



ADMINISTRATION POLICY:

Labour Relations

Policy number:	HR-LR-002 (C)
ALT report:	N/A
Approved by:	Administrative Leadership Team (ALT)
Effective date:	2017/ 05 / 29
Next revision due:	2020 / 01 / 01
Department/BU:	CFOD/Human Resources (Labour Relations Division)

BACKGROUND

The Corporation of The City of Calgary ("The City") is committed to the goal of strengthening its workforce.

PURPOSE

The purpose of this policy is to describe the rules around movement of employees, termination of employment, unions, counselling, discipline and suspensions pending investigations, grievances and appeals, and examples of employment-related offences.

SCOPE/EXCEPTIONS

This policy applies to all unionized employees of The City of Calgary.

In all cases, the terms and conditions of existing collective agreements must be followed. Questions concerning the proper interpretation and application of collective agreement provisions are to be directed to Human Resources.

DEFINITIONS

Contained in the relevant sections.

Contents

ADMINISTRATION POLICY:	1
Labour Relations	Error! Bookmark not defined.
BACKGROUND	1
PURPOSE	1
SCOPE/EXCEPTIONS	1
DEFINITIONS	1
1.0 MOVEMENT OF EMPLOYEES	6
1.1 Service	6
1.1.1 Non-Crediting Service Time.....	6
1.1.2 Service on Re-engagement.....	6
1.1.3 Service on Change in Bargaining or Business Unit.....	6
1.2 Seniority	6
1.3 Promotion	6
1.4 Demotion	7
1.4.1 Non-Disciplinary Demotion	7
1.4.2 Disciplinary Demotion.....	7
1.4.3 Voluntary Demotion	7
1.5 Transfer	7
1.6 Functional Reporting	7
1.7 Reassignment of Duties	8
1.8 Lay-off and Recall	8
2.0 TERMINATION OF EMPLOYMENT	8
2.1 Resignation Notice	8
2.2 Dismissal	8
2.2.1 Dismissal for Non-Culpable Reasons	8
2.2.2 Dismissal for Culpable Reasons	8
2.2.3 Appeals Against Dismissal	9
2.3 Desertion from Service	9
2.3.1 Duration of absence	9

2.3.2 Notification – Desertion from Service.....	9
2.3.4 Exceptions.....	9
2.4 Employment References	9
3.0 UNIONS.....	10
3.1 Union Recognition and Security.....	10
3.2 Dues and Memberships.....	10
3.3 Protocol for Unions' Use of the City's Computer Resources.....	10
4.0 COUNSELLING, DISCIPLINE AND SUSPENSIONS PENDING INVESTIGATIONS	10
4.1 Philosophy.....	10
4.1.2 Definitions	11
4.2 Counselling	11
4.2.1 Purpose of Counselling.....	11
4.2.2 Counselling & Expectations	11
4.2.3 Counselling Documents.....	12
4.3 Disciplinary Action	12
4.3.1 Union Representation.....	12
4.3.2 Consistency in Disciplinary Action	12
4.3.3 Objective and Impartial Disciplinary Action	12
4.3.4 Four Disciplinary Steps.....	12
4.3.5 Disciplinary Documents	13
4.4 Written Warning – (normal step one)	13
4.5 Suspension – (normal steps two and three).....	13
4.5.1 Reasons for Suspension.....	13
4.5.2 Suspension and Seniority	14
4.6 Dismissal (normal step four).....	14
4.6.1 Notice of Dismissal	14
4.6.2 Grounds for Dismissal	14
4.7 Disciplinary Demotion	14
4.7.1 Reasons for Demotion.....	14
4.7.2 Terms for Demotion.....	14

4.8	Suspension Pending Investigation	15
4.8.1	Definition	15
4.8.2	Prior Consultation	15
5.0	GRIEVANCES AND APPEALS	16
5.1	Appeal Procedure	16
5.2	Grievance Handling	16
5.3	Policy Grievances	16
6.0	EXAMPLES OF EMPLOYMENT-RELATED OFFENCES	17
6.1	Absenteeism.....	17
6.1.1	Attendance Expectations.....	17
6.1.2	Culpable Absenteeism.....	17
6.1.3	Non-culpable Absenteeism.....	17
6.1.4	Attendance Support Programs.....	17
6.2	Intoxicant Possession and / or Use.....	17
6.2.1	Suspension for Intoxicant Possession/Use	17
6.2.2	Removal from Worksite	18
6.3	Physical Assault or Threat.....	18
6.4	Criminal Conduct	18
6.4.1	Dismissal for Criminal Charge(s) or Conviction(s).....	18
6.4.2	Incarceration as a Result of a Criminal Offence or Conviction	18
6.5	Falsification of Official Documents	19
6.6	Insubordination	19
6.6.1	Discipline for Insubordination.....	19
6.6.2	Justification for Refusing to Act.....	19
6.7	Malfeasance.....	19
6.7.1	Definition of Malfeasance	19
6.7.2	Reporting Malfeasance.....	20
6.8	Abuse or Loss of Civic Property	20
6.8.1	Employee's Responsibility	20
6.8.2	Cost Recovery.....	20

6.9 Negligence and Carelessness	20
6.9.1 Employee's Responsibility	20
6.9.2 Outcome of Negligence	20
6.10 Tardiness	20
6.11 Off-Duty Behaviour and / or Criminal Conduct	21
6.11.1 Reasons for Addressing Off-duty Behaviour	21
6.11.2 Examples of Conduct Generally Resulting in Dismissal	21
6.12 Invalid Provincial Operator's Licence or Suspended City Operator Permit 21	
6.12.1 General Provisions	21
6.12.2 Discipline for Expired Provincial Operator's Licence	22
6.12.3 Discipline for Suspension of Provincial Operator's Licence or City Operator's Permit	22
6.12.4 Dismissal for Suspension of Provincial Operator's Licence or City Operator's Permit 23	
6.12.5 Employment Options for a Suspended Provincial Operator's Licence or City Operator's Permit	23
6.13 Inappropriate Workplace Behaviour.....	24
6.14 Fraud Related to Benefits.....	24
SUPPORTING REFERENCES AND RESOURCES	25
References to related corporate-wide procedures, forms and resources	25
References to related Council policies, bylaws and administration policies	25
Other references and resources	26
REVISION HISTORY.....	27

1.0 MOVEMENT OF EMPLOYEES

The terms and conditions of existing collective agreements must be followed for all employee movements.

1.1 SERVICE

Service shall be calculated from the most recent date of continuous employment.

1.1.1 Non-Crediting Service Time

Employees of School, Hospital, Library, and other Boards and Authorities shall not, on appointment to the civic service, be credited for service purposes with time served in the employ of these Boards and Authorities.

1.1.2 Service on Re-engagement

Where an employee resigns or is dismissed for cause from the civic service and is later re-engaged, service shall date only from the date of re-engagement.

1.1.3 Service on Change in Bargaining or Business Unit

An employee in one bargaining unit, who accepts employment in another without a break in service, will retain and accumulate City service.

The same consideration will apply to movement in or out of the exempt staff group.

Seniority will be determined by the applicable collective agreement when there is a change of bargaining unit.

- An employee is not required to resign when moving between business units or bargaining units, except for:
- students hired under the Work Experience Opportunities for Students or Youths Letter of Understanding (the Student Letter/CUPE Local 38), where their employment is terminated at the end of their assignment;

1.2 SENIORITY

Seniority shall be calculated as outlined in the appropriate collective agreement.

1.3 PROMOTION

A promotion is movement of an employee to a position in a classification with a higher maximum salary or wage rate than the position vacated.

- The City shall endeavour to inform employees of job vacancies in the civic service and give due consideration to those employees applying.
- Specific provisions concerning promotions are contained in the various collective agreements.

Note: See Compensation Policy ([Administration Policy HR-TR-004](#)) – 8.04 Pay Adjustments – Existing Personnel

1.4 DEMOTION

A demotion is movement of an employee to a position in a classification having a lower maximum salary or wage rate than the position vacated.

Where demotion for cause is contemplated, Human Resources must be consulted.

Note: See Compensation Policy ([Administration Policy HR-TR-004](#)) – 8.04 Pay Adjustments – Existing Personnel

1.4.1 Non-Disciplinary Demotion

- is used in response to an employee's demonstrated inability to perform the duties of a particular position due to:
 - lack of training or preparation;
 - medical or other reasons.
- may be for a specified period, to enable the employee, where feasible and practical, to acquire the skills necessary to re-assume the duties and responsibilities.

1.4.2 Disciplinary Demotion

- is used in response to an employee's demonstrated carelessness, unwillingness, incompetence, irresponsibility or unsatisfactory work performance;
- is for a specified period of time [see Section 4.7 - [Disciplinary Demotion](#)].

1.4.3 Voluntary Demotion

An employee may be allowed to move to a position that constitutes a demotion.

1.5 TRANSFER

A transfer is movement of an employee from one position to another in a classification having the same maximum salary or wage rate than the position vacated.

1.6 FUNCTIONAL REPORTING

Normally, an employee reports to only one authority. In some cases, an employee with specialized skills may be assigned temporarily or permanently to another division or business unit. In such cases:

- the employee will come under the general administrative authority of the local supervisor, i.e., will conform to local standards, working hours and routine;

- technical performance of the specialized skills will, however, remain under the functional authority of the head of the work group responsible for the specialized skills (e.g., accounting, law, etc.)

1.7 REASSIGNMENT OF DUTIES

It may be necessary to reassign employees to other positions and classifications. In such cases, the conditions in the applicable collective agreements relating to the reassignment of personnel shall govern.

Reasons for reassignment include:

- work shortages, work reorganization, or similar situations; or
- situations where employees have become unable to perform their work satisfactorily due to health, injury, or other similar reason. In such cases, refer to Duty to Accommodate in Employment Policy ([Administration Policy HR-EMP-001](#)).

1.8 LAY-OFF AND RECALL

The provisions of the applicable collective agreements govern all lay-off and recalls.

2.0 TERMINATION OF EMPLOYMENT

2.1 RESIGNATION NOTICE

All employees shall provide The City with a minimum of two weeks' notice, in writing, of their termination of employment.

2.2 DISMISSAL

2.2.1 Dismissal for Non-Culpable Reasons

Except for cause, when The City dismisses an employee, notice or payment in lieu of notice shall be given in accordance with the specific collective agreement or the [Employment Standards Code](#).

2.2.2 Dismissal for Culpable Reasons

Employees who have committed offences of a culpable nature justifying dismissal for cause shall be dismissed without notice (refer to Section [4.7 Dismissal \(Normal Step 4\)](#)).

2.2.3 Appeals Against Dismissal

Any employee desiring to appeal dismissal shall do so under the appropriate procedure (refer to Section 5 - [Grievances and Appeals](#)).

2.3 DESERTION FROM SERVICE

Where covered, the provisions of a collective agreement shall take precedence over the following:

2.3.1 Duration of absence

An employee who is on an unauthorized absence from work in excess of seven calendar days shall be deemed to have deserted their employment with The City, and

- such employee will be dismissed for cause from employment, and
- such dismissal shall be recorded as “dismissed for cause” and the employee’s record will reflect a Do Not Rehire (DNR) designation.

2.3.2 Notification – Desertion from Service

The supervisor shall send the employee a letter (registered or via courier) to the employee’s current, or last known, address.

The letter will state that the employee is considered to have deserted his employment with the City as of the last day worked, due to the unauthorized absence from work.

The letter will also state that the employee’s termination will be recorded as “dismissed for cause” and the employee’s rehire status will be Do Not Rehire (DNR).

The union must be copied on this letter.

2.3.4 Exceptions

Where an employee is able to provide documentary evidence that it was impossible to obtain authorization for his / her absence from work, management may reconsider whether the terminated employee has abandoned his / her job.

Note: Contact Labour Relations prior to termination in situations where the employee was on an approved leave (e.g. SA, WCB, or LTD) and then was absent without permission, as termination may not be the appropriate response.

2.4 EMPLOYMENT REFERENCES

Please refer to the Employment Policy ([Administration Policy HR-031](#)) Section 6.7.1 Reference Checks.

3.0 UNIONS

3.1 UNION RECOGNITION AND SECURITY

The City recognizes the right of employees in non-exempt positions to join, as a member, the union or association certified as bargaining agent for their employee group.

The City will not discriminate against its employees because of their connection with a trade union or employee association.

3.2 DUES AND MEMBERSHIPS

All employees covered by a collective agreement pay union dues patterned on the Rand Formula, except as otherwise provided in any collective agreement.

Union dues are deducted from pay cheques, but this does not necessarily purchase membership in the union or association.

3.3 PROTOCOL FOR UNIONS' USE OF THE CITY'S COMPUTER RESOURCES

Unions can, at their own expense, use email to enable them to communicate with the corporation on business matters (e.g., where union representatives sit on joint task forces or boards, such as the Executive Committee of Municipal Employees Benefit Association of Calgary ([MEBAC](#))).

The City's computer resources are not to be used for activities internal to the union i.e., sending or receiving notification of union meetings, union agendas, polling of membership, etc.

The City's computer resources will not be recognized as an official means of conducting Labour Relations matters, i.e. processing of grievance decisions.

4.0 COUNSELLING, DISCIPLINE AND SUSPENSIONS PENDING INVESTIGATIONS

4.1 PHILOSOPHY

The City adheres to the philosophy of using counselling and progressive discipline with the objective of correcting problems in the area of job performance or employee behaviour. However, depending on the nature and gravity of the offence, steps in the normal disciplinary process may be bypassed or repeated (repetition is only used for prior discipline that is at the last step before termination) where circumstances warrant. Contact your [BAS HR Business Partner](#) or [Labour Relations](#) for assistance in

determining whether discipline is appropriate in the circumstance and if so, the level of discipline.

4.1.2 Definitions

- Non-culpable behaviour or performance that is a result of factors outside of the employee's control. In these types of circumstances the employee is not responsible and therefore is not deserving of blame nor of discipline.
- Culpable behaviour or performance is deliberate or intentional behaviour which is under the employee's control. It occurs when the employee knows what is expected and is capable of following the expectations, but either refuses or does not perform up to the expected standard. This type of behaviour is considered misconduct and should be addressed through the progressive discipline process.

4.2 COUNSELLING

When an employee is experiencing difficulty in meeting work standards or in conforming to City policies or procedures, the employee may be counselled verbally or in writing by the immediate supervisor. Since counselling is a non-disciplinary process, union representation is not required by any collective agreement.

The 'counselling' and 'expectations' refer to the same both non-disciplinary approach; for clarity, a letter of expectations is the same as a letter of counselling. Anywhere where the term 'counselling' is used in this section (section 4), it also includes 'expectations.'

4.2.1 Purpose of Counselling

Counselling of a non-disciplinary nature is intended to outline the nature of a problem (performance or behaviour), such as:

- insufficient training or preparation;
- inadequate job skills;
- misinterpretation of City policies and regulations;
- poor communication between the employee and supervisor;
- carelessness or negligence; or
- poor work habits or attitudes.

Counselling may also be used to address minor incidents of a culpable nature, but only if there is no active discipline on file. Contact your [BAS HR Business Partner](#) if you are unclear as to whether to use counselling or discipline to address the issue at hand.

4.2.2 Counselling & Expectations

During the counselling stage, management must outline in clear terms the work performance or conduct expected of the employee as well as:

- the method of achieving acceptable work standards; and

- the time frame within which those standards are to be met.

4.2.3 Counselling Documents

The issue(s) discussed during counselling sessions shall be formalized by the supervisor in the form of a memo or letter to the employee and shall be restricted to the supervisor and the employee only*.

* For [ATU Local 583](#), please reference the collective agreement for specific rules regarding counselling and employee files.

4.3 DISCIPLINARY ACTION

Disciplinary action is initiated where there is just cause. The supervisor initiating disciplinary action must ensure compliance with all provisions of the applicable collective agreement pertaining to such an action.

Note: Management, together with their [BAS HR Business Partner](#), must always conduct an investigation to determine cause prior to determining and issuing discipline.

4.3.1 Union Representation

Before an employee is to be interviewed, where disciplinary action is being contemplated or for the purpose of determining disciplinary action, the employee must be advised of his / her right to union representation during the interview.

4.3.2 Consistency in Disciplinary Action

Before initiating any disciplinary action, the supervisor must consult with their [BAS HR Business Partner](#) or [Labour Relations](#). The reason for prior contact is to maintain consistency across the corporation in matters related to discipline.

4.3.3 Objective and Impartial Disciplinary Action

The City recognizes the necessity of objective and impartial disciplinary action, which is based upon the actual merits of the case and individual involved. Therefore,

- disciplinary action must be assessed individually on the merits of each case and employee, and
- all documentation related to a disciplinary action must be complete and accurate.

4.3.4 Four Disciplinary Steps

Where progressive discipline is appropriate, normally there are four steps*. The nature and gravity of each incident or set of circumstances determine the choice of steps. The four steps are:

- written warning
- short suspension
- long suspension

- dismissal.

* Additionally, demotion can be used in certain circumstances as a disciplinary response (Refer to Sections [1.4.2 - Demotions](#) and [4.7 - Disciplinary Demotion](#)).

4.3.5 Disciplinary Documents

In all cases, where disciplinary documents are to be placed on the individual's Employee File:

- unionized employees must be advised of the option of having union representation at the disciplinary meeting;
- copies of the disciplinary document are to be provided to the employee, the Union, Labour Relations and the Human Resources Records Centre.

Contact your BAS HR Business Partner for letter templates for all stages of discipline.

4.4 WRITTEN WARNING – (NORMAL STEP ONE)

A written warning may be the first corrective action taken, depending on the nature and gravity of the offence. A written warning should include:

- the nature of the unsatisfactory performance or behaviour,
- the remedial action sought,
- the time frame within which acceptable standards are to be achieved (where applicable), and
- a statement that further disciplinary action will be taken if culpable behaviour continues.

4.5 SUSPENSION – (NORMAL STEPS TWO AND THREE)

An employee may be suspended without pay for the first offence of a serious nature or for continuing infractions where previous corrective discipline has not been effective.

4.5.1 Reasons for Suspension

First occurrences of offences may justify a brief or lengthy suspension. The following list is not exhaustive and the offences listed could also be cause for immediate dismissal:

- disregard for City safety regulations,
- negligence,
- physical violence against supervisors or fellow employees,
- insubordination,
- possession and / or consumption of intoxicants (E.g., alcohol, drugs) on City premises,
- falsification of official records or documents,
- deliberate disregard for City policies and regulations,
- unauthorized absence from work,

- use of foul or abusive language,
- breaches of the City's Code of Conduct Policy ([Administration Policy HR-LR-005](#)).

4.5.2 Suspension and Seniority

While under suspension, an employee may be subject to loss of, or suspension of, seniority accrual in accordance with the applicable collective agreement.

4.6 DISMISSAL (NORMAL STEP FOUR)

4.6.1 Notice of Dismissal

An employee may be dismissed for cause without notice.

4.6.2 Grounds for Dismissal

Dismissal generally results from one of the following situations:

- progressive discipline (through written warnings, and / or suspensions) has not resulted in the employee conforming to accepted standards of work performance or conduct;
- the nature of the offence is sufficiently serious to warrant immediate dismissal. (e.g., generally for malfeasance (See Section 6.07 - Malfeasance), violent assault, etc.).

4.7 DISCIPLINARY DEMOTION

Demotion is not one of the regular steps in progressive discipline; however, certain circumstances may warrant consideration of this response instead of or in conjunction with other disciplinary actions. Disciplinary demotions are for a defined period of time.

4.7.1 Reasons for Demotion

Demotion may be a reasonable response to, but not limited to:

- recurrent negligence,
- poor work attitude,
- unsatisfactory work performance,
- disregard for safety regulations.

4.7.2 Terms for Demotion

The terms under which a demotion is imposed must include:

- a clear statement of the reasons for demotion,
- a concise summary of the work performance or conduct expected of the employee,
- an appropriate time frame within which to accomplish the stated objectives,

- a review process by which the supervisor may reasonably assess the employee's progress.

4.8 SUSPENSION PENDING INVESTIGATION

4.8.1 Definition

A Suspension Pending Investigation (SPI) is with pay and may be initiated when an employee is alleged to have committed an employment-related offence of a serious nature, where further data gathering or fact-finding is required and the employee needs to be removed from the workplace. This suspension is non-disciplinary in nature.

Note: for ATU members, please refer to the Letter of Understanding in the ATU Collective Agreement

4.8.2 Prior Consultation

Human Resources must be consulted either prior to affecting any Suspension Pending Investigation or as soon as possible thereafter if prior consultation is not possible. The merits of imposing a suspension pending investigation will be discussed with Labour Relations as required.

4.8.3 Reasons for a Suspension Pending Investigation

A Suspension Pending Investigation is justified if the employee's presence at work could jeopardize The City's legitimate interests regarding:

- the ability of the employee to effectively perform his/her work (e.g., disregard for City safety regulations, insubordination, reporting for work under the influence of an intoxicant),
- safety of other workers (e.g., negligence or physical violence against a supervisor or fellow employee),
- The City's reputation or credibility or ability to effectively provide service, and/or
- culpable behaviour under investigation, that could result in dismissal.

4.8.4 Union Notification

A union representative should be verbally notified of the Suspension Pending Investigation as soon as practicable.

4.8.5 Employee Notification

Should the employee be interviewed for the purpose of determining disciplinary action or where disciplinary action is being contemplated, the employee must be notified of his right to union representation.

Written notification of a Suspension Pending Investigation should be made to the employee with the following parties copied:

- the union or association representing the employee

- Pay Services and Benefits
- Manager, Labour Relations
- Human Resources Record Centre Employee File.

Contact your [BAS HR Business Partner](#) for a template of an SPI letter.

4.8.6 Investigations

It is the responsibility of the supervisor concerned to ensure that any investigation of an employee's alleged misconduct on the job is carried out quickly and objectively.

Depending on the nature of the alleged offence, Corporate Security may need to be contacted to assist with the investigation.

[Corporate Security](#) must be informed when the alleged offence concerns threats, thefts, use of alcohol or drugs in the workplace, and / or any other criminal activities.

5.0 GRIEVANCES AND APPEALS

5.1 APPEAL PROCEDURE

Every employee is entitled to appeal a disciplinary action intended to be a matter of record, including written warnings, suspension, demotion and dismissal.

For employees covered by collective agreements, the appeal procedure is known as a grievance procedure and is included in each collective agreement.

For exempt employees, the appeal process is outlined in the Exempt Staff Policy ([Administration Policy Hr-LR-006](#)).

5.2 GRIEVANCE HANDLING

When management receives a grievance from a union or employee, Human Resources must be consulted regarding the merits of the issue, the hearing date(s) and the appropriate response.

5.3 POLICY GRIEVANCES

Where allowed by collective agreement, unions may initiate policy grievances on behalf of a segment of or the entire bargaining unit.

Subject to the applicable collective agreement, a policy grievance will be dealt with by Human Resources as follows:

1st Step: an appropriate manager as designated by the Director of Human Resources

2nd Step: the Director, Human Resources

3rd Step: the General Manager, Corporate Services.

Management personnel from the business unit where the grievance originated will attend the grievance hearing when required.

6.0 EXAMPLES OF EMPLOYMENT-RELATED OFFENCES

6.1 ABSENTEEISM

6.1.1 Attendance Expectations

The City expects employees to fulfill their contractual obligations and to discharge their employment responsibilities in a consistent and adequate manner. To this end, it is the employee's responsibility to maintain regular and consistent attendance at work.

6.1.2 Culpable Absenteeism

Culpable absenteeism, such as absence from work on one or more occasions without permission or notice, or without sufficient reason supported by documentary evidence, may result in discipline including warnings, suspension and dismissal.

6.1.3 Non-culpable Absenteeism

Non-culpable absenteeism, resulting from circumstances beyond the control of the employee (e.g., recurrent illnesses, personal or emotional problems), may result in non-disciplinary action including written notice(s) and dismissal.

6.1.4 Attendance Support Programs

Supervisors must refer to the business unit's Attendance Support Program (ASP), where one exists, and consult with Human Resources before initiating any action for excessive absenteeism. Only non-disciplinary action is permitted under the ASP.

Note: for further information about attendance management, refer to the HR intranet website on "[Attendance Support](#)".

6.2 INTOXICANT POSSESSION AND / OR USE

Employees who possess and/or consume intoxicants (e.g., alcohol, or legal or illegal drugs) on City premises or report for work under the influence of these or other intoxicants may be subject to disciplinary action including warnings, suspensions or dismissal.

6.2.1 Suspension for Intoxicant Possession/Use

In cases where the supervisor has reasonable grounds to suspect an employee is incapable of performing safely or properly, Suspension Pending Investigation may

be the most appropriate action to enable the supervisor to carry out the necessary inquiries. (See Section 4.8 - Suspension Pending Investigation)

6.2.2 Removal from Worksite

The supervisor should take reasonable steps to ensure employees who are incapable of working are safely dispatched from the worksite.

Note: See the Substance Use Policy ([Administration Policy HR-TR-005](#)) and the related [Substance Use Guidelines](#).

6.3 PHYSICAL ASSAULT OR THREAT

A physical assault, or threat of a physical assault, upon a supervisor, fellow employee, or citizen may be grounds for suspension or dismissal.

All relevant factors must be assessed in considering the degree of disciplinary action for physical violence or threat(s).

Note: See Workplace Violence Policy ([Administration Policy HR-LR-001](#)).

6.4 CRIMINAL CONDUCT

6.4.1 Dismissal for Criminal Charge(s) or Conviction(s)

An employee who is charged with or convicted of a criminal offence committed during working hours or during off-duty hours may be dismissed for cause without notice if the offence:

- Violates the LR Policy; and/or
 - harms The City's reputation;
 - renders the employee unable to perform duties satisfactorily;
 - leads to refusal, reluctance or inability of other employees to work with them;
 - results in making it difficult for The City to properly carry out its function of efficiently managing its operations and to efficiently direct its working forces;
 - results in a breach of trust.

Note: See Sections [4.8 - Suspension Pending Investigation](#) and [6.11 Off-Duty Behaviour and / or Criminal Conduct](#).

6.4.2 Incarceration as a Result of a Criminal Offence or Conviction

Subject to 6.4.1, an employee who is incarcerated as a result of a criminal offence or conviction may request an unpaid leave of absence. An investigation will be required and approval will depend on the circumstances giving rise to the request and the duration of the leave.

Note: See Section [4.8 Suspension Pending Investigation](#) regarding alleged criminal conduct.

Note: Contact Labour Relations prior to denying or approving such a leave.

6.5 FALSIFICATION OF OFFICIAL DOCUMENTS

Falsification of employment records, medical documents, production records, time sheets, invoices, or other documents* constitutes grounds for suspension or dismissal depending on the circumstances surrounding the offence.

* Other documents include any that are relevant to any approved leave of absence from work, including absence for health-related reasons.

6.6 INSUBORDINATION

Employees who refuse to obey a legitimate instruction from their supervisor may be suspended or dismissed.

6.6.1 Discipline for Insubordination

In order to discipline an employee for refusing to obey instructions, the Supervisor must show that:

- clear instructions were given,
- the instructions were communicated to and understood by the employee,
- the instructions were given by someone the employee could recognize as having the authority to issue such instructions, and
- the employee refused to comply with the instructions.

6.6.2 Justification for Refusing to Act

Discipline may not be imposed in situations where the employee's refusal to carry out instructions is justified. These are limited to situations in which:

- the employee's or other employees' health and safety may be endangered,
- the employee is required to perform an illegal act.

6.7 MALFEASANCE

6.7.1 Definition of Malfeasance

Malfeasance, which is generally grounds for dismissal, includes:

- the wrongful or unauthorized acquisition, use, appropriation, or disposal of City assets including monies, information, data, materials, labour or equipment;
- the violation of public trust or duty;
- the misuse of position for personal gain.

6.7.2 Reporting Malfeasance

Where malfeasance is known or suspected, an employee is expected to report it through normal business unit channels.

Where this is not possible due to the possible implication of employees at higher levels, the employee shall report the matter to the Manager, Corporate Security, who shall apprise Human Resources (Labour Relations).

The anonymity of an employee reporting malfeasance shall be protected as far as is within The City's control. Such employee, however, may qualify as a witness and therefore be served with a subpoena and be required to attend an arbitration, a court of law or other proceedings.

Failure to report known or suspected malfeasance may in itself be subject to disciplinary action.

6.8 ABUSE OR LOSS OF CIVIC PROPERTY

6.8.1 Employee's Responsibility

Every employee is held responsible for using all reasonable care to prevent abuse or unreasonable wear-and-tear or loss of civic equipment or material, which they use or is entrusted to their care.

6.8.2 Cost Recovery

The cost of loss, damage or unusual wear of equipment or material may be recovered by The City through payroll deduction if authorized:

- personally in writing by the employee, or
- by a provision in the applicable collective agreement.

6.9 NEGLIGENCE AND CARELESSNESS

6.9.1 Employee's Responsibility

The employee has an obligation to discharge civic duties and responsibilities with care and diligence in conformance with work area standards.

6.9.2 Outcome of Negligence

An employee may be warned, suspended, demoted or dismissed for negligence or carelessness. In such cases, the supervisor must show that the employee had been made aware of the responsibilities and performance requirements.

6.10 TARDINESS

Late arrival for work without reasons acceptable to the supervisor may be grounds for warnings, suspensions and ultimately dismissal.

6.11 OFF-DUTY BEHAVIOUR AND / OR CRIMINAL CONDUCT

6.11.1 Reasons for Addressing Off-duty Behaviour

An employee may be disciplined or discharged for off-duty behaviour when the behaviour:

- harms The City's reputation or product;
- renders the employee unable to perform duties satisfactorily;
- leads to refusal, reluctance or inability of other employees to work with them;
- results in making it difficult for The City to properly carry out its function of efficiently managing its operations and to efficiently direct its working forces;
- results in a breach of trust.

6.11.2 Examples of Conduct Generally Resulting in Dismissal

Where an employee's off-duty conduct results in significant or irreparable damage to the employment relationship in terms of trust, the employee will generally be dismissed.

The following is a non-exhaustive list of off-duty offences that may cause The City to conclude that the employer / employee relationship has been irreparably damaged:

- Fraud
- Physical assault
- Drug trafficking
- Malfeasance
- Property-related offences
- Other

6.12 INVALID PROVINCIAL OPERATOR'S LICENCE OR SUSPENDED CITY OPERATOR PERMIT

This policy applies to any situation where an employee has an invalid provincial operator's licence, regardless of whether this is a result of a licence suspension (caused by an impaired driving charge, Provincial demerit points, dangerous driving, etc.), an expired licence, or any other reason. This policy also applies to any situation where the employee's City Operator's Permit is suspended.

Note: This policy shall not apply where an employee's suspension of licence results from something other than the employee's personal conduct, e.g., a medical condition such as epilepsy. In such cases, contact Human Resources for assistance.

6.12.1 General Provisions

An employee whose job requires operation of a City vehicle must have both a valid Provincial Operator's Licence and a valid City Operator's Permit.

An employee whose job requires operation of their personal vehicle as part of their job duties must have a valid Provincial Operator's Licence.

If, for any reason, the Provincial Operator's Licence or City Operator's Permit is suspended or withdrawn by a duly constituted authority (e.g. a government body, a police force, City Law Department, Fleet Services, Calgary Transit, CFD or CPS), the employee must immediately notify his / her exempt supervisor of the licence loss. Additionally:

- Any and all City Operator's Permits must be returned to the employee's exempt supervisor.
- Fleet Services will review the employee's driving record and City Driver's File upon conclusion of the Licence or Permit suspension, to determine when or whether the City Operator's Permit will be returned.
- Fleet Services will re-test the employee prior to reinstatement of the City Employee Operator's Permit.

Employees (regardless of type or length of service) who are required to have a valid Provincial Operator's Licence and/or City Operator's Permit (where applicable) and whose licence or permit is expired or suspended, will be disciplined up to and including dismissal.

Such discipline is in addition to the actions listed 6.12.5.

Note: Contact your [BAS HR Business Partner](#) or [Labour Relations](#) to discuss the appropriate level of discipline.

6.12.2 Discipline for Expired Provincial Operator's Licence

Employees (regardless of type or length of service) who are required to have a valid Provincial Operator's Licence and whose licence has expired, will be disciplined up to and including dismissal.

The level of discipline is dependent upon the circumstances surrounding the expiration of the licence, as well as whether or not the employee operated City equipment with an expired licence. The discipline generally ranges from

- a written warning, to
- a long suspension (recognized as Step 3 under Article 4.3.4), to
- dismissal.

Note: Contact your BAS HR Business Partner or Labour Relations to discuss the appropriate level of discipline.

6.12.3 Discipline for Suspension of Provincial Operator's Licence or City Operator's Permit

The City has the right to take disciplinary action, up to and including dismissal where an employee's

- Provincial Operator's Licence or

- City Operator's Permit is suspended.

Note: Contact your BAS HR Business Partner or Labour Relations to discuss the appropriate level of discipline.

6.12.4 Dismissal for Suspension of Provincial Operator's Licence or City Operator's Permit

Employees will be dismissed if any one of the following conditions occurs:

- on the first instance of suspension of their Provincial Operator's Licence or City Operator's Permit where the employee is a temporary employee with 24 months or less cumulative service;
- on the second suspension of their Provincial operator's licence or of their City Operator's Permit within five years of a previous suspension where the employee is a permanent employee or a temporary employee with more than 24 cumulative months of service;
- if Option 1 and Option 2 are not feasible (see section 6.12.5);
- if an employee receives a suspension in excess of 18 months of their Provincial Operator's Licence and/or City Operator's Permit; or
- if the City Operator's Permit is permanently suspended.

Note: Where an employee's Provincial Operator's Licence is suspended due to a disability, contact [BAS HR Business Partner](#) or [Labour Relations](#).

6.12.5 Employment Options for a Suspended Provincial Operator's Licence or City Operator's Permit

In the event that a permanent employee's (or temporary employee with more than 24 cumulative months of service) Provincial Operator's Licence or City Operator's Permit is suspended:

- for a period less than or equal to twelve (12) months; and/or
- where The City determines that the risk is sufficient to support continued suspension of the City Operator's Permit after the Provincial suspension has ended in order to provide the employee with time to demonstrate off-duty safe driving skills, and the total duration of the suspensions (Provincial Operator's Licence plus City Operator's Permit suspensions) is less than eighteen (18) months;
- and the employee did not operate City equipment, the following options will be reviewed during the suspension:

one of the following two options shall be considered where operationally feasible:

Option 1: Reassignment, Redistribution, Alternate Transportation

Option 2: Unpaid Leave of Absence

Note: Contact your BAS HR Business Partner or Labour Relations to discuss the details of each option.

The City may take one of the following actions for a maximum of eighteen (18) months, provided it is operationally feasible and doesn't result in an unreasonable disruption to the operations or additional cost:

6.13 INAPPROPRIATE WORKPLACE BEHAVIOUR

The City of Calgary is committed to creating and sustaining a vibrant, healthy, safe and caring work environment for its employees.

An employee engaged in inappropriate workplace behaviour including causing damage to people or property, acting in a discriminatory or harassing manner, or engaging in disrespectful conduct will be subject to appropriate disciplinary action, which may include dismissal.

6.14 FRAUD RELATED TO BENEFITS

Should a City employee be found to have defrauded or deceived a City of Calgary benefit plan or allowance, appropriate disciplinary action will be taken. The extent of such action will depend upon the nature and extent of the dishonest act and the degree to which the dishonest act negatively impacts on the ability of the employee to carry out his / her employment duties in a trustworthy manner.

SUPPORTING REFERENCES AND RESOURCES

Please note that some of the items listed below may not be publicly available.

References to related corporate-wide procedures, forms and resources

[Attendance Support Program \(ASP\)](#) intranet

[Duty to Accommodate in Employment](#) intranet

[Grievance Handling Guidelines](#) intranet

[Health Challenges](#) website

[Learning for Municipal Excellence Courses](#)

- [Leading Health & Wellness](#)
- [LFME LR Module 1: Leading in a Unionized Environment](#)
- [LFME LR Module 2: Managing Innocent Absenteeism](#)
- [LFME LR Module 3: Substance Use and the Workplace](#)
- [LFME Respect in the Workplace](#)
- [LFME Workplace Violence](#)

[Labour Relations Issues & Resources](#) intranet

[My HR](#) intranet

[Substance Use Health Management](#) website

[Substance Use Guidelines](#)

[Workplace Violence](#) intranet

References to related Council policies, bylaws and administration policies

[Acceptable Use of Technology Policy \(Administration Policy IM-IT-002\)](#)

[Code of Conduct Policy \(Administration Policy HR-LR-005\)](#)

[Compensation Policy \(Administration Policy HR-TR-004\)](#)

Conflict of Interest Policy (Administration Policy HR-LR-004)

[Duty to Accommodate in Employment Policy \(Administration Policy HR-EMP-001\)](#)

[Employment Policy \(Administration Policy HR-031\)](#)

Environmental Policy (Council Policy UEP001)

FOIP Employee Reference Manual

[Leave of Absence Policy \(Administration Policy HR-LR-003\)](#)

[Occupational Health and Safety Policy \(Administration Policy HS-ESM-001\)](#)

Public Statements and Media Relations Policy (MP-001)

[Respectful Workplace Policy \(Administration Policy HR-LR-001\)](#)

[Substance Use Policy \(Administration Policy HR-TR-005\)](#)

[Workplace Violence Policy \(Administration Policy GN-040\)](#)

Other references and resources

[Alberta Freedom of Information and Protection of Privacy Act](#)

[Alberta Human Rights Act](#)

[Alberta – Employment Standards](#)

[Alberta Labour Relations Code](#)

[Municipal Employees Benefit Association of Calgary \(MEBAC\)](#)

REVISION HISTORY

Review Date	Description
2018 09 26	<ul style="list-style-type: none"> 6.12.2 Discipline for Expired Provincial Operator's Licence: revised
2017 01 01	<ul style="list-style-type: none"> Updated links, terminology and format Revised References section to reflect movement to Employment Policy 4.1 – 4.7: clarified SPI: changed to 'with pay' 6.1.2 and 6.1.4: clarified 6.12 Invalid Licence: revised
2008 04 01	<ul style="list-style-type: none"> Migrated to Administrative Policy template, renumbered and links updated Leave of Absence, Code of Conduct and Conflict of Interest policies removed and established as stand-alone policies.
2004 09 21	New Policy
1986 03 27	Chapter 32: Employee Relations Policy (in the hard-copy-based editions of the Administration Manual)