

Chapter 7 - Disciplinary Process & Appeal Procedure

DISCIPLINARY PROCESS

A. The Town of Milford reserves the right to terminate the employment of any employee at any time, with or without notice, for any reason or no reason, as it deems appropriate. In some instances, the Town may elect to discipline or warn an employee about unacceptable conduct or performance and give the employee an opportunity to correct the problem; however, a strict or progressive disciplinary procedure is not required. All matters of discipline and/or discharge are at the discretion of the Board of Selectmen, the Town Administrator, and/or Department Heads. The following actions or conduct are examples of grounds for immediate dismissal from Town employment, however, this list is meant to be illustrative and should not be considered to include all reasons for dismissal:

1. Conviction of a felony.
2. Immoral behavior.
3. Working under the influence of alcohol or drugs (controlled substances).
4. Possession or distribution of alcohol or drugs (controlled substances).
5. Unauthorized possession of firearms.
6. Fighting and/or attempting to injure or recklessly endangering others.
7. Willful insubordination.
8. Willful falsification of claims for vacation or sick leave.
9. Stealing, embezzlement, or wrongful destruction of Town property.
10. Using the position for personal gain outside the scope of employment.
11. Falsifying information on the employment application or resume.
12. Failure to accept a duty assignment except for demonstrated and legitimate health or safety reasons.
13. Loss of driver's license or other operator's permit or certification for those positions requiring such license or permit.

B. In addition to the above-stated grounds for immediate dismissal, employees may be discharged for the following infractions; however, this list is provided for illustration purposes and shall not operate to limit the Town's discretion to discipline or dismiss employees:

1. Violation of a posted policy or rule of a department that is not in conflict with these rules.
2. Intoxicated behavior, under the influence of non-prescribed, controlled drugs, or misuse of prescribed drugs.

3. Offensive conduct or language which could reflect negatively on the employee or the Town.
4. Inappropriate, improper and/or unauthorized use of Town equipment, to include but not be limited to, Town vehicles, computers, telephones, photocopiers, fax machines, etc.
5. Failure to perform assigned duties.
6. Repeated lack of cooperation with other employees or members of the public.
7. Demonstrated inability to perform duties and responsibilities required for the position.
8. Absence for a period of three (3) days without adequate notification to the department unless a proper excuse is given.
9. Reoccurring unauthorized absenteeism or tardiness.
10. Any violation of the Town's Ethics Policy (Refer to Ethics Policy in Chapter 9)

DISCIPLINARY RULES

A. In order to operate smoothly, properly and efficiently, and for the mutual protection of employees, the public and the Town, the Town must enforce certain work rules and standards. Many of these rules and standards are outlined in this Handbook. In addition, the Board of Selectmen or its designee(s) (e.g., Town Administrator, Department Head) may from time to time post, publish and/or inform employees of new or additional policies or procedures. Violation of any of these rules or policies may result in disciplinary action being taken against the employee.

B. Discipline may include oral warning, written warning, suspension (with or without pay), or termination. The type of discipline administered and the notice given will be determined by the Town in its sole discretion, taking into consideration the nature and circumstances of the violation. The following description of possible types of progressive discipline is offered as a guideline and the Town is not required to strictly follow these descriptions or any order of discipline when dealing with an employee.

1. **Oral Warning** ... An immediate supervisor or Department Head may issue an oral warning to notify the employee of the nature of the infraction and offer suggestions for change or correction. Each department shall devise the memorandum format for notice of the oral warning. With the Department Head's approval, a written record of that oral warning shall be placed in the employee's personnel file.

2. **Written Warning** ... The Department Head may issue a written warning of a serious infraction of Town rules and policies or for repeated infraction(s) of Town rules or policies. The warning should explain the nature of the infraction(s) and offer suggestions for change or correction. The written warning should be signed by the employee, the immediate supervisor, and the Department Head. If the employee does not wish to sign the written warning, it is to be so noted on the warning document and then signed by the supervisor. The written warning,

1 together with all existing memorandum of verbal warnings, shall be included in
2 the employee's personnel file.

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4 **3. Suspension** ... In case of serious infractions of Town rules and policies or
5 repeated infractions of those rules and policies, after warning has been issued, a
6 Department Head may recommend to the Town Administrator that an employee
7 be suspended with or without pay. Such recommendation should be forwarded
8 in writing within five (5) working days of the infraction with a copy to the
9 employee. A copy shall be placed in the employee's personnel file. The Town
10 Administrator or designee may meet with the Department Head and the
11 employee as soon as practical to review the matter. The Department Head shall,
12 with the concurrence of the Town Administrator, decide whether, for how long,
13 and under what conditions (e.g., with or without pay) to suspend the employee.

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15 **4. Termination for Cause**...In those cases where the act or acts of an
16 employee are of such a serious nature that they demonstrate that the employee
17 is unfit for continued employment with the Town, the Department Head may
18 recommend to the Town Administrator that the employee be terminated. Such
19 recommendation should be forwarded immediately in writing to the Town
20 Administrator but **not later than** within five (5) working days from the date of the
21 act or acts which gave rise to this recommendation to terminate. A copy shall be
22 placed in the employee's personnel file. As necessary, the Town Administrator or
23 designee shall meet with the Department Head and the employee as soon as
24 practical to review the matter and to decide whether the termination shall stand.

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26 **N.B.:** All records of disciplinary action(s) are considered to be a permanent part of the
27 employee's personnel records with the Town of Milford.

28 **APPEAL PROCEDURE**

29 *(revised and approved by BOS 7.26.2021)*

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32 A. It is the policy of the Town of Milford to provide its employees with the opportunity
33 to appeal any disciplinary actions regarding the employee that the employee
34 feels is not justified by the facts and circumstances of the situation.

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36 B. The supervisory levels of appeal shall be:

- 37 1. Supervisor
- 38 2. Department Head
- 39 3. Town Administrator
- 40 4. Board of Selectmen

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42 C. Before accessing the appeal process, the employee should first discuss the
43 disciplinary action with his/her immediate supervisor within fifteen (15) calendar
44 days of the act or omission with which the employee takes exception. If, after
45 discussing with their immediate supervisor the disciplinary action taken against
46 him/her, the employee is not satisfied with the decision of their immediate
47 supervisor, the employee may appeal the disciplinary action taken against
48 him/her to the next higher supervisory level.

- 1 D. If dissatisfied with the decision at any supervisory level of appeal, the employee
2 may appeal the decision of that level to the next higher level of appeal, in writing,
3 within five (5) working days of the decision. The entity to which the appeal is
4 being made shall review the matter with both parties and then issue a written
5 decision within seven (7) working days.
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- 7 E. To ensure due process for all parties, at each level of appeal, the appeal process
8 shall consist of the following:
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- 10 a. The meeting at each respective supervisory level of appeal shall be
11 scheduled as to be convenient to both parties and the employee shall be
12 credited with work time for the time spent attending the hearing.
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- 14 b. The appealing party shall be afforded the opportunity to defend him/herself.
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- 16 c. The employee may, at his/her own expense, be represented by counsel at
17 any meeting in the appeal process.
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- 19 d. In appeals to the Board of Selectmen, a minimum of three (3) members of the
20 Board of Selectmen (constituting a quorum) shall be required to hold a
21 hearing. Any decision rendered at this hearing has to be a unanimous
22 decision where only 3 members are present.
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