SUSSEX POLICY

Subject	Number
SUSSEX EMPLOYEE DISCIPLINE POLICY	P-7
Date SEPTEMBER 15, 2025	**Approved by** COUNCIL [X] OTHER(S) [ ] **Date** APRIL 23, 2007
Signature	**Date of Revision** SEPTEMBER 4, 2025

Preamble

Sussex is committed to maintaining a safe, efficient, and fair workplace. Achieving this requires all employees of Sussex to conduct themselves in a professional and respectful manner.

Accordingly, Sussex has implemented this policy, to promote positive relations between the Town and its employees through fair and consistent treatment, ensuring that all employees are aware of their responsibilities and the consequences of failing to meet them, and assisting department heads and supervisors with clear guidelines for motivating and managing staff effectively.

Sussex acknowledges and respects that it is a unionized workplace, and that any application of this policy for unionized employees is subject to the terms of their collective agreement.

1. Definitions

1. In this policy, the following terms have the following meanings:

a) ***"Chief Administrative Officer"*** means the Chief Administrative Officer of the town of Sussex;

b) ***"Council"*** means the Municipal Council of the town of Sussex;

c) ***"Department Head"*** means a head of an operational department of the town of Sussex;

d) ***"Employee"*** means any person hired to perform work for the town of Sussex, including probationary employees, temporary employees, full-time employees, part-time employees, and students;

e) ***"Supervisor"*** means an employee of the town of Sussex who has supervisory authority over other employees; and

f) ***"Town"*** means the town of Sussex.

2. Responsibilities

1. Under this Policy, the Council shall be responsible for:

   a) Reviewing and evaluating the disciplinary programs, policies, and procedures of the town of Sussex, in consultation with the Chief Administrative Officer; and

   b) Adopting modifications, deletions, or additions to this Policy.

2. Under this Policy, the Chief Administrative Officer shall be responsible for:

   a) Recommending to the Council additions, modifications, or deletions to this Policy;

   b) Ensuring the implementation and evaluation of this Policy and all other disciplinary policies and programs of the Town;

   c) Assisting and advising the Departments in the application of this Policy and all other disciplinary policies and programs of the Town;

   d) Overseeing how effectively, fairly, and consistently the Departments comply with this Policy;

   e) Ensuring the proper collection and maintenance of records of discipline in accordance with this Policy and all other disciplinary policies and programs of the Town;

   f) Taking disciplinary action in accordance with this Policy; and

   g) Ensuring that the Town complies with the requirements of any applicable collective agreement when enacting disciplinary measures against a unionized employee.

3. Under this Policy, the Department Heads shall be responsible for:

   a) Reporting to the Chief Administrative Officer with respect to discipline in their department;

   b) ensuring that all employees are aware and properly trained with respect to all aspects of this Policy;

   c) Recommending to the Chief Administrative Officer changes to this Policy;

   d) Taking disciplinary action in accordance with this Policy; and

   e) Assisting Supervisors in understanding, distributing, implementing, and training employees with respect to this Policy, and in any other matter that arises in respect of this Policy.

4. Under this Policy, Supervisors shall be responsible for:

   a) Ensuring that all employees in their charge are aware of and trained on this Policy;

   b) Assisting the Department Head and other Supervisors in the implementation of this Policy; and

   c) Taking disciplinary action in accordance with this Policy.

5. All Town Employees shall be responsible for adhering to the terms of this Policy.

3. Confidentiality

The Town is committed to addressing disciplinary matters in a private and confidential manner. All employees of the Town shall treat as confidential and not disclose any information communicated to them in connection with an investigation or disciplinary matter.

4. Investigations

1 The Town shall investigate all incidents or allegations of misconduct prior to implementing disciplinary measures.

2 Department Heads shall determine the scope and depth of the investigation, depending on the nature of the incident or allegation.

3 Investigations will normally be conducted by the Department Head or Supervisor to whom the subject of the investigation reports.

4 In matters involving serious incidents, allegations of gross misconduct, or in other circumstances at the discretion of the town, the Chief Administrative Officer may appoint a separate internal or external investigator to carry out the investigation.

5 All employees shall fully and promptly cooperate with any investigation under this policy, including participating in investigatory interviews, providing names of any relevant witnesses, disclosing all relevant documents, and other requirements as may be identified by the Town, Department Head, Supervisor, or investigator in the course of the investigation. Unionized employees shall be entitled to representation by a steward or union representative in the conduct of investigatory interviews.

6 Upon the conclusion of an investigation, the investigator shall provide to the Chief Administrative Officer and the Department Head a report of their findings, which shall record:

a) The name(s) of the subject(s) of the investigation;

b) The nature of the incident or allegation under investigation;

c) The date on which the incident or alleged misconduct occurred;

d) The name(s) of all witnesses interviewed, if any;

e) A list of all relevant documentation;

f) A summary of all relevant information obtained;

g) The disciplinary measures imposed or recommended, as the case may be; and

h) The reasons for imposing or recommending the disciplinary measures.

5. Suspension Pending Investigation

1 A Department Head may suspend an Employee during an investigation into allegations of misconduct.

2 A suspension pending investigation shall not be longer than is necessary for the completion of the investigation.

3 Any Employee subject to a suspension pending investigation shall be notified in writing.

4 A unionized Employee is entitled to representation by a steward or union representative at any time they are presented with notice of a suspension pending investigation.

5 During a suspension pending investigation, the suspended Employee shall not:

a) Visit the Town's premises; or

b) Contact any witnesses or potential witnesses involved in the investigation.

6 A suspension pending investigation is not a disciplinary penalty. It does not imply that any decision has been taken with respect to allegations of misconduct.

Accordingly, an Employee suspended pending investigation shall receive all compensation and benefits, including seniority, to which they are regularly entitled, and shall continue to be bound by the terms and conditions of their employment.

6. Progressive Discipline

1 The Town shall adopt and practice a progressive discipline approach.

2 The goals of the progressive discipline approach are to impress upon the employees the seriousness of their misconduct, to communicate the expectations for future conduct, and to offer an opportunity for correction and improvement.

3 Imposed disciplinary measures will escalate in severity in response to repeated or continued misconduct.

4 The Town reserves the right to repeat any disciplinary step, or to commence disciplinary actions at any step up to and including termination, where justified by the circumstances.

7. Disciplinary Procedure

1 Where an incident or complaint gives rise to a potential disciplinary action against an employee, the employee who is potentially subject to disciplinary action shall be entitled to a hearing with the Department Head or their designate, where a decision will be made about any imposition of disciplinary measures.

A. For the purposes of this Policy, a "hearing" means a meeting held to allow the employee a fair opportunity to be heard before any disciplinary decision is made. At such a hearing, the employee shall have the right to:

i. Be informed of the allegations and evidence against them in advance;
ii. Submit written or oral evidence in their own defense;
iii. Call witnesses on their behalf;
iv. Raise mitigating factors for consideration;

v. Ask reasonable questions of management representatives, subject to the Department Head's direction for maintaining order;
vi. Make an opening statement to outline their position; and
vii. Make a closing statement summarizing their response before a decision is reached.

B. Nothing in this section limits the employee's right to union representation or other representation provided under law or the collective agreement.

2 The Department Head shall provide written notice of this hearing within three (3) days of the Town's having become aware of the incident or complaint giving rise to the potential disciplinary action. Such notice shall include:

a) The date, time, and location of the hearing; and

b) The particulars of the incident or complaint giving rise to the potential disciplinary action.

3 Both the Employee and the Department Head or their designate shall be entitled to representation at the hearing.

4 If the hearing results in the imposition of disciplinary measures, written notice of discipline shall be given to the Employee within three (3) days of the hearing. Such notice shall outline the reasons for and details of the disciplinary measures being imposed, as well as the date and time of the hearing.

5 If the Employee disagrees with a disciplinary measure imposed by the Department Head, they shall be entitled to a hearing with the Chief Administrative Officer within seven (7) days of the receipt of written notice of discipline. Both the Employee and the Chief Administrative Officer are entitled to representation at such a hearing. Upon the conducting of such a hearing, the Chief Administrative Officer may:

a) Uphold the disciplinary measures imposed;

b) Nullify the disciplinary measures imposed; or

c) Substitute a different disciplinary measure in place of the discipline initially imposed.

6 Unionized employees shall be entitled to follow the grievance procedure set out in the Collective Agreement, should the Employee disagree with a disciplinary measure imposed against them after a hearing with the Chief Administrative Officer.

7 In the event that a disciplinary measure is found to have been improperly imposed, any lost wages and benefits, including seniority, shall be restored to the affected Employee. In the case of an improper suspension or termination, the affected Employee shall be reinstated to their position.

8 If this procedure should conflict with any provision of the collective agreement, the collective agreement prevails.

8. Misconduct

1 Examples of behaviour that may be treated as minor misconduct and subject to discipline under this policy include, but are not limited to:

a) Absence from duty or departure from the workplace without permission;

b) Offensive or obscene conduct;

c) Lateness, poor timekeeping, or time wasting;

d) Maintaining an unsanitary or unsafe work environment;

e) Use or possession of another employee's work equipment without that employee's consent;

f) Wilful failure to make required time or production reports;

g) Early departure from work prior to breaks or the end of the shift;

h) Distracting or disruptive behaviour;

i) Failure to await relief, even at the end of a shift, prior to departing from a continuous operation;

j) Failure to report personal injury or equipment damage to a Supervisor;

2 Examples of behaviour that may be treated as moderate misconduct and subject to discipline not less than a written warning under this policy include, but are not limited to:

a) Neglect or disregard of safety rules and requirements, common safety practices, or department and Town rules generally;

b) Possessing or consuming alcohol or drugs in the workplace;

c) Harassment, including abusive or threatening language;

d) Soliciting or canvassing municipal employees without permission during work hours;

e) Failure to report an accident in which the employee was involved;

f) Failure to cooperate with an investigation, either as a witness or as the subject of a workplace investigation;

g) Misuse of Town property;

h) Performing private work during work hours;

i) Making or publishing false or malicious statements about any Employee, Supervisor, Department Head, or the Town generally;

j) Failure to report for duly-scheduled overtime shifts; and

k) Unlawful or grossly inappropriate conduct at or away from the workplace.

3 Behaviour that may be treated as gross misconduct and subject to discipline up to and including termination under this policy include but are not limited to:

a) Wanton or wilful neglect or abuse of Town property or of the property of other Employees;

b) Altering another Employee's time card;

c) Falsifying one's own time card;

d) Falsifying records or assisting in the falsification of any records;

e) Giving false testimony in any workplace investigation;

f) Making false representations during the hiring process;

g) Making false representations when seeking sickness benefits, accident benefits, or workers' compensation benefits;

h) Bookmaking or gambling of a similar serious nature;

i) Selling narcotics;

j) Theft, embezzlement, or fraud;

k) Fighting or otherwise attempting to injure another Employee;

l) Possessing firearms, explosives, or other weapons on Town property at any time;

m) Knowingly failing to disclose infection with a serious communicable disease which poses a danger to other Employees;

n) Conviction of a criminal offense;

o) Misuse, disclosure, or removal of private information, including blueprints, lists, Town records, or any other confidential information of any nature, without prior written authorization from the Town;

p) Instigating unlawful labour action including strikes, walkouts, sit-downs, or refusals to work, or other unlawful interferences with Town work or operations;

q) Dishonesty;

r) Operating a vehicle or major equipment under the influence of drugs or alcohol;

s) Breach of confidentiality;

t) Refusal to comply with reasonable work instructions or assignments; and

u) Operating a Town vehicle without a valid driver's license.

9. Disciplinary Measures

1 In addition to the nature and severity of the misconduct, and recognizing the examples in the preceding section may be categorized as less or more severe depending on the circumstances, the following factors shall be considered when determining the appropriate disciplinary measure to impose:

a) The direct and indirect cost to the Town;

b) The duration of time since the Employee's last misconduct; and

c) The length and quality of the Employee's record of service.

2 Where prior progressive discipline is not a factor, minor misconduct may be addressed through a verbal warning to the Employee. Such warning shall identify the misconduct and communicate expectations for future improved conduct. Ideally, a verbal warning will be sufficient to deter any further misconduct from the Employee. A note recording the details of the verbal warning shall be placed in the Employee's personnel file for reference in any further disciplinary proceedings against the Employee.

3 In cases of moderate misconduct, or repeated occurrences of minor misconduct where the Employee has previously received a verbal warning, the Employee may receive a written warning. Such written warning shall be given to the Employee in the form of a formal disciplinary letter detailing the misconduct, expectations for improvement, and the consequences of further misconduct, including the possibility of suspension or termination. Copies of the written warning shall be placed in the Employee's personnel file and sent to the Chief Administrative Officer.

4 In cases of gross misconduct or of repeated misconduct following prior progressive discipline warnings, the Employee may receive an unpaid suspension for a period appropriate in the circumstances, up to five (5) days. Where a suspension is imposed, the suspended Employee shall be provided with a suspension letter detailing the Employee's misconduct, other factors impacting the severity of the disciplinary measures imposed, the duration and condition of the suspension, expectations for improved conduct, and the consequences of further misconduct, including the possibility of termination. Copies of the suspension letter shall be placed in the Employee's personnel file and sent to the Chief Administrative Officer.

5 Where misconduct persists despite instances of prior progressive discipline that remain on the Employee's record, or where an incident of gross misconduct is sufficiently serious despite a lack of prior discipline, the Employee may receive a final written warning. Such warning shall be provided in the form of a letter explaining the Employee's misconduct, expectations for improved conduct, and the circumstances under which the Employee's employment will be terminated for just cause upon further incidents of misconduct. A final written warning may be combined with a disciplinary suspension under this Policy. Copies of the final written warning shall be placed in the Employee's personnel file and sent to the Chief Administrative Officer.

6 Where an Employee has engaged in repeated misconduct despite several prior progressive disciplinary measures and has received a final warning, or where an incident of gross misconduct is so severe that it is incompatible with continued employment despite a lack of prior progressive discipline, an Employee may be terminated. Where termination is imposed, the Employee will be provided with a termination letter from the Chief Administrative Officer detailing the effective date of termination and the misconduct which is the basis for termination, including any

active prior progressive discipline. Copies of the termination letter will be placed in the Employee's personnel file.

7 In lieu of a suspension, final written warning, or termination, or in conjunction with a suspension or final written warning, alternative disciplinary measures may be imposed. Such alternative disciplinary measures will not contravene the collective agreement, and may include:

a) Demotion;

b) Transfer; or

c) Other disciplinary measures at the discretion of the Town and permitted by the collective agreement.

8 If the imposition of any discipline under this policy should conflict with the collective agreement, the collective agreement prevails.

10. Active Discipline Period

1 Discipline issued under this Policy will remain active on an employee's record for a period of 24 months, after which it will no longer be taken into account in determining future progressive discipline.

2 The Active Discipline Period will be extended where further discipline is issued before the active period expires, so that all relevant incidents remain under consideration in the course of progressive discipline. The Active Discipline Period for past incidents will expire upon the passing of 24 months since the most recent disciplinary incident.

3 After the Active Discipline Period, records of progressive discipline will remain on an employee's personnel file in accordance with the retention periods outlined in the most current version of the Municipal Records Authority for New Brunswick but will be disregarded in deciding the outcome of future disciplinary actions if past the Active Discipline Period.

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11. Discipline Records Maintenance

1 All disciplinary records shall be as complete and detailed as possible while maintaining clarity, concision, and objectivity.

2 All disciplinary records shall contain the following information:

a) The date and nature of the incident giving rise to the disciplinary measures;

b) Any effects of the incident giving rise to the disciplinary measures, as well as potential effects that could arise from similar incidents;

c) Any factors which impacted the severity of the disciplinary measures imposed;

d) A record of any hearings or meetings with the disciplined Employee, including the nature of any discussions;

e) Reference to any prior active disciplinary measures against the disciplined Employee; and

f) The signature of the individual responsible for imposing the discipline and of the Employee, where applicable.