

33.2 GUIDE TO DISCIPLINARY STANDARDS

This guide lists various offenses, and job performance or behavior standards that should be considered in determining whether an employee's actions constitute an offense subject to discipline. The specific offenses listed are examples of some of the more common types of violations of the standards of conduct by employees for which disciplinary action may be taken. **A specific offense need not be listed in order for disciplinary action to be taken for conduct that violates one of the standards of employee behavior.**

Various levels of corrective actions for first, second, and third offenses are also presented. These corrective actions are recommendations only and are offered for general reference as a common base for disciplinary action in the City of Los Angeles. The appropriate action for a specific disciplinary case may be either more or less severe, depending on the circumstances of the case. For instance, management should exercise its discretion in recognizing that a single minor offense by a long-term employee with a good work record could be less severe than if committed by a relatively new employee with a poor work record. Progressive discipline requires that repeated offenses should normally carry more severe corrective actions than first offenses. A pattern of offenses after successive corrective actions should ultimately result in discharge.

An offense is considered a "first" offense the first time action is taken by the supervisor under the applicable section of this guide. An offense should be considered as a "second" or "third" offense only when it is of the same general nature (not necessarily identical) as the previous offense and the undesirable actions have been pointed out to the employee previously. When a previous offense has occurred, the time elapsed between that offense and the current offense should be considered in determining the corrective action.

On some occasions, an employee may commit more than one kind of offense at the same time. Generally, the discipline imposed should not be determined by simply adding together the corrective actions for each offense. In such cases, the appropriate corrective action should be selected from the range of actions applicable for the most serious offense and the severity of the disciplinary action should be determined after considering the less serious offenses.

Similarly, an employee may commit various kinds of offenses over a period of time. If the offenses are completely unrelated, they cannot be treated as second and/ or third offenses. Nevertheless, all past offenses in the absence of any intervening pattern of good conduct are indicative of a pattern of unsatisfactory behavior and should be considered when determining an appropriate corrective action. Including a statement of "requiring excessive supervision or continued failure to observe commonly accepted levels of behavior" in the list of specific charges may be appropriate as a means of connecting unrelated types of offenses committed by a problem employee.

Employees in supervisory positions and those performing safety/security functions are generally expected to demonstrate a higher level of conscientiousness and integrity with respect to their employment. Accordingly, these employees may be subject to more severe levels of discipline for violations of behavior and/or performance standards because they are held to a higher standard of conduct.

MISCONDUCT, ON OR OFF THE JOB, SERIOUSLY REFLECTING ON CITY EMPLOYEES OR EMPLOYMENT

Standard: Employees must perform their duties in a manner that earns and maintains the trust and respect of their supervisors, other employees, and the public.

OFFENSE and SUGGESTED ACTIONS

1. Using official position or office for personal gain or advantage.
FIRST OFFENSE: Written notice to discharge.
SECOND OFFENSE: 10 day suspension to discharge.
THIRD OFFENSE: Discharge.
2. Engaging in any activity which constitutes a conflict of interest
FIRST OFFENSE: Written notice to 30 day suspension.
SECOND OFFENSE: 6 day suspension to discharge.
THIRD OFFENSE: Discharge.
3. Accepting favors or gratuities for services required on the job.
FIRST OFFENSE: Written notice to discharge.
SECOND OFFENSE: 6 day suspension to discharge.
THIRD OFFENSE: Discharge.
4. Disclosing confidential information.
FIRST OFFENSE: 1 day suspension to discharge.
SECOND OFFENSE: 10 day suspension to discharge.
THIRD OFFENSE: Discharge.
5. Engaging in illegal behavior or conduct in conflict with job duties, on or off the job.
FIRST OFFENSE: Written notice to discharge.
SECOND OFFENSE: 10 day suspension to discharge.
THIRD OFFENSE: Discharge.

JOB PERFORMANCE BELOW STANDARD

Standard: Employees must provide a high quality of service to the public and must consistently perform their duties effectively and efficiently.

OFFENSE and SUGGESTED ACTIONS

1. A violation of departmental rules.
FIRST OFFENSE: Oral warning to 5 day suspension.
SECOND OFFENSE: 6 day suspension to discharge.
THIRD OFFENSE: Discharge.
2. Requiring excessive supervision or instruction in performance of duties after completion of training for the position.
FIRST OFFENSE: Oral warning to Written Notice.
SECOND OFFENSE: Written Notice to 5 day suspension.
THIRD OFFENSE: 6 day suspension to discharge.
3. Misusing, or failing to use, delegated authority in the performance of duties.
FIRST OFFENSE: Oral warning to 5 day suspension.
SECOND OFFENSE: 6 day suspension to discharge.
THIRD OFFENSE: Discharge.
4. Personal appearance and hygiene not appropriate for the job in terms of employing department's standards and job safety.
FIRST OFFENSE: Oral warning to Written Notice.
SECOND OFFENSE: Written Notice to 5 day suspension.
THIRD OFFENSE: 6 day suspension to discharge.
5. Failure to perform work assignments adequately or promptly.
FIRST OFFENSE: Oral warning to discharge.
SECOND OFFENSE: 1 day suspension to discharge.
THIRD OFFENSE: Discharge.
6. Failure to carry out supervisory responsibilities adequately.
FIRST OFFENSE: 1 day suspension to discharge.
SECOND OFFENSE: 5 day suspension to discharge.
THIRD OFFENSE: Discharge.
7. Failure to remain alert and responsive while on duty, for example, sleeping on the job.
FIRST OFFENSE: Written notice to discharge.
SECOND OFFENSE: 5 day suspension to discharge.
THIRD OFFENSE: 10 day suspension to discharge.

ATTENDANCE AND TARDINESS (See Note A)

Standard: Employees must report for work as scheduled, unless ill, injured, or involved in an emergency

1. Unexcused, excessive or patterned absenteeism
FIRST OFFENSE: Written notice to 5 day suspension.
SECOND OFFENSE: 6 day suspension to discharge.
THIRD OFFENSE: Discharge.
2. Failure to follow established procedure for notification of inability to report for work
FIRST OFFENSE: Oral warning to Written Notice.
SECOND OFFENSE: Written Notice to 5 day suspension.
THIRD OFFENSE: 6 day suspension to discharge.
3. Leaving assigned work location without proper approval or appropriate reason.
FIRST OFFENSE: Written Notice to discharge.
SECOND OFFENSE: 1 day suspension to discharge.
THIRD OFFENSE: 10 day suspension to discharge.
4. Frequent or unexcused tardiness.
FIRST OFFENSE: Oral warning to Written Notice.
SECOND OFFENSE: Written Notice to 10 day suspension.
THIRD OFFENSE: 10 day suspension to discharge.

Note A: In some cases it may be appropriate to consider the use of Disciplinary Pay Status in lieu of an actual suspension. Disciplinary Pay Status serves as a suspension for disciplinary purposes, but does not place the employee off duty. The use of Disciplinary Pay Status is appropriate for attendance and tardiness infractions and other situations where the absence of the employee from the job is counter-productive.

IMPROPER BEHAVIOR WITH SUPERVISORS, FELLOW EMPLOYEES, OR THE PUBLIC

Standard: Employees must cooperate and work well with the public, supervisors and co-workers.

1. Refusal to perform reasonable work assignments or to cooperate with supervisors or management in the performance of duties (insubordination)
FIRST OFFENSE: 6 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
2. Using abusive language toward or making inappropriate statements to the public, supervisors, or co-workers.
FIRST OFFENSE: Oral warning to 5 day suspension.
SECOND OFFENSE: Written Notice to discharge.
THIRD OFFENSE: 6 day suspension to discharge.

IMPROPER BEHAVIOR WITH SUPERVISORS, FELLOW EMPLOYEES, OR THE PUBLIC, (Continued).

Standard: Employees must cooperate and work well with the public, supervisors and co-workers.

3. Disrupting the work of other employees.
FIRST OFFENSE: Oral warning to Written Notice.
SECOND OFFENSE: Written Notice to 5 day suspension.
THIRD OFFENSE: 6 day suspension to discharge.
4. Making threats (verbal or non-verbal) or engaging in a confrontation with the public, supervisors or co-workers. (See Note B).
FIRST OFFENSE: 6 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
5. Unauthorized possession or use of dangerous weapons, such as firearms or knives, on City property or on the job.
FIRST OFFENSE: 5 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
6. Actions on the job or City property intended to destroy property or to inflict bodily injury (whether or not the destruction or injury actually occurs)
FIRST OFFENSE: Written Notice to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
7. Failure to provide information related to work to supervisors or others requiring the information.
FIRST OFFENSE: Written notice to 10 day suspension.
SECOND OFFENSE: 6 to 30 day suspension.
THIRD OFFENSE: Discharge.

Note B. Employees who: (1) make threats or engage in confrontational behavior; (2) possess and/or use without authorization weapons on City property or the job; or, (3) engage in actions on the job or City property intended to destroy property or to inflict bodily injury represent a potential Workplace Violence threat. Such behavior must be brought to the attention of a supervisor and/or manager and steps taken to convene the employing department's Workplace Violence Assessment team. Refer to the City's Workplace Violence Policy for guidance in handling these matters.

USE OF ALCOHOL OR CONTROLLED SUBSTANCES

Standard: While at work, employees must not do anything that would impair their ability to perform their duties, or discredit the City and its employees.

1. Use of alcoholic beverages or controlled substances while on duty.
FIRST OFFENSE: 10 day suspension to discharge. (See Note C).
SECOND OFFENSE: Discharge. (See Note C).
THIRD OFFENSE:
2. Reporting for duty under the influence of drugs or alcohol which results in unfitness to work.
FIRST OFFENSE: 10 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
3. Operating City vehicles or other equipment while under the influence of any alcoholic beverage or any drug(s) or narcotic which will impair operative capability.
FIRST OFFENSE: 20 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
4. Illegally possessing or using drugs or narcotics on the job site or on City property.
FIRST OFFENSE: 10 day suspension to discharge.
SECOND OFFENSE: 20 day suspension to discharge.
THIRD OFFENSE:
5. Positive drug or alcohol test resulting from a for-cause test administered under the provisions of the U.S. Department of Transportation Drug and Alcohol Testing Policy.
FIRST OFFENSE: 20 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
6. Positive drug or alcohol test resulting from a random test administered under the provisions of the U.S. Department of Transportation Drug and Alcohol Testing Policy.
FIRST OFFENSE: 5 day suspension to discharge.
SECOND OFFENSE: 20 day suspension to discharge.
THIRD OFFENSE: Discharge.

Note C: The suggested action may be 1) reduced in severity if the employee successfully participates in an alcoholism or drug abuse rehabilitation program or 2) delayed during employee participation in the program, depending on progressive rehabilitation and improvement of job performance. The supervisor should make every effort to have the employee taken home safely and to ensure that the employee is released to the custody of another responsible person. (Amended 01-24-08)

SAFETY

Standard: All employees must perform their duties in a safe manner.

1. Operating City equipment un-safely and/or without the required license or equipment.
FIRST OFFENSE: Written Notice to 5 day suspension.
SECOND OFFENSE: 5 day suspension to discharge.
THIRD OFFENSE: Discharge.
2. Causing or contributing to an accident by operating City equipment in an unsafe manner.
FIRST OFFENSE: 1 day suspension to discharge.
SECOND OFFENSE: 5 day suspension to discharge.
THIRD OFFENSE: Discharge.
3. Violations of safety rules or practices, which endanger the employee or others or damages City property or equipment.
FIRST OFFENSE: Written Notice to 20 day suspension.
SECOND OFFENSE: 5 day suspension to discharge.
THIRD OFFENSE: Discharge.
4. Laying tricks or jokes, or engaging in horseplay on the job, which may lead to injury of employees or others, or damage to equipment or property
FIRST OFFENSE: Written Notice to 10 day suspension.
SECOND OFFENSE: 10 day suspension to discharge.
THIRD OFFENSE: Discharge.
5. Creating unsanitary conditions.
FIRST OFFENSE: Oral warning to 5 day suspension.
SECOND OFFENSE: 6 day suspension to discharge.
THIRD OFFENSE: Discharge.
6. Failure to carry out supervisory responsibility to ensure a safe work environment.
FIRST OFFENSE: Written Notice to 5 day suspension.
SECOND OFFENSE: 5 day suspension to discharge.
THIRD OFFENSE: Discharge.

FRAUD, DISHONESTY, THEFT, OR FALSIFICATION OF RECORDS

Standard: City employees must demonstrate personal integrity and honesty both in securing employment and in the performance of duties.

1. Soliciting, accepting, or offering a bribe
FIRST OFFENSE: Discharge.
SECOND OFFENSE:
THIRD OFFENSE:

2. Theft of or aiding in the theft of cash, or City property or equipment, as established by proper investigation
FIRST OFFENSE: Discharge.
SECOND OFFENSE:
THIRD OFFENSE:

3. Intentionally destroying City equipment, property or records without proper authorization.
FIRST OFFENSE: 10 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:

4. Providing false information in connection with the employment application process.
FIRST OFFENSE: Discharge.
SECOND OFFENSE:
THIRD OFFENSE:

5. Falsifying City Records such as time reports, mileage reports, expense accounts or other work related documents.
FIRST OFFENSE: Discharge.
SECOND OFFENSE:
THIRD OFFENSE:

6. Falsely claiming sick or allowed pay, falsifying reasons for absence performance of duties.
FIRST OFFENSE: Discharge.
SECOND OFFENSE:
THIRD OFFENSE:

6. A finding of Workers Comp fraud as a result of a proper investigation.
FIRST OFFENSE: Discharge.
SECOND OFFENSE:
THIRD OFFENSE:

FRAUD, DISHONESTY, THEFT, OR FALSIFICATION OF RECORDS,
(Continued)

Standard: City employees must demonstrate personal integrity and honesty both in securing employment and in the performance of duties.

8. Using City time, property or equipment without authorization.
FIRST OFFENSE: Written Notice to discharge.
SECOND OFFENSE: 6 day suspension to discharge.
THIRD OFFENSE: Discharge.
9. Unauthorized removal or possession of City equipment or property.
FIRST OFFENSE: 1 day suspension to discharge.
SECOND OFFENSE: 10 day suspension to discharge.
THIRD OFFENSE: Discharge.
10. Unauthorized removal and/or use of City equipment or material in fabricating articles for private use
FIRST OFFENSE: Written Notice to discharge.
SECOND OFFENSE: 5 day suspension to discharge.
THIRD OFFENSE: Discharge.
11. Failure to exercise proper supervisory oversight to protect City assets.
FIRST OFFENSE: Written Notice to discharge.
SECOND OFFENSE: 5 day suspension to discharge.
THIRD OFFENSE: Discharge.

STANDARDS OF CONDUCT FOR PEACE OFFICERS

Standard: Employees performing functions that require peace officer status are required to conduct themselves (on and off duty) in a manner demonstrating respect for the laws they are sworn to uphold and the people and property they are employed to protect. Behavior on and off the job must not reflect negatively upon the City as their employer.

1. Use of excessive force.
FIRST OFFENSE: 30 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
2. Falsification or destruction of evidence or reports related to investigations.
FIRST OFFENSE: 15 day suspension to discharge.
SECOND OFFENSE: 30 day suspension to discharge.
THIRD OFFENSE: Discharge.
3. Failure to report or take action against officer misconduct, or off the job.
FIRST OFFENSE: 15 day suspension to discharge.
SECOND OFFENSE: 30 day suspension to discharge.
THIRD OFFENSE: Discharge.
4. Abuse or inappropriate use of Peace Officer status.
FIRST OFFENSE: 15 day suspension to discharge.
SECOND OFFENSE: 30 day suspension to discharge.
THIRD OFFENSE: Discharge.

DISCRIMINATION/HARASSMENT⁸⁵

Standard: City employees are expected to comply with Federal and State laws and regulations and City policies including applicable mayoral directives ensuring equal employment opportunity and a discrimination and harassment free workplace. City employees are expected to demonstrate sensitivity to and respect for individual and personal differences when working with other employees and the public. Actions that create a hostile, offensive, threatening, or intimidating work environment will not be tolerated.

1. Failure to comply with City policies on equal employment opportunity, including but not limited to, the recruitment, selection, promotion, training or disciplining of employees.
FIRST OFFENSE: Oral warning to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
2. Demonstrating insensitivity to others by making derogatory comments, epithets, jokes, teasing, remarks, or slurs, or making suggestive gestures or displaying images or written material that derogatorily depict or demean people.
FIRST OFFENSE: 5 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
3. Retaliating against an employee for filing a discrimination complaint, for participating in a discrimination complaint investigation, or for opposing discriminatory actions.
FIRST OFFENSE: 5 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
4. Supervisory Standard: Failure to maintain a harassment free workplace for subordinates; failure to foster a discrimination free workplace by one's own individual actions or failure to act; or allowing subordinates to retaliate against an employee for filing a discrimination complaint, for participating in a discrimination complaint investigation, or for opposing discriminatory actions.
FIRST OFFENSE: 5 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:

SEXUAL HARASSMENT

Standard: City policy and Federal and State law prohibit sexual harassment in the workplace. Supervisors are required to ensure and maintain a working environment free of sexual harassment, intimidation, and coercion. City employees are expected to conduct themselves in a manner that fosters a workplace environment which is free from conduct that is hostile, offensive, threatening, or intimidating, or that interferes with an individual's work performance. Some of these violations, if proved, may also constitute crimes under local and/or state law. Departments should take appropriate measures to report such actions and to advise their employees about reporting such actions that have occurred on City property or involving City employees.

1. Sexual Favors: Implicit or explicit coercive pressure for sexual favors
 FIRST OFFENSE: 20 day suspension to discharge.
 SECOND OFFENSE: Discharge.
 THIRD OFFENSE:
2. Physical:
 - a. Any physical conduct or act of a sexual nature, involving the use of force or the threat of force.
 FIRST OFFENSE: Discharge.
 SECOND OFFENSE:
 THIRD OFFENSE:
 - b. Unwelcome physical contact in sexual areas, including but not limited to breasts, buttocks, or genitalia.
 FIRST OFFENSE: 20 day suspension to discharge.
 SECOND OFFENSE: Discharge.
 THIRD OFFENSE:
 - c. Unwelcome touching, rubbing, any type of physical contact and/or conduct toward other employees, which is sexually suggestive.
 FIRST OFFENSE: 1 day suspension to discharge.
 SECOND OFFENSE: Discharge.
 THIRD OFFENSE:
3. Verbal: Demonstrating insensitivity to others by making derogatory comments, epithets, jokes, teasing, remarks, slurs, or questions of a sexual nature
 FIRST OFFENSE: Oral warning to 20 day suspension.
 SECOND OFFENSE: Discharge.
 THIRD OFFENSE:

SEXUAL HARASSMENT, (Continued)

- Standard: City policy and Federal and State law prohibit sexual harassment in the workplace. Supervisors are required to ensure and maintain a working environment free of sexual harassment, intimidation, and coercion. City employees are expected to conduct themselves in a manner that fosters a workplace environment which is free from conduct that is hostile, offensive, threatening, or intimidating, or that interferes with an individual's work performance. Some of these violations, if proved, may also constitute crimes under local and/or state law. Departments should take appropriate measures to report such actions and to advise their employees about reporting such actions that have occurred on City property or involving City employees.
4. Visual: Demonstrating insensitivity to others through non-verbal actions, such as making sexually suggestive gestures; displaying sexually explicit objects, pictures, cartoons, or posters; leering; unwanted letters, gifts, and/or materials of a sexual nature
 - FIRST OFFENSE: Oral warning to 20 day suspension.
 - SECOND OFFENSE: Discharge.
 - THIRD OFFENSE:
 5. Hostile Work Environment: Repeated, unwelcome, unwanted actions as described in #1, #2, #3, and/or #4 which create or could lead to a hostile, offensive, threatening, or intimidating work environment
 - FIRST OFFENSE: 10 day suspension to discharge.
 - SECOND OFFENSE: Discharge.
 - THIRD OFFENSE:
 6. Retaliation: Retaliating against an employee for filing a sexual harassment complaint, for participating in a sexual harassment complaint investigation, or for opposing discriminatory actions.
 - FIRST OFFENSE: 10 day suspension to discharge.
 - SECOND OFFENSE: Discharge.
 - THIRD OFFENSE:
 7. Supervisory Standard: Failure to take appropriate action to correct and eliminate sexual harassment from the workplace; failure to foster a discrimination free workplace by personal actions or conduct; or allowing subordinates to retaliate against an employee for filing a sexual harassment complaint, for participating in a sexual harassment complaint investigation, or for opposing discriminatory actions (Amended 12-15-95).
 - FIRST OFFENSE: 20 day suspension to discharge.
 - SECOND OFFENSE: Discharge.
 - THIRD OFFENSE:

HAZING

Standard: City employees are expected to comply with Federal and State laws and regulations and City policies including applicable mayoral directives ensuring equal employment opportunity and a discrimination and harassment-free workplace. Hazing is a form of harassment. Hazing activities are defined as any action taken or situation created in the workplace, which causes or is likely to cause, bodily danger or physical harm, or personal degradation or disgrace. Hazing includes but is not limited to any form of rite of passage or horseplay that involves engaging in illegal, harmful, demeaning or dangerous acts, which are not consistent with City policy and performing job-related activities. Employees are responsible for maintaining a work environment which is free from any form of harassment including hazing. Employees are further expected to promptly report any hazing incidents to management. Supervisors are also held accountable for reporting hazing incidents to the Department Personnel Director and taking all necessary action to prevent hazing, eliminate hazing in the workplace and to discipline employees engaged in hazing incidents.

1. Planning or engaging in hazing activities.
FIRST OFFENSE: 20 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
2. Supervisor standard:
 - a. Failure to take appropriate action to correct and eliminate hazing activities from the workplace; failure to foster a hazing free workplace by personal actions or conduct; or, allowing subordinates to retaliate against an employee for reporting hazing activities, for participating in a hazing complaint investigation, or for opposing hazing in the workplace.
FIRST OFFENSE: 20 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
 - b. Planning or engaging in hazing activities. (Amended 12-11-08)
FIRST OFFENSE: 20 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE: