

12.1 GENERAL PROVISIONSA. Disciplinary Action

A disciplinary action is an action taken only for cause to correct inappropriate performance or other work-related behavior. The degree of disciplinary action shall relate to the gravity of the improper performance or conduct and the past performance and conduct of the employee. Progressive discipline, including counseling and other supervisory actions to improve conduct and performance, should be used whenever possible before taking formal disciplinary action.

B. Pre-action Meetings

Before a permanent employee is suspended, demoted, dismissed, placed on administrative suspension without pay or with reduced pay, or involuntarily terminated under Merit System Rule 11.5 B. through G., a pre-action meeting shall be held. The affected employee is entitled to oral or written notice of the charges, an explanation of the department's evidence and an opportunity to address a department representative concerning the charges.

1. The pre-action meeting shall be held at a time when the employee is reasonably able to attend, with due notice, and prior to effectuation of the discipline.
2. Any relevant information presented by the employee regarding the proposed action shall be considered. The department representative will make a recommendation to the Appointing Authority to support, modify, or revoke the proposed action. If the recommendation and final action are adverse to the employee, the employee may appeal the action using the appeals procedure specified in Merit System Rule 14.
3. When a department determines that an employee should be out of the work place while a pre-action investigation is conducted, the employee may be placed on administrative leave with pay pursuant to Personnel Policy 8-107.

12.1 C. Any of the Following Constitute Cause for Discipline:

1. Fraud in securing appointment or securing or attempting to secure workers' compensation benefits;
2. Incompetence;

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3. Inefficiency;
  4. Neglect of duty;
  5. Insubordination, including, but not limited to, conduct which is unruly;
  6. Dishonesty;
  7. Possessing, dispensing, or being under the influence of alcohol, a narcotic, barbiturate, marijuana, or a tranquilizing or hallucinogenic drug, while on duty, except in accordance with medical authorization, or in the lawful performance of the employee's regular assigned duties;
  8. Absence without leave without reasonable cause;
  9. Commission or conviction of a felony or of a misdemeanor involving moral turpitude, either of which would affect the employee's suitability for continued employment;
  10. Discourteous treatment of the public;
  11. Willful disobedience, i.e. a specific violation of a command or prohibition;
  12. Engaging in prohibited political activity;
  13. Misuse of County property;
  14. Seeking to obtain financial, sexual, or political benefit from another employee with his/her consent, induced by wrongful use of force or fear, or under color of official right;
  15. Violation of the Rules of Conduct, Personnel Policy 8-119;
  16. Failure to satisfactorily perform job duties and responsibilities;
  17. Failure to maintain minimum qualifications for the position;
  18. Any other improper conduct or performance, which constitutes cause for disciplinary action.

## 12.2 TYPES OF DISCIPLINARY ACTIONS

### A. Informal Discipline

#### 1. Verbal Counseling

A supervisor may engage in verbal counseling with a permanent employee at any time for problem resolution. If the verbal counseling is documented, the documentation shall be placed in the employee's department personnel file and shall be automatically purged one (1) year from the date of the verbal counseling, unless an earlier removal is authorized by the Appointing Authority. Verbal counseling is neither grievable nor appealable.

#### 2. Letter of Counseling

An Appointing Authority or designee may issue a Letter of Counseling to a permanent employee at any time to correct or improve improper performance or conduct. The letter shall contain the specifics of the improper performance or conduct and shall be identified as a Letter of Counseling. A copy of the Letter of Counseling, with the employee's acknowledgment of receipt and any written response, shall be placed in the employee's department personnel file and shall be automatically purged one (1) year from the date of issuance, unless an earlier removal is authorized by the Appointing Authority. A Letter of Counseling is neither grievable nor appealable.

### B. Formal Discipline

#### 1. Letter of Reprimand

An Appointing Authority or designee may issue a Letter of Reprimand to a permanent employee to admonish the employee for serious or repetitive improper performance or conduct. The letter shall contain the specifics of the improper performance or conduct and shall be identified as a Letter of Reprimand. A copy of the Letter of Reprimand, with the employee's acknowledgment of receipt, shall be placed in the employee's department personnel file and filed with Human Resources. The Letter of Reprimand shall advise the permanent employee of the right to grieve the disciplinary action within ten (10) business days of receipt.

## 12.2 B. 2. Suspension

- a. Suspension is considered to be a significant disciplinary action and may be used by an Appointing Authority or designee for more serious incidents or repetitions of improper performance or conduct.
- b. An Appointing Authority or designee may suspend without pay a permanent employee for a disciplinary reason. Permanent employees may be suspended for any appropriate length of time in full day increments. The Notice of Suspension must be delivered to the employee prior to or no later than the effective date of the suspension. The date of receipt must be documented. Copies of the Notice of Suspension shall be filed with Human Resources and the Clerk of the Board.
- c. The Notice of Suspension shall contain the specific reason(s) for the suspension in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the suspension to the Commission within ten (10) calendar days of receipt of notice.

## 3. Demotion

- a. Demotion for a disciplinary reason is considered to be a significant disciplinary action and may be used for more serious incidents or repetitions of improper performance or conduct. An Appointing Authority or designee may demote a permanent employee for a disciplinary reason provided the employee meets the minimum qualifications of the demoted classification.
- b. The Notice of Demotion must be delivered to the employee prior to or no later than the effective date of the demotion. The date of receipt must be documented. Copies of the Notice of Demotion shall be filed with Human Resources and the Clerk of the Board.
- c. The Notice of Demotion shall contain the specific reason(s) for the demotion in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the demotion to the Commission within ten (10) calendar days of receipt of notice.

## 12.2 B. 4. Dismissal

- a. Dismissal for a disciplinary reason is the most significant disciplinary action and may be used for the most serious incidents or repetitions of improper performance or conduct. An Appointing Authority may dismiss a permanent employee for a disciplinary reason.
- b. The Notice of Dismissal must be delivered to the employee prior to or no later than the effective date of the dismissal. The date of receipt must be documented. Copies of the Notice of Dismissal shall be filed with Human Resources and the Clerk of the Board.
- c. The Notice of Dismissal shall contain the specific reason(s) for the dismissal in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the dismissal to the Commission within ten (10) calendar days of receipt of notice.

12.3 ADMINISTRATIVE SUSPENSION

An Appointing Authority may impose a non-disciplinary suspension without pay or with reduced pay when a permanent employee is charged with a felony or other crime involving moral turpitude, or when it is deemed to be in the best interest of the County while an inquiry is being made into the conduct of the employee.

- A. Permanent employees may be placed on administrative suspension for any appropriate length of time in full day increments. Exempt permanent employees may be placed on administrative suspension only without pay.
- B. Notification shall be the same as for disciplinary suspension.
- C. The employee may be suspended until the inquiry is completed and the employee is acquitted of the charges, the charges are dismissed, or the employee is otherwise exonerated. Administrative suspensions that exceed thirty (30) business days must be approved by the County Administrator.
- D. At the conclusion of the suspension, the employee shall be returned to work with or without back pay, or advised of disciplinary or other action.

#### 12.4 SPECIAL OBSERVATION PERIOD

An Appointing Authority or designee may place a permanent employee on a Special Observation Period for the purpose of closely monitoring the employee's performance or conduct during the specified period of time. A Special Observation Period is a non-disciplinary action and may or may not be issued in conjunction with a disciplinary action. The Notice of Special Observation shall be separate from any accompanying disciplinary action documentation.

- A. The Notice of Special Observation Period shall be provided to the employee in writing upon the effective date, and shall specify the conduct involved, the purpose of the observation period and the length of the period. A copy of the Notice of Special Observation shall be placed in the employee's department personnel file and filed with Human Resources for placement in the employee's official personnel file.
- B. At the end of the Special Observation Period, the employee's supervisor shall prepare a special performance evaluation report specific to the performance issue(s) being monitored. A copy of the report shall be placed in the employee's department personnel file and filed with Human Resources.
- C. Unsatisfactory performance or conduct during the Special Observation Period may result in disciplinary action taken during the Special Observation Period. Unsuccessful completion of the Special Observation Period may result in disciplinary action taken at the end of the Special Observation Period.

#### 12.5 EFFECTIVE DATE

The demotion, administrative suspension, suspension, or dismissal for a disciplinary reason shall be effective on the date stated in the notice. The effective date of the action shall not be altered by the employee exercising the right of appeal.

#### 12.6 RIGHT TO REPRESENTATION

The affected employee is entitled to be assisted by a person of the employee's choosing in meetings where formal disciplinary action is being issued to the employee, to include pre-action meetings. The employee's assistant may participate in the discussions with the employee during such meetings. The employee must be given notice of this meeting at least three (3) full work days from the date of written notification. If the employee has not obtained an assistant within that period of time, management may proceed without further delay.