

DISCIPLINARY ACTION**1.7.3****C. APPEAL OF DISCIPLINARY ACTION**

If a disciplinary action of suspension of forty hours or more, reduction in pay (equal to a forty-eight-hour or more suspension), demotion, or discharge is imposed, the employee may then appeal, prior to implementing such action to the Department Director. Any such appeal must be filed within 10 working days of the notice of the disciplinary action, or in accordance with a Council approved Memorandum of Understanding as it relates only to the timing of filing an appeal.

Upon unresolved consensus concerning the disciplinary action, an appeal may be made to the City Manager as the second step. However, execution of the notice of intent will be implemented after the first step (Department Director level). Should the disciplinary action still be unresolved after the second step, the discipline can be appealed to one final step. The third and final step is a hearing in front of the City Council. The City Council's decision on the disciplinary action is final and binding.

Any appeal of disciplinary action not resolved at Level 2 may be submitted to the City Council no later than 10 working days after the date of the City Manager's written reply. The employee shall provide the City Council with a copy of the Level 2 response. Within 10 working days thereafter, the City Council or its designee shall schedule a hearing before the City Council or designee in which the parties to the notice of disciplinary action may present evidence. The City Council shall give the grievant a written decision within 30 days after the hearing and shall file a copy with the HR Director. The decision shall be based upon the oral and written evidence submitted at the hearing. The decision of the City Council shall be final and binding.