

2-8. Employee Discipline

Employees serve without fixed term and the Town Manager has authority to terminate any employee at any time.

Supervisors with hiring and dismissal responsibility have the authority to dismiss a subordinate following approval from the Town Manager. The supervisor is responsible for coordinating disciplinary and discharge actions with the Town Manager.

Disciplinary Actions

Oral Warning -- The employee should clearly understand that the warning is disciplinary in nature. The supervisor will point out the error/problem(s), explain how to correct it, and offer specific guidance about what is expected in the future.

Written Warning -- When an oral warning fails or when the supervisor determines that the nature of the offense makes its use appropriate, the supervisor may issue a written warning. Accounting / HR will be contacted and may be present when the warning is presented to the employee. The written warning should forewarn of potential actions; be clear, focused, and complete; be based upon facts that have been fully investigated; be consistent and applied equally to all. A copy of the written warning will be maintained in the supervisor's file for reference and the original will be forwarded to Accounting / HR.

Demotion -- When the supervisor determines that demotion is appropriate, approval by the Town Manager must first be obtained. When an employee is demoted to a position in a lower salary range, the Department Head and Accounting / HR will adjust the employee's salary to an appropriate level within the new salary range. An Employment Changes Form must be prepared with the Town Manager. The employee will be advised of the action in a meeting. The Employment Changes Form is forwarded to Accounting / HR.

Suspension Without Pay -- When the supervisor determines that the nature of the offense makes its use appropriate, the supervisor may suspend an employee without pay following the approval of the Town Manager. A written explanation of the reason for suspension must be prepared with the Town Manager. The employee will be informed of the suspension in a meeting. The suspension period must be in accordance with the Fair Labor Standards Act (FLSA). An Employment Changes Form will be forwarded to Accounting / HR. A copy of the written explanation of the reason for the suspension is kept in the supervisor's file for future reference and the original will be forwarded to Accounting / HR for filing.

Discharge -- This action can be the result of serious acts of misconduct or insubordination, or the result of an accumulation of minor offenses, or failure to satisfactorily perform job duties. All discharges must have the prior approval of the Town Manager. If the supervisor determines that immediate action is required, and it is not possible to obtain the prior approval, the supervisor may suspend or discharge the employee pending the Town Manager's approval. The employee will be informed of the discharge in a meeting. An Employee Termination form will be completed and forwarded to Accounting / HR for filing.

Grievance Against Town Manager

If an employee has a grievance with an action or decision of the Town Manager, the employee should go to their department head with the concern. If the department head feels that the grievance is something that can be worked out through discussion, then the department head will work with the Town Manager and the employee to resolve any issues. However, if the department head feels that the grievance is in reference to something that is illegal, harassment, fraud, etc., then the department head should submit a written grievance to the Mayor within five (5) business days of the concern being brought to them. The Mayor will then give five (5) business days to submit the concern to the Commissioners. Within ten (10) business days the commissioners will hold a meeting where they may interview the department head and employee about the grievance. The Mayor and Commissioners will respond with their decision in writing within ten (10) business days of the meeting. The final decision of the Mayor and Commissioners shall be binding.

6-4. Inspections

~~In response to concerns about or threats to public safety, the Town of Dewey Beach reserves the right to require employees while on Town property to agree to the inspection of their persons, personal possessions and property, personal vehicles parked on Town property, and work areas. This includes lockers, vehicles, desks, cabinets, workstations, packages, handbags, backpacks and other personal possessions or places of concealment, as well as personal mail sent to the Town. Employees are expected to cooperate in the conduct of any search or inspection.~~

In conjunction with Federal Drug and Alcohol workplace regulations, workplace safety policies of the State of Delaware, and ordinances and policy directives of the Town of Dewey Beach, the Town reserves the right to inspect an employee's workplace upon a reasonable suspicion including the employee's person, their lockers, vehicles, handbags, backpacks, other personal property; their workplace including desks, cabinets, work stations, Town vehicles, assigned Town property and equipment as well as personal mail and or packages sent or possessed on Town property.

Employees are expected to cooperate in the conduct of any search or inspection pursuant to the above referenced policies, procedures, ordinances, and directives.

A reasonable suspicion is defined as a lesser threshold than probable cause. When it exists, a supervisor can question an employee and the above referenced personal and worksite areas.

A written report shall be submitted to the Town Manager by the Supervisor for any searches made upon this policy

Effective May 1, 2022

Reasonable suspicion is a lesser threshold than probable cause. If it exists, then the officer can detain, search for weapons, and question the person. If, after questioning, the person's answers are reasonable and there no longer exists reasonable suspicion, the officer has to let the person go.