

CITY OF HAMILTON, OHIO

No. 318

ADMINISTRATIVE DIRECTIVE

Effective Date: 3-6-17

Supersedes No. 318 dated 04/28/16, 04/01/92, 12/10/84 Approved by: Joshua A. Smith,
City Manager

SUBJECT: PRE-DISCIPLINARY HEARING PROCEDURE

PURPOSE: This directive established a pre-disciplinary hearing procedure to be used when any supervisor or the appointing authority believes employee disciplinary action is necessary. This directive shall not apply if a different procedure is mandated by a collective bargaining agreement. Disciplinary action is defined as a suspension, a reduction in pay or position, or discharge.

A pre-disciplinary hearing procedure is intended to permit an appointing authority to make an informed decision on whether misconduct occurred, whether discipline is appropriate, and what that discipline should be.

1. Policy.

- a. The following procedure shall be followed unless modified by a collective bargaining agreement.
- b. Whenever a supervisor or appointing authority believes employee misconduct has occurred, the appointing authority will submit the relevant facts to the employee.
- c. Along with the statement of alleged misconduct, the appointing authority will send the accused employee a written notice of a pre-disciplinary hearing. This notice shall contain the following:
 - i. A statement of the charges in sufficient detail to permit the accused employee to respond in an intelligent manner.
 - ii. The date and time of the pre-disciplinary hearing.
 - iii. All pre-disciplinary hearings will be held in the Jury Room in the Municipal Court on the 2nd floor of the Hamilton Municipal Building at 345 High Street, Hamilton, Ohio 45011.
 - i. To schedule this room, the appointing authority will need to contact the Clerk of Courts and the Corrections Office Manager.
 - ii. This location requirement does not apply to Police and Fire Divisions.
 - iv. The pre-disciplinary hearing shall be conducted by the employee's appointing authority.
 - v. The accused employee shall have the right to appear at the hearing with or without a representative to present testimony, witnesses or any evidence in his or her behalf.
 - vi. The hearing shall be recorded.
 - i. The appointing authority will need to provide the recording device as the Jury Room does not have recording equipment.
 - vii. The accused employee may present witness and exhibits.
 - viii. All witnesses may be examined and cross-examined.
 - ix. Written findings shall be submitted to the employee by the appointing authority within (5) workdays.

- d. The appointing authority shall also set the time and place of the hearing with notification to the charged employee.
 - e. The hearing shall be informal and not controlled by rules of evidence as used in judicial proceedings.
 - f. The appointing authority shall have full control of the hearing consistent with permitting the employee a full and fair opportunity to respond to the allegations.
 - g. At the hearing, the employee shall present his or her evidence, if any, and the appointing authority shall have an opportunity to cross-examine all employees' witnesses.
 - h. At the close of testimony, the appointing authority shall, within five (5) work days, prepare and submit written findings and a disciplinary response to the employee, where appropriate, based upon the evidence presented at the hearing and a consideration of the following factors:
 - i. Nature of offense
 - ii. Degree of severity and cost of the offense
 - iii. Employee's length of service
 - iv. Number and nature of previous offenses
 - v. Conferences, warnings, and other corrective actions for previous offenses
 - vi. Employee's pattern of conduct
 - vii. Time interval between offenses
 - i. Those departments with collective bargaining agreements that mandate a different disciplinary procedure will follow the procedure called for in the agreement.
- 2. Exception.**
- a. This Directive does not apply to probationary employees. Probationary employees may be subject to disciplinary action without a pre-disciplinary hearing.