



DISCIPLINARY PROCEDURE

1. TYPES OF DISCIPLINARY PROCEDURE

Disciplinary procedures include, but are not limited to, the following:

- a. Oral reprimand
 - b. Written reprimand
 - c. Suspension from duty without pay up to and including a maximum period of loss of two (2) weeks' pay.
 - d. Reduction of pay.
 - e. Demotion.
 - f. Termination for cause.
2. Groundskeeper Foreman may issue oral or written reprimands. All other forms of disciplinary action are reserved for a decision by the District Manager.
 3. Disciplinary action normally is based, but not limited to, violations of the Code of Conduct.
 4. To the extent practicable, the District Manager will resort to counseling and guidance of employees prior to resorting to disciplinary action.
 5. Oral reprimand and written reprimand are subject to review under Grievance Procedures.
 6. Suspension from duty without pay, reduction in pay and demotion imposed by written notice to the employee stating the reason(s).
 7. Disciplinary termination is imposed by written notice to the employee stating the reason(s) and is subject to review under Termination Procedures.

GRIEVANCE PROCEDURES

1. PURPOSE

Through the formal grievance procedure, employees are provided with a means by which a complaint, decision or problem is formally reviewed, and an answer or decision may be given at progressively higher management levels. *THE GRIEVANCE PROCEDURES DO NOT APPLY TO THE TERMINATION OF AN EMPLOYEE OR DISCIPLINARY ACTION IMPOSED BY THE DISTRICT MANAGER.*

2. ELIGIBILITY

All regular employees who have been employed at least ninety (90) days are eligible to use the formal grievance procedure.

3. PROCEDURE

- a. The formal grievance procedure is designed not to replace but to supplement the routine methods of responding to and settling employee problems and grievances. If these routine methods fail to resolve the issue, the formal grievance procedure gives the employee access to higher authorities than the Foreman.
- b. The District Manager shall directly or indirectly discourage the use of the formal grievance procedure by employees.
- c. When warranted by unusual circumstances (illness, extended absences, etc.) the District Manager may extend the time limits indicated in the Formal Grievance Procedure.
- d. Content of the Written Grievance:
 - 1. A statement of the District's policy, rules or practices involved.
 - 2. A statement of the facts and events involved in the matter.
 - 3. An explanation of how the employee has been adversely affected.
 - 4. A statement of the corrective action requested and the reason the action is appropriate.
 - 5. The employee may elect to have a representative for assistance in presenting the grievance.

4. STEPS IN THE FORMAL GRIEVANCE PROCEDURE

a. Step No. 1

The employee shall present the request for an adjustment of the grievance to the District Manager within five (5) working days of the day on which the grievance arises or becomes known to the employee. The District Manager shall reply within seven (7) working days of the grievance by the employee and shall tell the employee the reason for the decision.

In this step, the District Manager shall give the employee a full opportunity to explain his or her grievance and will promptly review all aspects of it. The Head Groundskeeper will make efforts to give a prompt answer; but if more information is necessary, or if the grievance involves a matter beyond the District Manager's authority, the District Manager will ensure that the problem is brought to the attention of the authority that has the responsibility to make such a decision. It is the responsibility of the District Manager to ensure that the employee is aware of the right to proceed to Step No. 1.

b. Step No. 2

If the employee is not satisfied with the departmental reply in Step No. 1 and chooses to proceed to Step No. 2, the employee must present the written grievance to the Board of Trustees within five (5) working days of the preceding decision. The District Manager will review the previous decision concerning grievance. A written response will be made by the Board of Trustees within ten (10) working days of the presentation of grievance. The decision of the Board of Trustees is final.

TERMINATION PROCEDURE

Except in an emergency, the following procedure will be followed:

1. TERMINATION

- a. The employee will be provided a written notice of the fact and effective date of termination and reminded of the Reconsideration provisions.
- b. If the District Manager deems it appropriate, the reasons for the termination may be stated in the termination notice; provided that the reason (s) have been documented in the disciplinary termination filed in the employee's personal file.
- c. A person who is terminated may be entitled to unemployment compensation.

2. EMPLOYEES REQUEST FOR RECONSIDERATION

- a. An employee, other than a probationary employee, may request that the District Manager reconsider the decision to terminate the employee.
- b. The request for reconsideration must be submitted in writing within fourteen (14) days after the notice of termination has been mailed to the employee or personally delivered to the employee. In the event the request is not received within this period of time, the opportunity to request reconsideration will be waived.
- c. A request for reconsideration must be in writing and must contain the following information:
 1. The reason that reconsideration is requested.
 2. A summary of the factual information supporting the reasons for requesting reconsideration.
 3. If the request for reconsideration is to be supported by statements of other persons, the written statements of those persons must be included in the request, together with any documents to be considered.

4. The District Manager may, as a matter of discretion, determine that a hearing is appropriate, he shall establish the time and place of the hearing and notify the employee concerned.

3. CONDUCT OF HEARING

- a. Unless the District Manager decides otherwise, the hearing will be conducted in closed session.
- b. The District Manager shall conduct the hearing.
- c. The employee shall be entitled to have representation to assist the employee in the presentation of his case; the District Manager may designate a person to present the District's position with respect to termination.
- d. The employee shall have the burden of proving that the initial decision to terminate the employee should be reversed and the employee should be retained by the District.
- e. The hearing shall be conducted in an informal manner; the District Manager shall make appropriate rulings with respect to procedure and the admission of evidence or information for consideration. The District and the employee shall have the right to produce evidence, to produce witnesses, and to cross-examine witnesses who are presented by the opposing party.
- f. The hearing may be recorded and transcribed.
- g. The costs incurred for Court Reporter's service and the preparation of the record initially shall be borne by the District. In the event the employee desires a copy of the transcript from the Court Reporter, the cost shall be borne by the employee.

4. WAIVER OF RECONSIDERATION

A failure to request reconsideration in the manner set forth in paragraph 2 above, or failure of the employee to appear at the time and place of hearing shall be deemed a waiver by the employee of reconsideration by the District Manager and acceptance of the termination.

5. NOTICE OF DECISION

The District Manager shall notify the employee of his decision. The notice shall be in writing, dated and shall inform the employee whether the employee is retained or terminated.

6. PETITION TO THE DISTRICT BOARD OF TRUSTEES

- a. An employee has thirty (30) days from the date the District Manager's decision is deposited in the mail to petition the District Board of Trustees for review of the District Manager's decision. In the event the Board of Trustees determines that a review is appropriate, the examination will be based on the record of the District Manager's action.
- b. In the event the Board of Trustees either denies the petition or determines after review to sustain the District Manager's decision, the time limit for judicial review of the

Board's decision pursuant to Code of Civil Procedure 1094.6 runs from the date the notice is deposited in the mail.

- c. The Board of Trustees shall inform the employee in writing of the Board's decision.

PASSED, APPROVED AND ADOPTED by the Board of Trustees of the Orland Cemetery District in a regular meeting held at its regular place of meeting this _____.

Vote:

AYES: ()

NOES: ()

ATTEST: ()

Staci Buttermore, Secretary
Orland Cemetery District

Rick Beale, Chairperson
Orland Cemetery District
Board of Trustees