

Document Control

Document Name	Document Register Number	Review Date
Performance and Misconduct Policy	GOV.POL.0019.001	November 15
Date Adopted	Minute Number	Summary of Changes
20 November 2013	3621	Revised

Purpose

The objectives of Greater Hume Shire Council ("Council") Performance and Misconduct Policy are to:

- correct and/or improve the standard of conduct of an employee, volunteers and students where appropriate or necessary
- provide employees, volunteers and students with an opportunity to correct unacceptable conduct (other than in situations where summary dismissal is appropriate)
- ensure that all employees, volunteers and students are treated fairly, equally and consistently
- ensure that each situation is reviewed and addressed on an individual basis and in relation to the particular circumstances
- to address unsatisfactory work performance and conduct and establish an equitable and consistent Performance and Misconduct Procedure.

Scope

This policy may be varied from time to time by Council. This policy does not form part of any employee's contract of employment but applies to all employees, volunteers, student except the General Manager.

Communication between staff, volunteers, students and their supervisor must occur regularly to ensure that both work performance and employee satisfaction can be at the optimum level.

This policy may be used to deal with necessary disciplinary action arising from conduct in any circumstances connected with work and this includes out of work conduct and conduct at work related functions. This policy also applies when employees attend other workplaces in connection with work.

In the event that an employee's conduct involves a potential breach of any Australian Law, Council may notify the police or other relevant government authority, including but not limited to matters suspected to concern corrupt conduct under s.11 of the Independent Commission Against Corruption Act 1988 (NSW).

Definitions

Council – Greater Hume Shire Council

Policy Content

Maintaining day to day discipline is the responsibility of line management. If disciplinary action is deemed necessary:

- The immediate manager or supervisor should refer the matter to the next level of management for detailed discussion
- The purpose for the meeting should detail the matter to be discussed
- The employee must be given sufficient time to respond
- The provisions contained in the Local Government (State) Award must be followed and should be explained to the employee at the time action commences.

Disciplinary action may be initiated in circumstances that include but are not limited to:

- neglect of duties
- breach of discipline
- absenteeism
- non-compliance with safety standards.

Removal From Duty in Serious Cases

In serious cases of breach of discipline the employee, at the General Manager's/authorised delegate's discretion may be directed not to attend work.

In such cases, the suspension of the employee may be with or without pay at the discretion of the General Manager/authorised delegate.

If the suspension is without pay and, after investigation, the reasons for the suspension are found to be inappropriate; the employee shall not suffer any loss of pay for the period under suspension.

In extreme cases, the General Manager/authorised delegate may summarily dismiss the offender.

Penalties

If, on the balance of probability, the General Manager/ authorised delegate reaches the conclusion that the alleged employee, volunteer or student is guilty of a breach of discipline which warrants a penalty, the General Manager/authorised delegate may impose one or more of the following as a penalty or means of addressing the unsatisfactory work performance or conduct:

- An initial warning
- A formal warning in writing
- A final warning in writing
- A change of duties or lateral transfer
- Closer supervision
- Denial or removal of personal privileges or benefits
- The withholding of advancement
- Demotion
- Termination of employment.

Links to Policy

Model Code of Conduct

Bullying and Harassment Policy

WHS Policy

EEO Management Plan

Links to Procedure

Performance & Misconduct Procedure

Grievance & Dispute Procedure

References

Nil at time of adoption

Responsibility

General Manager

Relevant Legislation

Local Government State Award
Work Health and Safety Act 2011
Work Health and Safety Regulations 2011
Anti Discrimination Act 1977
Local Government Act 1993

Associated Records

Position descriptions of all employees.