview of AP 3-7: Positive Corrective Action Program



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Core Principles

- Focus on mutual respect, employee development and high performance.
- Discipline is positive, non-punitive and accountability-based.
- Encourages employees to take personal responsibility

Scope

This policy applies to ***all civilian civil service protected employees***, with the exception of civilian civil services employees of HPD.

This policy does NOT apply to:

- | | |
|----------------|--------------------------|
| × Probationary | × Contract |
| × Part-time | × Executive Level |
| × Temporary | × Classified HFD and HPD |

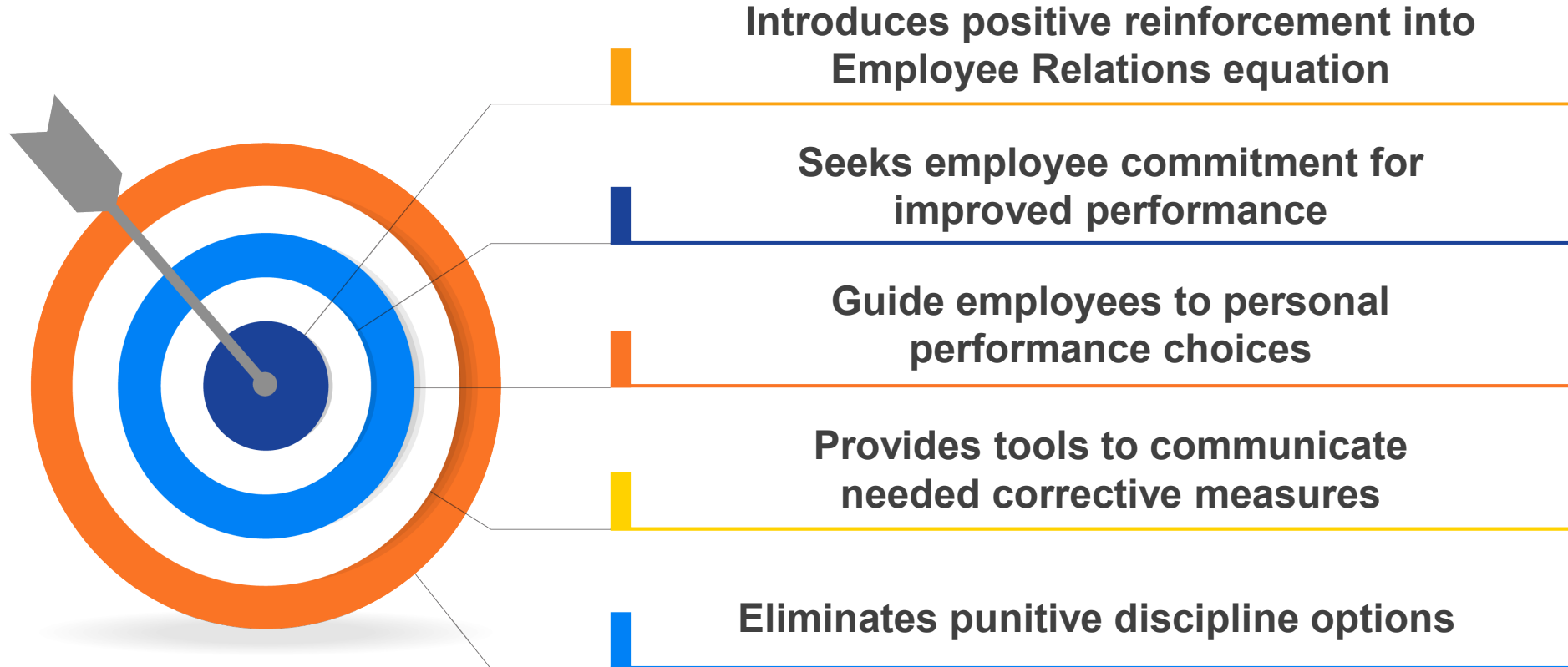


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Objectives of AP 3-7



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Seriousness Level Chart



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Purpose of the tool:

- Provides guidance for selecting appropriate corrective action
- Helps ensure consistency and fairness

How supervisors use it:

- Assess severity of infraction
- Align response with policy rather than emotion
- Reinforce fairness and transparency in decision-making

Seriousness Level Chart

These guidelines are not intended to be all-inclusive or comprehensive. The examples presented convey the concept of corrective action based on the severity of any given infraction/violation and should be used as a guideline.

Departments are expected to exercise good judgment in ensuring corrective action is taken fairly and consistently.

Category	Level I	Level II	DML/Indefinite Suspension (IS)
	For incidents which: • Pose a low risk to safety, health, environment, security or well-being of employee or others • Pose minimal threat to the operation of business • Pose no issue of honesty or trust In most cases, the appropriate corrective action for an employee with no prior corrective action, described in this section, could be an informal discussion, performance improvement discussion, or a Positive Corrective Action Level I, depending on the specific circumstances.	For incidents which: • Pose a moderate risk to safety, health, environment, security or well-being of employee or others • Involves risks to the ongoing operation of the business • May pose issues of honesty or trust In most cases, the appropriate corrective action for an employee with no prior corrective action, described in this section, could be a Positive Corrective Action Level II, depending on the specific circumstances.	For incidents which: • Pose a high risk to safety, health, environment, security or well-being of employee or others • Seriously threatens the ability of the organization to fulfill its mission • Involves an issue of honesty or trust Regardless of an employee's prior corrective action, the incidents in this section would typically be handled with a DML or recommendation for an indefinite suspension.

Seriousness Level Chart

Category	Level I	Level II	DML/Indefinite Suspension (IS)
Behavior	• Discourteous language or profanity • Minor horseplay not resulting in injury • Misuse of City property • Unauthorized overtime or compensatory time • Absence from assigned work location • Unauthorized rescheduling of work hours • Unauthorized absence from work	• Abusive language, profanity or offensive gestures • Failure to comply with or follow established policies/procedures • Disrespect or threats towards fellow employees or citizens • Unauthorized use or removal of city property or equipment • Tampering with government documents • Insubordination (non-flagrant) • "Riding" the clock • Negligent handling of confidential information • Shuffling, shoving or pushing • Sleeping on the job	• Altering, falsifying or destroying government documents (IS) • Assault/fighting (IS) • Creating a hostile working environment • Use of racial, ethnic, gender or sexual slurs, jokes or epithets • Unauthorized release or use of confidential information • Discrimination/harassment based on a protected characteristic • Flagrant insubordination (IS) • Immoral or indecent conduct on duty or on City premises • Possession of weapons, ammunition, explosives, drugs, or alcohol on City premises (IS) • Retaliation for reporting a violation of law or discrimination • Sexual harassment • Theft or destruction of City or employee property • Altering, concealing or falsifying vehicle markings or identification badges • Workplace violence • Obtaining employee compensation or benefits under false pretense/documentation

Seriousness Level Chart

Category	Level I	Level II	DML/Indefinite Suspension (IS)
Performance	• Failure to cooperate or follow directives • Unsatisfactory work performance • Failure to attend required or mandatory training • Failure to adhere to the City's employee performance evaluation policy	• Continued sub-standard work performance • Carelessness resulting in financial loss to the City • Dereliction of duty that does not endanger public health and/or safety	• Two consecutive employee performance evaluations with an overall rating of 2.99 or below • Dereliction of duty that does endanger public health and/or safety (IS)
Safety Practices	• Failure to complete an accident report or report a safety incident or "near miss" • Minor safety violation(s) with no injuries such as failure to: • Wear personal protective equipment • Perform daily operator checks • Report on-the-job injury	• Failure to properly use restraints for driver, passenger, load or cargo • Moving violation(s) or negligence resulting in property damage or injury	• Driving on city business while disqualified from driving • Use of city equipment or vehicle for personal gain (IS) • Carelessness resulting in major injury or damage to city or employee property • Violation of Code of Ordinances, specifically Rule 15 of Division 15 in Chapter 14*

*Local, state, or federal law may supersede the Code of Ordinances



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Investigations



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WHO INVESTIGATES?	TYPES OF ISSUES	FOR EXAMPLE
Department/HR Employee Relations	Straightforward issues where evidence is readily available	Documented attendance/performance problems; insubordination; failed drug tests.
GSD Security Management	Investigations that require extensive gathering and review of video, computer data, employee records	Stealing time, criminal misconduct outside of work, inappropriate use of resources
Office of Inspector General	In-depth investigations of employee misconduct; EO 1-50 Workplace Discrimination and Harassment; AP 3-21 Workplace Violence	Fraudulent conduct; racial slurs; sexual harassment; threats or fights



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Standards for Just Cause



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Seven Tests of Just Cause



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Corrective Action Overview



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ACTION	TYPE	FORMAT	ACTIVE PERIOD
Informal	Coaching	Verbal	N/A
	PID (Performance Improvement Discussion)	Verbal (documented)	N/A
Formal	Level I	Verbal (documented)	6 months
	Level II	Written	12 months
	DML (Decision Making Leave)	Written	18 months



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Exceptions to Progression



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- Under normal circumstances, progression of corrective action is expected to be followed.
- Employees who repeat the same violation after the end of an active period may warrant a more serious level of progression.
- An employee committing the actions listed below may be terminated without any prior corrective action:
 - Sexual Harassment
 - Workplace violence, including assault/fighting
 - Flagrant insubordination
 - Falsifying City documents
 - Theft of time, money or property
 - Deliberate destruction of city property
 - Violation of City Ordinance, specifically Rule 15 of Division 15 in Chapter 14



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Right to Grieve or Appeal



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Action	Grievance/Appeal
Level I	Grievance
Level II	Grievance
Decision Making Leave	Grievance
Indefinite Suspension	Appeal to Civil Service Commission
Involuntary Demotion	Appeal to Civil Service Commission



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Q&A



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