

CHAPTER 11 - DISCIPLINE AND TERMINATION

SECTION A DISCIPLINE

1. Employees shall accept personal responsibility for maintaining high standards of conduct and job performance, including adherence to rules, standards, and policies. Rules, standards, and policies are needed to help everyone get the job done efficiently, safely, and effectively. Disciplinary action may be required to enforce established rules, standards, and policies. The purpose of discipline is to provide the employee with information and guidance needed to make the required improvements to continue their employment with the County.
2. Employing Officials will consult with the Human Resources Department or the Civil Division of the Prosecutor's Office for assistance and to maintain consistency in the discipline process throughout the County.

SECTION B CAUSES FOR DISCIPLINARY ACTION

The following is a non-exclusive list provided for illustration of "cause" for disciplinary action:

1. Failure to meet the requirements set forth in the job classification or failure to meet reasonable work performance standards.
2. Neglect of Duty or Dereliction of Duty: Engaging in any activity or personal business which causes the employee to neglect or be inattentive to his/her job responsibilities.
3. Conduct Unbecoming a County Employee:
 - a. Discourteous treatment or offensive conduct toward the public or fellow employees.
 - b. The use of indecent, obscene, coarse, vulgar or offensive language, including but not limited to racist or sexist slurs, directed toward or in the presence of the public or fellow employees.
4. Assault or threat directed toward the public or fellow employees.
5. Misuse or abuse of power when dealing with members of the public for personal gain.
6. Unauthorized Use of County Time, Property or Equipment.
7. Deliberately destroying, damaging or defacing County property or records.
8. Misappropriation or theft or the improper use of County property, funds or services; or the property/funds of co-workers in the workplace.

9. Bribery: Making a bribe, accepting a bribe, or soliciting a bribe in the course of County business.
10. False Statements: False or fraudulent statements or fraudulent conduct by an employee or such actions by others with his/her collusion. Falsifying records or reports.
11. Violation of laws, regulations, ordinances, policies or rules: Violation of laws or regulations of State, County, or Departmental work rules, policies, or safety rules..
12. Solicitation of Illegal Acts: The attempt to induce an officer or employee of the County to commit an illegal act or violate any lawful and reasonable departmental regulation.
13. The Commission of a Crime: Any felony or misdemeanor crime committed, regardless of location or time,, that is or may be work related which may impair the employee's ability to perform his/her duties, or which is so disruptive to the work relationship between the County and the employee or the employee and their coworkers that the Employing Official feels compelled to terminate the employee rather than tolerate the disruptions and inefficiencies that continued employment may cause.
14. Insubordination: Disobedience, unwilling to submit to established authority, the refusal to perform assigned work unless such performance would constitute a safety hazard or illegal act.
15. Absences Without Authorization: Failure to report for work, failure to give actual reasons for an absence, leaving work during shift without permission, or failure to return to work upon the expiration of a vacation or authorized leave.
16. Chronic tardiness or excessive absenteeism.

SECTION C PROGRESSIVE DISCIPLINE

The following is a list of disciplinary actions in order of increasing severity. It is not intended to be an all-inclusive list, nor is there any intent that discipline necessarily starts at the lowest level and be sequential. The level and sequence of discipline should be commensurate with the problem.

1. Oral Warning: Inappropriate conduct or performance may initially be brought to the attention of the employee by oral discussion or reprimand. The Employing Official is to take reasonable precaution not to embarrass the employee before other employees or the public. The Employing Official is encouraged to keep a record of the date and subject of oral warnings. An oral warning is not subject to the notice and hearing requirement set forth below or the grievance procedure set forth in Chapter 12.
2. Written Reprimand: When inappropriate conduct or performance is continual, or when in the judgment of the Employing Official the severity of such conduct or performance warrants it, a written reprimand may be issued to an employee. A copy of the written reprimand shall be kept in the employee's confidential file in the Human Resources Department. The employee may be issued a document outlining areas of improvement that are required with a designated time frame. The employee's supervisor will closely monitor the employee's work performance and/or work behavior which may require

frequent performance evaluations. A written reprimand is not subject to the notice and hearing requirement set forth below or the grievance procedure set forth in Chapter 12.

3. Suspension Without Pay: The Employing Official may remove an employee from work without pay for a specific period of time for continuing inappropriate conduct or performance or any one severe offense.
 - a. Employees who are exempt from the overtime laws are not subject to unpaid disciplinary suspensions except in increments of full work weeks unless the infraction leading to the suspension is for a violation of a safety rule of major significance.
4. Forfeiture of Leave: The Employing Official may charge an employee annual leave, in lieu of suspension without pay. In the event that an employee does not have enough annual leave available, an employee may forfeit sick leave.
5. Demotion: The Employing Official may demote an employee to a classification which has a lower salary range.
6. Termination: The Employing Official may terminate an employee for cause. Termination is the involuntary end of the employment relationship for cause. Instances which warrant termination without prior written notice or suspension may include, but are not limited to, conduct such as insubordination, assault, theft, dishonesty, being under the influence of alcohol or drugs, and illegal or destructive acts on the job.
 - a. Terminated employees shall be paid all accrued annual leave and compensatory time.

SECTION D DISCIPLINARY PROCESS

1. Administrative Leave: An Employing Official, or their designee, may place an employee on leave with pay pending the resolution of an administrative investigation, a investigation for alleged misconduct, a pre-disciplinary/pre-termination hearing or for business necessity after consultation with the Human Resources Department. An employee placed on administrative leave shall be advised, in writing, of the reason for the leave.
2. Hearing Required: An Employing Official provides and arranges for a pre-disciplinary or pre-termination hearing prior to the imposition of a disciplinary action that may result in suspension without pay, demotion, forfeiture of leave, or discharge.
3. Notice: Notice of the hearing described above shall be initiated by the Employing Official by providing the employee with a written notice. The notice informs the employee of:
 - a. The reasons for the disciplinary action or possible termination, including any specific policies and procedures which have been violated.
 - b. A summary of the previous incidents or disciplinary actions, if applicable.

- c. The date, time, location of the hearing.
 - d. The opportunity to respond to the reason discipline is being considered at the pre-disciplinary hearing.
4. Pre-Disciplinary or Pre-Termination Hearing: The hearing is informal. The purpose of the hearing is to allow the employee to present information which would assist the Employing Official in reaching a final determination.
5. Final Disciplinary Action: As a result of the pre-disciplinary or pre-termination hearing, the Employing Official shall issue a determination within a reasonable period of time and include the following:
- a. The discipline imposed, if applicable.
 - b. The effective date and duration of the discipline imposed, if applicable.
 - c. The required corrective action by the employee, if applicable.
6. Placement in Personnel File: It is recommended the employee acknowledge the disciplinary action by signature on the final notice of the disciplinary action. If the employee refuses to acknowledge the final disciplinary action notice, the Employing Official may fulfill this obligation by securing the signature of a witness. The disciplinary action notice is forwarded to the Human Resources Department for placement in the official Personnel file.