



**Corrective Disciplinary  
Action Guidelines  
& Attendance Policy**

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## Preface

This Administration is committed to providing quality service to the citizens of Detroit. Our Employees are an important component of that mission. This booklet contains information and guidance governing employee conduct. It is intended to give employees a general overview of disciplinary guidelines, as well as the attendance policy for City of Detroit employees.<sup>1</sup>

Regular attendance at work is extremely important. Work is best performed when all team members are present. The City of Detroit Corrective Disciplinary Actions Guidelines and Attendance Policy provide examples of acceptable and unacceptable conduct. However, it is not feasible to identify every possible form of misconduct in advance. Misconduct of a like seriousness will receive disciplinary action in a like manner. The offense shall be investigated to ensure issuance of the appropriate disciplinary action.

Employees are being notified in advance that committing these offenses may result in disciplinary action. These actions are intended to improve the general working conditions and well being of all City employees.

The City's philosophy regarding the primary purpose of disciplinary action is to correct employee misconduct with procedures that are corrective, progressive and consistent. All disciplinary action shall be for just cause and the selection of disciplinary action in any specific case shall be based on the circumstances and investigative findings of the offense.

Sources used in compiling the information for this booklet included the City Charter, City Ordinances, Human Resources Department Rules and Directives, and other documents. These guidelines replace all existing departmental corrective discipline guidelines and attendance policies. No statements are intended to supersede specific provisions of City Employment Terms or Contract Bargaining Agreements that remain in effect. These Guidelines are to read in conjunction with the 2014-2018 City-Wide Master Agreement between the parties (including without limitation Article 3 – Management Rights and Article 10 – Discipline Procedure).

Nothing in this booklet should be construed as establishing conditions of employment or contractual relationships with any individual or group of individuals.

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<sup>1</sup> (Language contained in the City of Detroit Corrective Disciplinary Action Guidelines and Attendance Policy does not apply to sworn uniform, Police and Fire Department personnel, or DWSD personnel).

## **GLOSSARY OF TERMS**

### **ACCEPTABLE MEDICAL DOCUMENTATION**

The original physician's statement verifying illness or disability (inability to perform work) must be submitted on the City's designated medical certification form or the letterhead of the attending physician. Such documentation should include the employee's:

- diagnosis
- prognosis
- duration of incapacitation
- return to work date
- restrictions, if applicable
- signature of health care provider

The doctor's statement may not prevent an employee from being placed on attendance review.

### **ATTENDANCE PATTERNS**

Three (3) or more documented instances.

### **ATTENDANCE REVIEW PROGRAM**

The purpose of attendance review is to monitor an employee's absence and tardiness record for a specific period of time (See applicable bargaining agreements).

### **BANK TIME USAGE**

Employees are required to obtain pre-approval from their supervisor to utilize bank time from the following banks:

Vacation

Departmental Leave Days (Five per fiscal year)

Compensatory Time

Swing Holidays

## **DEPARTMENTAL LEAVE DAYS**

Employees are granted five (5) departmental leave days (DL) each fiscal year, chargeable against the employee's current sick leave bank for personal purposes. This generally includes absences for personal business, which can only be conducted during working hours. Such time must be pre-approved for usage by the supervisor. Reserve Sick time is not available for DL usage.

## **EMPLOYEE'S FAMILY ILLNESS**

Employees reporting their absence from work due to the illness of an immediate family member or relative as defined by the CBA shall identify the relationship of the family member to the employee when calling in.

Employees will not be compensated from their sick bank for more than three (3) consecutive days in one (1) occurrence when caring for a family member or relative.

## **FAMILY MEDICAL LEAVE**

The City of Detroit employees are covered by the Family and Medical Leave Act of 1993 as amended ("FMLA"). This Federal Legislation provides up to twelve (12) weeks of unpaid leave each year (it may be paid)<sup>2</sup> for an eligible employee's serious health condition, for the birth, adoption or foster-care placement of a child, and/or for the care of a child, spouse or parent with a serious health condition.

Additionally, amendments in 2008 and final Department of Labor regulations, effective in 2009 provide for additional Family Medical Leave. The FMLA Military Leave provisions provide for a maximum of twelve (12) weeks Exigency Leave during the FMLA leave year and a maximum of twenty-six (26) weeks Military Caregiver Leave in a single twelve (12) month period.

Employees should contact their Supervisor or their Department Human Resources Office to obtain information regarding the Family and Medical Leave Act. FMLA allows for the payment of employee benefits for a period of twelve (12) weeks (60 workdays) during a twelve (12) month period and may be utilized intermittently or consecutively. (Such absences are not chargeable under

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<sup>2</sup> Employee must request the use of time in banks.

the Attendance Review Program.)

### **MEDICAL VERIFICATION REQUIREMENT (MVR)**

Under the Attendance Review Program, the employee will be required to provide a physician's statement to Human Resources for each occurrence of illness for a period of four (4) months.

### **OCCURRENCE**

Each separate continuous period of absence from work or tardy to work is considered an occurrence.

### **PROMOTIONAL CONSIDERATION**

For promotional consideration, an employee must not exceed (9) nine occurrences within the previous twelve (12) month period, excluding absences qualifying for disability or FMLA leave.

### **SICK BANK(S) USAGE**

#### **Current Sick Bank**

Employees reporting their absence from work due to illness will be compensated from their current sick time bank with documentation, as required.

#### **Reserve Sick Leave**

Reserve sick leave can be used after the employee exhausts his/her current sick leave bank.

### **VERIFICATION OF DISABILITY/ILLNESS**

A physician's statement verifying illness and/or disability is required for all absences exceeding three (3) consecutive workdays. In certain cases of attendance misuse or abuse, a physician's statement may be required for an absence of less than three (3) days.

Failure to provide documentation to Human Resources (HR) by the end of the pay period will result in the employee not being compensated from his/her sick time banks and may be subject to disciplinary action, up to and including discharge.

### **WITHDRAWAL OF FIVE MINUTE GRACE PERIOD**

Employees who have demonstrated a pattern of tardiness will not be entitled to the five-minute grace period. After five (5) minutes of lateness, hourly employee's pay will be docked in increments of tenths of an hour, rounded to the nearest tenth (6, 12, 18, 24 minutes, etc.).

*This provision is not applicable to employees with "flex time."*

### **WORK DAY**

A day on which work is scheduled during an employee's regular scheduled shift.



# **Corrective Disciplinary**

## **Actions – Group Offenses**

**NOTE: Use of Past Record:** In imposing any discipline on a current offense or in evaluating an employee for promotion or transfer, management will not take into account any prior infractions or disciplinary action issued, which occurred more than sixteen (16) months from the date of the offense.

These Guidelines do not cite to all potential employee misconduct. The City shall classify misconduct in accordance with the general guidelines set forth herein. Depending on the nature and severity of the misconduct, and consistent with the collective bargaining agreement, the City may invoke a more severe penalty on the progressive discipline scale, including termination of employment. These Guidelines should be read in conjunction with the 2013-2018 Master Agreement between the Union and the City, including without limitation Article 3 – Management Rights and Article – 10 Discipline Procedure.

***City of Detroit Corrective Disciplinary Actions***  
***Group Offense I***  
***Progressive Discipline***

**First Offense: Oral Reprimand**

**Second Offense: Written Reprimand**

**Third Offense: Three (3) Work Day Suspension**

**Fourth Offense: Ten (10) Work Day Suspension**

**Fifth Offense: Thirty (30) Calendar Day Suspension with Recommendation for Discharge**

**Examples:**

- Failure to notify the City of name changes, telephone and address
- Improper use of City Property
- Creating or contributing to an unsanitary workplace
- Poor work performance of low severity
- Violation of appearance standards or uniform requirements
- Engaging in prolonged and/or frequent personal telephone conversations
- Engaging in prolonged non-work related conversations with others
- Parking in unauthorized areas

*City of Detroit Corrective Disciplinary Actions*  
*Group Offense II*  
*Progressive Discipline*

**First Offense: Written Reprimand**

**Second Offense: Three (3) Work Day Suspension**

**Third Offense: Ten (10) Work Day Suspension**

**Fourth Offense: Thirty (30) Calendar Day Suspension with Recommendation for Discharge**

**Examples:**

- Failure to follow departmental call in procedures
- Failure to provide documentation when required (e.g. medical documentation, license requirements, etc.
- Failure to comply with Security /Security Guards in the performance of their duty
- Violation of health, safety, or fire rules; including, but not limited to, performing work in an unsafe manner, violation of MIOSHA Safety rules or procedures
- Smoking in prohibited areas
- Violated of Outside Employment Policy
- Failure to report job related injury
- Use of rude or profane language directed towards another person and/or in a general setting
- Leaving your assigned work area without proper notification, authorization or permission

***City of Detroit Corrective Disciplinary Actions  
Group Offense III  
Progressive Discipline***

**First Offense: Three (3) Work Day Suspension**

**Second Offense: Ten (10) Work Day Suspension**

**Third Offense: Thirty (30) Calendar Day Suspension with Recommendation for Discharge**

**Examples:**

- AWOL – To be absent without leave (authorization)
- Leaving the work site without authorization/permission
- Failure to report a vehicular accident on date of occurrence
- Issuing an order inconsistent with the City of Detroit rules regulations and/or policies
- Insubordination - *shall include but not be limited to the following:*
  1. Refusal or failure to follow a direct order
  2. Refusal or failure to follow and perform job assignments
  3. Refusal or failure to accept instruction or direction
  4. Undue delay in performing assignments
  5. Unnecessary/prolonged discussion with your supervisor over assigned work
- Creating a disruptive work atmosphere
- Dereliction of duty
- Horseplay
- Sleeping while on duty

- Negligence resulting in: property damage or loss, bodily injury, breach of security, or release of confidential information
- Unauthorized use of City of Detroit vehicles, facilities or equipment
- Use of racial slurs and/or slander directed towards or in the presence of co-workers

*City of Detroit Corrective Disciplinary Actions*  
*Group Offense IV*

**First Offense: Thirty (30) Calendar day Suspension, with Recommendation for Discharge**

Examples:

- Possession, distribution, or use of alcoholic beverages, illegal drugs, narcotics, habit forming drugs, or any other potentially intoxicating or impairing substance during working hours, or while on City of Detroit work sites or in City vehicles
- Positive test results for illegal drugs and/or alcohol use, or failure to submit to reasonable suspicion testing – See Substance Abuse Policy
- Gambling during working hours or while on City of Detroit work sites or in City vehicles
- Possessions of and/or discharging of firearms, weapons, licensed or otherwise, in the course of employment (i.e., during working hours or while on City of Detroit work sites or in City vehicles,...)
- Conduct which brings the City of Detroit into disrepute
- Theft or attempted theft of Department property or the property of others, on City of Detroit work sites or in City vehicles
- Performing personal work or work for another employer during scheduled working hours
- Embezzlement and/or accepting bribes/gifts in the course of carrying out assigned duties
- Sabotage, willful damage or destruction of City of Detroit Department property or the property of others in any manner

- Misrepresentation or falsification of official applications, time records or any other documents in the course of conducting City of Detroit business
- Working for another employer while on Leave of Absence or while receiving Worker's Compensation, or Long Term Disability without permission
- Gross negligence

**City of Detroit Corrective Disciplinary Actions**  
**Group Offense V**

**This group addresses Executive Orders, Personnel Directives and Ethics Standards of Conduct. Violations will subject the offending employee to appropriate discipline up to and including discharge. The City will notify all parties involved of the status of any ongoing investigations with respect to alleged violations of the following Executive Orders.**

**Executive Order No. 2010-2 – Policy Against Discrimination and Harassment**

*Violations include but are not limited to:*

- Discrimination based on race, color, creed, national origin, age, religion, marital status, handicap, public benefit status, sex, or sexual orientation
- Sexual harassment: Sexual comments, sexual advances, request for sexual favors, physical contact, implied sexual behavior
- Harassment: Creating a hostile or intimidating environment

**Executive Order No. 2010-1 – Violence in the Workplace**

*Violations include but are not limited to:*

- Fighting and/or other physically violent acts
- Threatening physical violence
- Intimidation
- Abusive or threatening language
- Creating a hostile work environment

**Ethics Standards of Conduct**

*Violations include but are not limited to:*

- Improper use of official position
- Disclosure of confidential information
- Improper use of City resources
- Conflict of interest

**Personnel Directive - Eligibility Standards for Driving Assignments**

*Violations include but are not limited to:*

- Suspended License
- Revoked License



- Excessive points
- Chargeable accidents

**Directive on Electronic Communication Systems**

*Violations include but are not limited to:*

- Improper use of electronic communication systems

## **ATTENDANCE POLICY**

### **INTRODUCTION**

Regular attendance is extremely important for the delivery of quality customer service. All employees are part of a team whose job can be performed best when all team members are present. This attendance policy has been established to provide specific rules and parameters to govern employee attendance, along with appropriate disciplinary action to be administered to correct abuses of attendance.

The City of Detroit provides paid benefits to allow for time off to cover vacations and other unforeseen circumstances that may result in an employee taking time off: departmental leave days, sick days, and compensatory time. Use these benefits wisely. Additionally, attendance is a key factor in promotional opportunity.

Employees who fail to maintain an acceptable attendance record will be disciplined accordingly, up to and including discharge. Chronic absenteeism and tardiness [Excluding Family Medical Leave (FMLA)] even if supported by medical or other documentation may also result in disciplinary action.

This policy should be read in conjunction with the 2013-2018 collective bargaining agreement between the City and the Union (including without limitation, Article 3 – Management Rights). Accordingly, the City reserves the right to amend the attendance policy.

### **POLICY**

#### **The City of Detroit attendance and tardiness standards for General City Employees**

- Nine (9) occurrences of absence in a twelve (12) month period.
- Nine (9) occurrences of tardy in a twelve (12) month period.

#### **The City of Detroit attendance and tardiness standards for Seasonal City Employees**

- Two (2) occurrences of absences, with or without sick time, in a five (5) month period.
- One (1) occurrence of tardy in a five (5) month period.

## REVIEW OF ATTENDANCE AND TARDINESS RECORDS

### GENERAL CITY EMPLOYEES

The Supervisor is responsible for reviewing, discussing and recommending corrective action relating to the employees attendance and tardiness record on a consistent basis.

Employees demonstrating the following attendance patterns may be placed on Attendance Review.

#### Offenses:

- A. Utilizing four (4) or more occurrences of absence during a three (3) month period.
- B. Utilizing more than nine (9) occurrences of absence in a twelve-month (12) period.
- C. Patterns of absences before and after scheduled off days.
- D. Patterns of absences the day before and/or after a holiday (excluding authorized vacations).

<b>GENERAL CITY - CORRECTIVE DISCIPLINE GUIDELINES -</b>	
<i>While on Attendance Review</i>	
<i>Employee Attendance Circumstance</i>	<i>Progressive Discipline Penalty</i>
1 <sup>st</sup> Offense	Oral Reprimand
2 <sup>nd</sup> Offense	Written Reprimand with Medical Verification Requirement (MVR) for four (4) months
3 <sup>rd</sup> Offense	Three (3) Work Day Suspension
4 <sup>th</sup> Offense	Ten (10) Work Day Suspension
5 <sup>th</sup> Offense	Thirty (30) Calendar Day Suspension with Recommendation for Discharge

*Note: After the employee has progressed to the second offense, the Medical Verification Requirement may be reissued or extended at anytime in the attendance review process, if the employee's attendance record does not improve. If the employee progress past second offense, the MVR will be reissued for an additional three (3) months.*

## **CORRECTIVE DISCIPLINE – TARDINESS**

Corrective discipline will be applied to employees demonstrating, but not limited to, the following attendance patterns:

Offenses:

- A. Incurs six (6) or more instances of tardy within a three-month (3) period.
- B. Any pattern of late arrivals or returns from breaks and lunch.
- C. Incurs more than nine (9) occurrences of tardy in a twelve-month (12) period.

<b>GENERAL CITY - CORRECTIVE DISCIPLINE GUIDELINES - <i>While on Attendance Review</i></b>	
<i>Employee Tardiness Circumstance</i>	<i>Progressive Discipline Penalty</i>
1 <sup>st</sup> Offense	Oral Reprimand
2 <sup>nd</sup> Offense	Written Reprimand with Withdrawal of five (5) minute Grace Period (Duration Four (4) months)
3 <sup>rd</sup> Offense	Three (3) Work Day Suspension
4 <sup>th</sup> Offense	Ten (10) Work Day Suspension
5 <sup>th</sup> Offense	Thirty (30) Calendar Day Suspension with Recommendation for Discharge

*Note: After the employee has progressed to second offense, the withdrawal of the five (5) minute grace period may be reissued or extended at anytime in the attendance review process if the employee's tardiness record does not improve.*

*If the employee progresses past second offense, the withdrawal of the five (5) minute grace period will be extended for an additional four (4) months.*

## **ABSENCE WITHOUT LEAVE (AWOL)**

An employee is Absence Without Leave (AWOL) when he/she is absent without approval. An AWOL period of four (4) days or less may subject an employee to discipline unless a different time period is specified in the CET (City Employment Terms) or other labor agreement, including but not limited to Memorandum of Understanding (MOU), etc. A five (5) day AWOL period shall be deemed a voluntary quit.

### **CORRECTIVE DISCIPLINE FOR AWOL**

**1<sup>st</sup> Offense:** If an employee is AWOL for four (4) workdays or less, the employee shall be issued a suspension of three (3) workdays and placed on MVR.

If prior discipline has been issued for attendance, the next step in the discipline process will be issued (whichever is greater).

**2<sup>nd</sup> Offense:** On the second occasion of AWOL of four (4) workdays or less, the employee shall be issued a suspension for ten (10) workdays and placed on MVR.

If prior discipline has been issued for attendance, the next step in the discipline process will be issued (whichever is greater).

**3<sup>rd</sup> Offense:** On the third occasion of AWOL of four (4) workdays or less, the employee shall be issued a Suspension for thirty (30) workdays, with recommendation for discharge.

### **SEASONAL EMPLOYEES ATTENDANCE**

Employees are expected to report to work and to be on time. Each separate continuous period of absence from work and tardy to work is considered an occurrence. The Standards for Seasonal Employee are two (2) occurrences of absences, with or without sick time, and one (1) tardy in a five (5) month period. Seasonal employees who exceed the two (2) occurrences in a five (5) month period will have his/her attendance monitored.

*Note: The attendance record of seasonal employees will carry over from the preceding season for progressive discipline purposes.*

The supervisor is responsible for reviewing, discussing and recommending corrective action relating to the employees attendance and tardiness record on a consistent basis. Tardiness includes late arrivals or returns from breaks and lunch. Corrective discipline will be applied to seasonal employees as follows:

<b>SEASONAL ATTENDANCE- Corrective Discipline</b>	
<i>Employee Attendance Circumstance</i>	<i>Progressive Discipline Penalty</i>
Utilizing two (2) occurrences of absence	Oral Reprimand
Utilizing three (3) occurrences of absence	Written Reprimand with medical verification requirement (MVR) for four (4) months
Utilizing four (4) occurrences of absence	Three (3) work day suspension
Utilizing five (5) occurrences of absence	Ten (10) work day suspension
Utilizing six (6) occurrences of absence	Thirty (30) calendar days suspension with recommendation for discharge
<b>SEASONAL TARDINESS- Seasonal Corrective Discipline</b>	
<i>Employee Attendance Circumstance</i>	<i>Progressive Discipline Penalty</i>
Two (2) occurrences of Tardy	Oral Reprimand
Three (3) occurrences of Tardy	Written Reprimand removal of grace
Four (4) occurrences of Tardy	Three (3) work day suspension
Five (5) occurrences of Tardy	Ten (10) work day suspension
Six (6) occurrences of Tardy	Thirty (30) calendar days suspension with recommendation for discharge