CITY OF PHOENIX PERSONNEL RULES

Amended 2008

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RULE 21 DISCIPLINE (Note: Norton was found to violate 21b1 and 21b3; he did not violate 21b16 or 21b18.)

- 21a. **Notice of Discipline:**
  The appointing authority shall sign an order in writing which shall constitute the notice of discipline, and shall also state in the notice the specific charges which shall be set forth clearly and with such particularity as will enable the employee to understand the charges made against him and to answer them. Such order shall be personally served on the employee forthwith or mailed by certified mail to his most recent reported address. Return receipt from addressee shall be retained by the serving department head and a copy of the notice shall be filed with the Civil Service Board. An employee with probationary requirements completed may have the hearing benefits provided in Rule 22.

- 21b. **Reasons for Discipline**:
  The tenure of every employee in the classified service shall be during acceptable conduct and satisfactory performance of duties. Failure to meet such standards of conduct and work performance for any of the following listed reasons, such list not to be considered all-inclusive, shall be

considered sufficient by the Board to uphold the action of the appointing authority in disciplining an employee.

- 21b1. That the employee is incompetent or inefficient in the performance of his duties. (violated)

- 21b2. That the employee has been abusive or threatening in his attitude, language, or conduct to his fellow employees, customers of the City, or the public.

- 21b3. That the employee has violated any lawful or official regulation or order, or failed to obey any lawful and reasonable direction given him by his supervisor, when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in lower morale in the organization, or to result in loss, inconvenience, or injury to the City or the public. (violated)

- 21b4. That the employee has solicited or taken for personal use a fee, gift or favor in the course of his work or in connection with it, which would lead toward favoritism or the appearance of favoritism or a conflict or interest.

- 21b5. That the employee is in possession of a deadly weapon (as defined in ARS 13-3101), excepting a pocket knife (as provided in ARS 13- 3102) at a City worksite[1], unless such employee is a police officer.

[1] (A worksite includes not only City buildings and property, but also City vehicles and private vehicles while being used on City business, and other assigned work locations.)

21b6. That the employee is in possession of an alcoholic beverage or an illegal drug while on duty at a worksite.[1] An exception is allowed for an alcoholic beverage in a sealed container that is a gift to be given or has been received at the worksite.

[1] (A worksite includes not only City buildings and property, but also City vehicles and private vehicles while being used on City business, and other assigned work locations.)

- 21b7. That the employee, through negligence or willful conduct, has caused damage to public property or waste of public supplies or work time.

- 21b8. That the employee has been absent without leave, contrary to these Rules, or has failed to report after leave of absence has expired, or after such leave of absence has been disapproved or revoked and cancelled by the appointing authority.

- 21b9. That the employee has participated in prohibited political activities as outlined in applicable City of Phoenix Administrative Regulations.

- 21b10. That the employee has participated in a strike against the City of Phoenix as that term is defined in 2-220(17), Code of the City of Phoenix. ("Strike" means the failure by concerted action with others to report for duty, the concerted absence of employees from their positions, the

concerted stoppage of work, mass picketing, or the concerted abstinence in whole or in part by any group of employees from the full, faithful, and proper performance of the duties of employment with a public employer, or the concerted engagement in a work action for the purpose of inducing, influencing, or coercing a change in wages, hours, or working conditions, or terms of employment.)

- 21b11. That the employee has some permanent or chronic physical or medical ailment or illness which incapacitates him for the performance of the essential functions of the position after accommodations and placement efforts stipulated in City Administrative Regulations have been pursued.

- 21b12. That the employee has intentionally falsified records or documents made, kept, or maintained for or on behalf of the City of Phoenix.

- 21b13. That the employee has stolen or is in unauthorized possession of City property or the property of another employee or citizen.

✸ 21b15.

That after investigation, the employee has violated City of Phoenix anti-harassment policies.

21b14. That the employee is under the influence of alcohol or illegal drugs on the job.

- 21b16. That the employee has failed to cooperate in an administrative investigation by refusing to attend scheduled meetings, refusing to answer questions to the best of his knowledge, or willful obstruction of the investigation. (did not violate)

- 21b17. That the employee has retaliated against another employee for exercising his/her rights to participate in or appear as a witness at a Civil Service Board hearing.

- 21b18. That the employee has been guilty of any other conduct of equal gravity to the reasons enumerated in 21b1 through 21b17. (did not violate)

✸ Amended June 18, 2008, Ordinance #S-35227