

SECTION XVI - DISCIPLINARY PROCEDURES

- A. Disciplinary Action: It is the responsibility of all employees to observe regulations necessary for the proper operation of county functions. Administrative procedures have been established for the handling of disciplinary measures taken against all employees such as dismissal, reprimand, suspension, and demotion. All such disciplinary measures shall follow finding of fact, the presentation of charges to the employee, and an opportunity for the employee to be heard.
- B. Dismissal: No employee may be dismissed from service as a result of a change in the appointed administration of the county or for the political expediency of an elected officer; except where specifically provided by statute, contract, or terms of formal agreement as a condition of employment. Neither shall any employee be removed from employment by means of job reclassification or transfer of job function when the evident purpose of the action was primarily for the purpose of dismissing the employee.
- C. Immediate Suspension: The employee may be subjected to immediate suspension with dismissal pending the results of a formal investigation. A written letter stating reasons for disciplinary action must be sent by certified mail or be hand delivered to the employee and the county commission. The human resources personnel shall schedule and conduct a hearing with the employee within fourteen (14) days of such action. Failure of the employee to appear, without good cause, constitutes a waiver of further appeal by the employee through the county grievance procedure. All dismissals are subject to the review and approval of the Board of County Commissioners. Immediate suspension may be utilized for commission of any of the following and/or similar acts:
1. Gross neglect of duty
 2. Insubordination (willful noncompliance to a reasonable directive or assignment)
 3. Conviction of a felony, a crime of moral turpitude, while an employee of the county
 4. Deliberate or careless conduct endangering the safety of the employee, other employees, or the public
 5. Inducing or attempting to induce any employee to commit an unlawful act or violation of county regulations, policy, procedures, practices, or orders
6. Incompetence and inefficiency in the performance of job duties which cannot

be corrected

7. Carelessness or negligence with county funds or property (misfeasance, malfeasance, or nonfeasance)
8. Theft or intentional destruction of county property
9. Intentional falsification of personnel records, time reports, or other county records or documents
10. Being under the influence of intoxicants or drugs while on duty
11. Engaging in the distribution of or having possession of illegal drugs

D. Verbal Warning: Whenever grounds for disciplinary action exist, and the department head/elected official determines that more severe action is not required, the department head/elected official should verbally communicate to the employee the observed deficiency. Written documentation of the reprimand will be kept for future reference. Sufficient time for improvement should be given before more formal disciplinary action is taken, unless extenuating circumstances dictate otherwise. Such references shall be removed from the employee's file one year from the date of issuance, provided that there have not been subsequent occurrences of the same or similar offense.

E. Written Reprimand: The department head/elected official may reprimand an employee in writing. Such reprimand should be addressed to the employee and a signed copy should be placed in the employee's personnel file. Except for special circumstances, written reprimands should be removed from the employee's file one year from the date of issuance, provided that there have not been subsequent occurrences of the same or similar offense.

1. First Reprimand: A written warning notice will be issued to the employee, with a copy placed in the employee personnel file.
2. Second Reprimand: Eight (8) hours of leave without pay in accordance with suspension, demotion, and discharge policy.
3. Third Reprimand: The penalty for a third reprimand shall be forty (40) hours of leave without pay and possible dismissal (subject to paragraph "F").

F. Third Reprimand/Warning: If an employee receives three (3) written warning notices for the same or different offenses for the following or similar situations within a twelve (12) month period, the employee may be dismissed at the time of issuance of the third notice. Actionable behaviors include, but are not limited to:

1. Failure to report to work without notifying the supervisor, unless it is impossible to give such notice and/or excessive absenteeism or tardiness

2. Horseplay and related kinds of activities which create safety hazards or distract other workers
3. Violating a safety rule or practice
4. Smoking in posted or unauthorized areas
5. Inattentiveness to work, failing to start work at the designated time, quitting work early, or leaving employer's work premises without authorization from the supervisor
6. Vending, soliciting, or collecting contributions on the employer's time or premises without proper authorization
7. Unauthorized personal use of company equipment
8. Receiving a third garnishment of wages for failure to pay an indebtedness
9. Any other good and sufficient reason

G. Suspension: The department head/elected official may suspend without pay an employee for up to, but not exceeding, thirty (30) calendar days as a disciplinary measure. On or before the effective date, both the employee and the Board of County Commissioners shall be furnished with a written statement setting forth reasons for the suspension. Normally, employees may not be suspended without pay for more than sixty (60) calendar days in one (1) year.

H. Demotion: The department head/elected official may demote any employee by written order setting forth specific reasons for the action. A demotion is defined as a reduction in pay, or position and pay, which may result from poor job performance, insubordination, incompetence, or other disciplinary actions.

I. Appeal: Any employee subject to disciplinary action or dismissal under the provision of the above policies may appeal through formal grievance procedures to the human resources personnel and/or Board of County Commissioners; the decision of the Board shall be final.

J. Corrective Action: When an employee's performance does not meet established standards for reasons other than willful misconduct, managers shall take appropriate corrective action in accordance with the following rules:

1. The department head/elected official/supervisor shall discuss the substandard performance with the employee in an attempt to discover the reasons for such performance and to plan an appropriate solution
2. Appropriate corrective actions include: closer supervision, training, referral for personal counseling, reassignment or transfer, use of appropriate leave, career counseling, or separation
3. During the implementation of corrective action, the department

head/elected official/supervisor shall frequently evaluate and document the employee's progress