

REVISED (2019)

EMPLOYEE DISCIPLINE PROCEDURES

INTRODUCTION

Rules of the Personnel Board provide that officers or employees are subject to discipline for the failure to observe all rules of conduct and discipline specified in the Code of conduct. The Code of Conduct, Guidelines for Discipline, and Standards and Procedures Regarding Employee Fitness-for-duty has been adopted by the Personnel Board (formerly the Civil Service Board).

Failure to adhere to the Code of Conduct or to other applicable Park District rules, regulations or ordinance will result in disciplinary action. Except for employees exempted pursuant to State statute, the specific procedures outlined below apply to all non-probationary officers and employees who have career service status and to members of all collective bargaining units that have adopted the procedures by agreement.

METHODS OF ACTIONS:

Disciplinary action can take one of three procedural paths. They are:

1. Oral reprimand;
2. Written reprimand;
3. Suspension or discharge.

PROCEDURES:

I. ORAL REPRIMAND:

An oral reprimand requires no formal action. The employee should be advised that an oral reprimand is being given. Consistent with professional management techniques, all supervisors are expected to maintain a log book and document all oral reprimands issued. Oral reprimands may be grievable pursuant to the terms of the applicable collective bargaining agreement, which should be consulted for appropriate procedures regarding processing.

II. WRITTEN REPRIMAND:

- STEP 1: Any immediate supervisor or superior officer may initiate a written reprimand by completing a **Written Reprimand Form**. This form will follow the chain of command to the supervisor's department/ division head.
- STEP 2: If the department/ division head approves the written reprimand, the three-part form will be returned to the immediate supervisor. The immediate supervisor will present the reprimand form to the employee in question and will obtain the employee's signature acknowledging receipt. If the employee refuses to sign, the immediate supervisor will note such refusal on the form. The **pink copy** of the form will be given to the employee. The **blue copy** of the form will be retained by the immediate supervisor. The **white copy** of the form will be returned to the department/ division head. Upon receiving the completed white copy of the form, the department/ division head will send photocopies to the law department, the Office of Labor Relations and the Personnel Department.

STEP 3: The Office of Labor Relations will forward a copy of the written reprimand to the appropriate union representative. The employee, if covered by a collective bargaining agreement, may appeal the issuance of a written reprimand by filing a grievance within fifteen business days after the employee is served with the reprimand. The terms of the applicable collective bargaining agreement governing grievance procedures will apply to bargaining unit members. Non-bargaining unit members may request review by the department/ division head.

III. SUSPENSION OR DISCHARGE.

In order to formally suspend an employee without pay or to discharge him or her, the following procedures apply:

STEP 1: Any immediate supervisor or superior office may propose suspending or discharging an employee under his/her supervision by completing a **Suspension/ Discharge Form**. The form will follow normal reporting procedures through the chain of command to the supervisor's department/ division head.

STEP 2: If the department/division decides to act upon the suspension or discharge proposal, the department/division head will submit the matter to the Law Department designate for legal review and comment. A Law Department representative, functioning in an advisory capacity to the department/division head, will assist the department/division head in preparing for Pre-Suspension Meeting.

STEP 3: The employee will be notified of the charges and that a suspension or discharge has been proposed by a Pre-Suspension/Discharge Notice, which will be served on the employee. Except where necessary suspension is necessary (see Part IV below), all proposed suspensions or discharges must be processed through a Pre-Suspension/ Discharge Meeting.

STEP 4: A Pre-Suspension/ Discharge Meeting will be held at a time, date and location stipulated in the notice. The department/division head or his/her designee and the relevant supervisor, the employee, a representative of the employee's choice (which may include union representative and/or attorney for the employee), and a legal and/or labor representative of the Park District will attend. Ordinarily, witnesses will not attend this meeting. The purpose of the Pre-Suspension/Discharge Meeting is to give the employee an informal opportunity to respond to the charges before any decision to impose disciplinary action is made.

STEP 5: After evaluating the information obtained in the Pre-Suspension/ Discharge Meeting, the department/ division head in consultation with the Law Department and/ or the Office of Labor Relations office will decide what disciplinary action, if any, will be imposed.

STEP 6: The superintendent of Employment will approve and execute the decision of the department/ division head.

STEP 7: If the employee is being discharged, he or she will be notified of the discharge and his/her appeal of rights. The employee will be suspended without pay or terminated pending that appeal. If the employee is being suspended, he or she will be notified of the period of suspension. The employee will be notified of right to appeal and, in ordinary circumstances; the employee will be immediately suspended without pay for the appropriate period. In exceptional cases, the department/division head may delay the execution of the disciplinary measures until the employee's appeal is processed.

IV. PROCEDURES FOR EMERGENCY SITUATIONS:

In emergency situations requiring the immediate removal of an employee from the job site, the designated supervisor of the Park District operation, with the approval of the department/ division head, may summarily suspend an employee prior to holding a Pre-Suspension/ Discharge Meeting. This authority will be used only in responding to those emergency situations where the safety or welfare of the employee, other Park District employees or the general public is threatened or the operations or services of the Park district are substantially disrupted or impeded. The supervisor will document the immediate suspension and will instruct the employee to report to the appropriate department/ division head the next working day. After meeting with the employee, the department/ division head may:

- (1) order that the employee remain suspended pending further disciplinary action (i.e. formal suspension or termination) and initial formal disciplinary action following the 7-step procedure outlined above in Section III, except that the employee will remain suspended up through the date of the Pre-Suspension Meeting.
- (2) order the employee to return to the job site and face further disciplinary action (i.e. suspension or termination) through the established channels. The department/division head should then decide on suspension or discharge and follow the appropriate procedure.
- (3) order the employee to return to the job site and face no further disciplinary action.

V. EMPLOYEE APPEAL RIGHTS OF SUSPENSION OR DISCHARGES:

- (1) If an employee is a member of a collective bargaining agreement, his/her appeal rights are determined by the appropriate bargaining unit agreement. In general, all discharges and all suspensions of 31 days or more are appealable to the Personnel Board. In certain bargaining units, suspensions of length are appealable to the Board; in others, suspensions of less than 31 days are appealable only through the grievance-arbitration procedure. The applicable collective bargaining unit agreement should be consulted.
- (2) Other employees covered by these provisions may appeal a disposition of suspension or discharge by filing a written Request for Appeal with the Office of the Superintendent of Employment, no later than fourteen days after service of the Notice of Disposition.

CODE OF CONDUCT

**Personnel Board
Chicago Park District**

Compliance with the Code of Conduct is required from all employees. Violation of the Code shall result in disciplinary action which could result in termination of employment. The Code of Conduct does not limit the grounds for suspension or termination of employment. Any failure to carry out one's job in a competent, efficient, and courteous manner or any misconduct toward the public, fellow employees, subordinates, or superiors may be disciplined by suspension or discharge.

I. GENERAL

- A. An employee shall be present for duty at assigned times and places, except with proper authorization to be absent. Employees shall comply with their departmental policy on the length of time any leave or excused absence is to be requested in advance, but, in no event, shall the request be made less than one business day before the leave or absence begins. If the absence is due to illness, injury, or other disclosed emergency, notification may occur on the day of the absence, provided the absence is communicated to the employees' immediate supervisor, the employee in charge of the work site, or other designated employee or office before or within one hour of his/her starting time. If the employee's circumstances or physical condition makes such reporting impossible or if employee is on duty at the work site at that time and there is no designated alternative reporting arrangement, the communication must be made as soon as reasonably possible.
- B. An employee shall not commit a criminal offense, as evidenced by a conviction by a court of record which offense would have a negative impact on the employee's qualification to serve in the employee's current job title.
- C. An employee shall obey the orders of his/her supervisor or other employee in the line of supervision properly given in the course of employment.
- D. An employee shall not engage in sexual conduct while on duty or on park property.
- E. An employee shall be respectful and polite in conduct while on duty or on park property.
- F. An employee shall comply with the requirements of the residency ordinance.
- G. An employee shall refrain from committing, attempting or threatening physical violence against another employee or a member of the public while on the work site or while on duty, except in self-defense.

- H. An employee shall comply with the policies and procedures of the Chicago Park District and the written policies of his/her department or unit. Policies and procedures of the Chicago Park District include, but are not limited to, any Park District ordinance, any directive of the Board of Commissioners, any Personnel Board Rule, and any directive, bulletin or memorandum issued by the General Superintendent.
- I. An employee shall not induce or attempt to induce any other employee to violate this Code of Conduct or to induce any other person to violate a Park District ordinance or resolution of the Board of Commissioners.
- J. An employee shall refrain from seeking payments or contributions of money or distributing non-work related materials or literature during working hours.
- K. An employee shall refrain from seeking payments or contributions of money from other employees and from distributing non-work related materials or literature to other employees during non-working hours in a manner that disturbs other employees performing work or is otherwise disruptive of the performance of work.
- L. An employee shall not induce or attempt to induce any other employee to commit an illegal act while on duty, on Park District property, or in connection with Park District employment.
- M. An employee shall comply with any safety directive, order, memorandum, regulation, statute, or ordinance issued by 1) his/her supervisor or employee within the line of supervision; 2) the Safety, Medical, Law, or Personnel and Civil Service Departments; 3) the persons with supervisory responsibility for the park, beach, pool, or facility in question; 4) the General Superintendent; or 5) the Board of Commissioners. An employee shall also comply with all applicable federal, state or local safety laws.
- N. An employee shall not keep firearms or ammunition on Park District property, except where directly required as a part of his/her duties with the Park District. Possession of firearms and ammunition while on duty is prohibited, except where directly required by those duties. Storage of firearms or ammunition in Park district facilities is prohibited.

II **ALCOHOL & DRUGS**

- A. An employee shall not consume alcohol or illegal drugs while on duty. And employee shall not become or remain intoxicated from drugs or alcohol while on duty.
- B. An employee, on a direct order of his/her supervisor or other employee in the line of supervision, shall submit to testing for drugs and/or alcohol and shall accompany personnel escorting him/her to a site for such testing, provided that his/her behavior, demeanor, or speech provides reasonable basis for suspecting that he/she has been drinking or using drugs on duty or that he/she is intoxicated while on duty form use of drugs or alcohol. The supervisor shall record in writing his/her specific reasons for believing that the employee was intoxicated while on duty or had ingested drugs or alcohol while on duty.
- C. An employee shall not be intoxicated while off duty and wearing Park District uniform.
- D. An employee shall not fail to report for duty as a result of becoming or remaining intoxicated from alcohol or illegal drugs.
- E. An employee shall not manufacture, dispense, or sell or attempt to manufacture, dispense or sell alcohol or illegal drugs to another person while on duty or on Park District property or whole wearing a Park District uniform.
- F. An employee shall not possess or store alcohol or illegal drugs while on duty.
- G. An employee shall comply with the Non-smoking Ordinance and shall restrict smoking in a Park District facility to designated smoking areas.
- H. An employee shall notify his/her supervisor or employee within the line of supervision if the employee has been convicted of any criminal drug statute for a violation occurring in the work site no later than five days after such conviction.

III. **PROPERTY.**

- A. An employee shall properly secure, handle and account for Park District equipment, tools, supplies, furnishings, facilities and other property assigned to or under the employee's care or responsibility.
- B. An employee shall not abandon or leave unattended any Park District property, except as otherwise directed by supervisory personnel.
- C. An employee shall not use, remove or transport, steal, attempt to steal, or appropriate for his/her personal use property of the Chicago Park District.
- D. An employee shall not steal, remove or appropriate for his/her personal use any item of property belonging to another employee of the Park District or a member of the public using park facilities.
- E. An employee shall only use a Park District motor vehicle while in the course of performing assigned work duties and responsibilities, or for authorized Park District property.
- F. An employee shall not willfully or maliciously misuse, abuse, destroy or damage Park District property.
- G. An employee shall not be careless or negligent in operation, handling or use of Park District property, not use Park District property for any improper or unauthorized purpose.
- H. An employee shall replace or reimburse the Park District for the damage, loss or destruction of property that occurs through gross negligence of the employee.
- I. An employee handling cash receipts for the Park District shall take sufficient care to avoid any shortages in the case turned over to the Park District.
- J. An employee shall reimburse the Park District for any cash shortages of Park District funds that occur while he/she is responsible for said funds.
- K. An employee shall not use, remove or duplicate without authorization any Park District records, documents, or other confidential or privileged information.

IV. **SECONDARY EMPLOYMENT.**

- A. An employee shall only engage in a business, profession, trade, or occupation while employed by the Chicago Park District if such engagement will not: (1) impair his/her efficiency, (2) interfere with his/her ability to satisfactorily perform his/her duties, or (3) impair or negatively reflect upon the reputation of the Chicago Park District.
- B. An employee shall obtain the permission of his/her department head (which permission shall not be unreasonably withheld) and shall complete the prescribed Park District form for reporting additional employment before engaging in a business, profession, trade, or occupation while employed by the Chicago park District or before changing his/her schedule or the number of hours worked at the other business, profession, trade, or occupation. As a condition precedent to any employee of the Park District engaging in a business, profession, trade or occupation while employed by the Chicago Park District, every such employee shall accurately report the nature and extent of such business, profession, trade or occupation upon these prescribed forms. Similarly, an employee shall accurately report at that business, profession, trade, or occupation as a condition precedent to changing the schedule or the number of hours worked.

V. **DISCRIMIANTION.**

- A. An employee shall not directly or indirectly sexually harass any other employee. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual is used as a basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of

unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. It shall be presumed that any sexual advance, request for sexual favor, or other verbal or physical conduct of a sexual nature by a supervisor to a subordinate does have the purpose and effect of creating an intimidating, hostile, or offensive working environment.

- B. An employee shall not discriminate with regard to employment decision or access to or use of Park District facilities on the basis of race, color, religion, sex, national, origin, ancestry, age, marital status, physical or mental handicap, unfavorable discharge from military service, parental status, or sexual orientation or otherwise violating the Human Rights Ordinance.
- C. An employee shall not retaliate against another employee for making a good faith complaint of discrimination or sexual harassment.

VI. **DISCIPLINE.**

- A. An employee shall be truthful in any disciplinary charges he/she alleges or brings against any other employee and shall avoid bringing or threatening to bring false disciplinary charges.
- B. A supervisory employee shall take sufficient disciplinary action against an employee who has violated this Code of Conduct or otherwise committed misconduct requiring discipline. The failure to do so will result in disciplinary action against the supervisory employee.
- C. An employee shall be truthful in any testimony or other statements made during a disciplinary hearing, a pre-suspension meeting, or any other proceeding at any point in the disciplinary process.
- D. An employee shall cooperate in any disciplinary investigation or proceeding involving job-related misconduct or alleged violation of a Chicago Park District ordinance, directive, regulation or law. Cooperation includes, but is not limited to, responding to questions and producing documents for an investigation, appearing at and testifying at a disciplinary hearing or court proceeding, and preparing for a hearing or a court proceeding.

VII. **HONESTY.**

- A. An employee shall be truthful in all statements made in an application for employment, an application for a civil service or career service examination, or any other document signed by him/her in connection with Park District employment.
- B. An employee shall refrain from cheating on or otherwise committing a fraudulent or dishonest act in the course of a civil service or career service examination.
- C. An employee shall not, either by himself/herself or in cooperation with other persons, defeat, deceive, or obstruct any person in respect to his/her right or examination and employment hereunder, or falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder or aiding in so doing; or making any false representation concerning the examination or concerning the person examined; or furnishing to any person any special or secret information for this purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed, or promoted.
- D. An employee shall comply with the provisions of the Ethics Ordinance.
- E. An employee shall not obtain or attempt to obtain money or benefits from the Park District through the knowing use of false identification documents or through the knowing misrepresentation of his/her physical condition or any other material fact upon which his/her eligibility for or degree of participation in any benefit program, including but not limited to, benefits pursuant to the Illinois Worker's Compensation and Occupational Diseases Act, might be based.

VIII. **PERFORMANCE OF JOB DUTIES.**

- A. An employee shall refrain from causing or directing the performance of unauthorized services by Park District employees for the benefit of persons or entities other than the Park District or its patrons.

- B. An on-duty Park District employee shall refrain from performing unauthorized services for the benefit of persons or entities other than the Park District or its patrons and shall refuse directions from superiors to perform such unauthorized services.
- C. An employee shall not seek any compensation and shall refuse any compensation offered from a permittee or any person or group of persons or any legal entity using the facilities of the Park District for services rendered or to be rendered as an employee pursuant of his/her duties in the service of the Park District.
- D. An employee is required and expected to satisfactorily perform the duties of his/her job under penalty of disciplinary action.
- E. An employee shall perform his/her work satisfactorily according to the performance evaluation system in effect.
- F. An employee shall cooperate with the law department in any lawsuit or claim involving the Park District. Cooperation includes, but is not limited to, preparing for hearings, dispositions, testimony in court, producing documents and otherwise attesting to information of which the employee has personal knowledge. Nothing in this section shall compel an employee to relinquish their constitutional right against self-incrimination in any criminal proceeding.

IX. POLITICAL ACTIVITIES.

- A. An employee who has charge or control of any building, office, or room on Park District property shall not allow any person to solicit or receive political contributions from Park District employees.
- B. An employee shall refrain from offering, asking for, receiving a recommendation or assistance for employment or promotion with the Park District from any person in consideration of any political service to be rendered.
- C. An employee shall refrain from using or threatening to use political influence in an effort to secure preferential treatment for himself/herself or any other employee on any employment decision in the Park District.
- D. An employee shall report to the Shakman Monitoring Official or other appropriate official of the Park District any attempt by a political party official or elected public official to influence a hiring or other personnel decision.

X. HIRING & PROMOTION.

- A. An employee shall not pay or promise to pay, either directly or indirectly, nor accept payment of any money or other valuable thing, to any person for a hiring, promotion or proposed promotion.
- B. An employee, except for the purpose of setting or resolving a disciplinary proceeding, shall refrain from seeking to induce any employee in the classified service to resign his/her position, or take a leave of absence, or any one at the head of an eligible list to waive his/her right to certification or appointment.
- C. An employee shall refrain from inducing or compelling any employee in the classified service to sign an undated resignation in advance for the purpose of creating a vacancy at will in the classified service. This is not intended to preclude bona fide settlements of disciplinary proceedings.

**STANDARDS AND PROCEDURES
REGARDING EMPLOYEE FITNESS FOR DUTY**

CHICAGO PARK DISTRICT – DRUG AND ALCOHOL POLICY

Section 1: Policy Statement

The Chicago Park District's ("the District") essential mission is to provide services to its citizens in a safe and economic manner. The parties to this Agreement recognize that drug and alcohol abuse in the workplace has a deleterious effect on the health and safety of employees, as well as their morale and productivity, all of which creates an undue burden on the persons which the Chicago Park District and the employees under this Agreement serve. Furthermore, the economic cost of providing health care services to employees who abuse drug and alcohol has put an increasing burden on the Chicago Park District's finances.

The District and the Union maintain a strong commitment to protect people and property, and to provide a safe working environment. To this end, the District has also established its confidential Employee Assistance Program for employees with personal problems, including alcohol and substance abuse, and the parties to this Agreement urge employees who have such problems to utilize the Program's services.

To maintain a workplace which provides a safe and healthy work environment for all employees, the following drug and alcohol program is also established.

Section 2: Definitions

- (a) Alcohol: Ethyl alcohol.
- (b) Prohibited Items & Substances: All illegal drugs and controlled substances, alcoholic beverages, and drug paraphernalia in the possession of, or being used by, an employee on the job or the premises of the District.
- (c) District Premises: All property, facilities, land, buildings, structures, automobiles, trucks and other vehicles owned, leased or used by the District as job sites or work locations and over which the District has authority as employer.

- (d) Employee: All persons covered by this Agreement.
- (e) Accident: An event resulting in injury to a person requiring medical attention or causing significant damage to property to which an employee contributed as a direct or indirect cause.
- (f) Reasonable Suspicion: Erratic or unusual behavior by an employee, including but not limited to noticeable imbalance, incoherence and disorientation, which would lead a person of ordinary sensibilities to conclude that the employee is under the influence of drugs and/or alcohol.
- (g) Under the Influence: Any mental, emotional, sensory or physical impairment due to the use of drugs or alcohol.
- (h) Test: The taking and analysis of any body component sample, whether by blood, breath, urine, or in any other scientifically reliable manner, for the purpose of identifying, measuring or quantifying the presence or absence of drugs, alcohol, or any metabolite thereof.

Section 3: Disciplinary Action

- (a) All employees must report to work in a physical condition that will enable them to perform their jobs in a safe manner. Further, employees shall not use, possess, dispense or receive prohibited items or substances on or at the District's premises, nor shall they report to work under the influence of drugs and/or alcohol.
- (b) When the District has reasonable suspicion to believe that an employee is under the influence of a prohibited substance, the District shall have the right to subject that employee to a drug and alcohol test. At the District's discretion, the employee may be placed on an emergency suspension with pay until test results are available. If the test results prove negative, any employee who had been placed on an emergency suspension shall be reinstated. In all other cases, the District will terminate all employees who:

- (i) test positive for drug and/or alcohol use;
- (ii) refuse to cooperate with testing procedures (who will be subject to an emergency suspension until they are terminated); or
- (iii) are found to be under the influence of alcohol, drugs or drug paraphernalia, or are found selling or distributing drugs or drug paraphernalia, on the District's premises.

Section 4: Drug and Alcohol Testing

(a) The District may require drug and/or alcohol testing under the following conditions:

- (i) where there is a reasonable suspicion that the employee has reported to work under the influence of or is at work under the influence of drugs or alcohol;
- (ii) where an employee is involved in a workplace accident or fighting;
- (iii) where follow-up testing is required after counseling or rehabilitation for substance abuse, up to a one-year period; or
- (iv) where testing is required by state or federal government regulations or otherwise required by law.

(b) Employees to be tested will be required to sign a consent form and chain of custody form, assuring proper documentation and accuracy. If an employee refuses to sign a consent form authorizing the test, he or she will be subject to termination.

(c) Drug and alcohol testing will be conducted by an accredited independent laboratory and may consist of either blood or urine tests, or both. The District reserves the right to utilize a breathalyzer to test for the presence of alcohol, in lieu of other clinical testing.

(d) Initial and confirmatory test results which meet or exceed the cutoff levels for drugs set forth by the United States Department of Health and Human Services shall be regarded as "positive" and shall presumptively establish that the tested employee was under the influence of drugs.

(e) Initial and confirmatory (or breathalyzer) test results which meet or exceed the level of blood alcohol established in the Illinois Motor Vehicle Act as legal intoxication shall establish that the tested employee was under the influence of alcohol.

(f) The cost of initial and confirmatory testing will be borne by the District.

(g) Drug and alcohol test results shall be reported to the Superintendent of Employment or his designee in the manner to be prescribed by the Superintendent of Employment. The Employee shall be notified of the test results in writing. The Superintendent of Employment will inform the applicable department head of any employee who tests positive for alcohol or drugs, who in turn will initiate disciplinary proceedings under Section 3 above.

(h) All urine or blood samples shall be taken in sufficient quantity as to allow for retesting. Any employee whose test result is positive may elect, at his or her expense, to be retested by the same or other laboratory satisfactory to the Superintendent of Employment, provided that the District's testing laboratory shall arrange for transmitting said sample to the second laboratory. Employees electing to be retested shall not be paid for the time between the initial positive test and the time of the retest. Positive results of said retesting shall be conclusive as to the presence of alcohol or drugs. The failure to take a sufficient sample, or to preserve such sample, to allow for retesting, shall not affect the removal from eligibility of an applicant or personnel action, including discharge, of any employee.

(i) No laboratory report or test results shall appear in the Employee's personnel file unless they are part of a personnel action under this program, but shall be placed in a special file maintained by the Superintendent of Employment, except as such disclosure may be required by this policy, law or ordinance.

Section 5: Employee Assistance Program

Employees are encouraged to seek help for a drug or alcohol problem before it deteriorates into a disciplinary matter and may participate if they wish in a voluntary Employee Assistance Program. This article will not diminish any language to the contrary in any other Coalition Union Agreement.

GUIDELINES FOR DISCIPLINE

Personnel Board Chicago Park District

The following table represents the Personnel Board's policy on the disciplinary sanctions deemed appropriate for the specified acts of misconduct. Nothing in this policy prohibits the Personnel Board from imposing disciplinary action which varies from these guidelines.

PART 1. DEFINITION OF GROUPS.

GROUP A misconduct includes the following types of misconduct:

- 1) theft or attempted theft or misappropriation;
- 2) willful or malicious damage, misuse or destruction of Park District property;
- 3) conviction of a criminal charge involving Park District-related official corruption;
- 4) committing, attempting or threatening physical violence other than in self-defense on Park District property or while on duty;
- 5) absence from work without notice and authorization for over four consecutive working days;
- 6) actual or attempted bribery for official misconduct;
- 7) Ethics Ordinance violation, if the Ethic Panel recommends termination, subject to customary disciplinary procedures;
- 8) Career Service exam cheating or attempted cheating for self or others;
- 9) Residency violation;
- 10) Criminal conviction as evidenced by a conviction by a court of record, which offense would have a negative impact on the employee's qualification to serve in the employee's current job title;
- 11) Sexual misconduct on duty or on park property;
- 12) Performance of or causing the performance of unauthorized services by on-duty Park District employees;
- 13) Refusal, on direct orders of a superior, to submit to testing for drugs and/or alcohol or to accompany personnel escorting him or her to a site for such testing, provided that his or her behavior, demeanor or speech provides reasonable basis for suspecting that he or she has been drinking or using drugs on duty or that he or she is intoxicated from alcohol or under the influence of drugs while on duty;

- 14) Violation of the policy on dual employment currently in effect;
- 15) Sale or attempted sale of alcohol or illegal drugs to another person while on duty or while on Park District property;

PART 1. GROUP A Continued

- 16) making a false statement or misrepresentation on an employment application, application for promotion, or application for a career service examination filed with the Park District or any accompanying documents (except that a misrepresentation clearly not bearing on qualifications or employment eligibility of the employee for the position for which the application was filed shall be Group B misconduct);
- 17) refusal, on direct orders of a superior, to reimburse the Park District for a cash shortage in cash receipts handled for the Park District;
- 18) a cash shortage in excess of \$50;
- 19) violation of an applicable safety directive, order, memorandum, regulation or law which violation has resulted in injury to an employee or other person or which presented a substantial risk of serious injury to an employee or other person;
- 20) obtaining or attempting to obtain money or benefits from the Park District through knowing use of false identification documents or through knowing misrepresentation of his/her physical condition or any other material fact upon which his/her eligibility for or degree of participation in any benefit program, including but not limited to, benefits pursuant to the Illinois Workers Compensation and Occupational Disease Act, might be based;
- 21) absence from work without notice or authorization for over two consecutive days by an employee whose position involves substantial responsibility for protecting the health, safety and security of patrons. (The Park District has determined that the following job titles involve such responsibility: Lifeguard Captain, Senior Lifeguard, Lifeguard, First Aid Attendant and Security Guard);
- 22) failure, upon directive of a superior, to replace or reimburse Park District for damage, loss or destruction of park property.

GROUP B misconduct includes the following types of misconduct;

- 1) becoming or remaining intoxicated from alcohol or under the influence of drugs while on duty or the consumption of alcohol or illegal drugs while on duty;
- 2) unauthorized personal use or removal of a Park District motor vehicle, tools, supplies, equipment or other park property;
- 3) direct disobedience to lawful orders from a supervisor;
- 4) absence from work without notice and authorization for two or more working days in any 30 calendar day period. (Request for leave shall not be unreasonably denied as provided by Park District ordinances, regulations or policy or by collective bargaining agreements);
- 5) failure by a supervisory employee to take sufficient disciplinary action against a subordinate who has committed misconduct;

PART 1. GROUP B Continued

- 6) making a false statement or statements in any documents required to be made or signed by the employee in connection with Park District employment, including daily attendance records and payroll records;

- 7) a cash shortage in excess of \$25 in cash receipts handled for the Park District;
- 8) violation of an applicable safety directive, order, memorandum, regulation, or law which violation would have been likely to result in injury to an employee or other person. (This category of offense does not include coming to work without the required safety equipment);
- 9) grossly negligent damage, loss or destruction of park property;
- 10) absence from work without notice or authorization for one working day by an employee whose position involves substantial responsibility for protecting the health, safety and security of patrons. (The Park District has determined that the following job titles involve such responsibility: Lifeguard Captain, Senior Lifeguard, Lifeguard, First Aid Attendant and Security Guard);
- 11) violation of the Park District Human Rights Ordinance;
- 12) a pattern of tardiness;
- 13) failure to report mechanical defects or other unsafe conditions of Park District equipment or property;
- 14) failure to properly handle, secure and/or account for Park District property, resulting in property damage, loss or destruction.

GROUP C misconduct includes misconduct other than misconduct identified as Group A or Group B misconduct, or the failure satisfactorily to perform the duties of the person's job other than actions defined as Group A or Group B misconduct.

PART 2. TABLE OF PENALTIES.

GROUP A Misconduct:

Termination for first offense, absent mitigating circumstance justifying a less serious penalty.

GROUP B Misconduct:

1st Offense: 10-30 Suspension or Termination.
Usually, a suspension will be sufficient, but termination may be called for in appropriate cases.

2nd Offense
or more: 30 day Suspension or Termination

GROUP C Misconduct:

1st Offense: oral or written reprimand, or 1-10 day suspension.

2nd Offense: 5-30 day Suspension.

3rd Offense
or more: 30 day Suspension or Termination.

PART 3. REPEAT OFFENSES.

An offense is considered a prior offense for determining the penalty to be imposed if the prior misconduct is of the same nature as the more recent misconduct, except that any Group A misconduct that does not result in termination shall be considered a prior offense for any other type of misconduct and any Group B misconduct shall be considered a prior offense for the purposes of any Group B or C misconduct. For a prior offense to be counted, it must have resulted in a written reprimand signed by the employee's department or division head or a Notice of Disposition issued subsequent to a pre-suspension meeting and signed by the department representative, the Superintendent of Employment and the General Attorney. No Group C misconduct shall be counted as a prior offense if more than five years have passed from the issuance of the Notice of Disposition or written reprimand. However, no Group B or C misconduct that resulted in written reprimand shall be counted as a prior offense if it occurred more than three years before that more recent offense.

Any prior offenses, regardless of when they occurred or the type of misconduct, or the fact that any employee was under supervision resulting from a prior offense may be considered as an

aggravating circumstance by the department supervisor, the hearing officer and the Personnel Board. However, the entire personnel record of the employee shall be considered in imposing a penalty, including the positive aspects of the record.

PART 4. ETHICS CODE VIOLATIONS

Any alleged violation of any Ethics Ordinance now or hereafter adopted by the Chicago Park District Board of Commissioners shall be referred to the Ethics panel or its equivalent. The Ethics Panel shall recommend its own disciplinary schedule contained in the Rules and Regulations of the Ethics Panel, its recommendations in the particular case, or both. The Personnel Board may deviate as it sees fit from the Ethics Panel recommendation provided it or its Hearing Officer explains the reasons for the deviation in the decision or at the Board's review. Notwithstanding all of the above, a violation alleging either acceptance of a bribe for official misconduct with regard to Park District business or a criminal conviction for taking a bribe in connection with the Park District business shall be classified as Group A Misconduct subject to termination from employment.

“THE CHICAGO PARK DISTRICT’S PROGRAMS AND ACTIVITIES ARE OPEN TO ALL QUALIFIED PERSONS REGARDLESS OF RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, ANCESTRY, AGE, MARITAL STATUS, PHYSICAL OR MENTAL HANDICAP, UNFAVORABLE DISCHARGE FROM MILITARY SERVICES, PARENTAL STATUS, OR SEXUAL ORIENTATION. IF ANYONE BELIEVES HE OR SHE HAS BEEN DISCRIMINATED AGAINST IN ANY CPD PROGRAM, ACTIVITY OR FACILITY, HE OR SHE MAY FILE A COMPLAINT ALLEGING DISCRIMINATION WITH THE DEPARTMENT OF HUMAN RESOURCES, CHICAGO PARK DISTRICT, 541 N. FAIRBANKS, CHICAGO, ILLINOIS 60611

