

POLICY 601: CORRECTIVE ACTION/DISCIPLINARY PROCEDURE

ADOPTED: AUGUST 3, 1988 (REVISED: JUNE 20, 2017)

Policy:

It is the policy of the County that all employees are expected to comply with the County's standards of behavior and performance and that any noncompliance with these standards must be remedied.

601:1 GENERAL PROVISIONS

1. Under normal circumstances, the County endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. The County does, however, retain the right to administer discipline in any manner it sees fit and to modify or delete these procedures depending upon the situation and in its sole discretion.
2. Corrective action is typically warranted when an employee is not meeting County standards of attendance, performance, or conduct (attitude or human relations).
3. The normal application of progressive discipline is:
 - a) Verbal warning
 - b) Written warning
 - c) Suspension
 - d) Termination

601:2 DISCIPLINARY PROCEDURES

Facts and circumstances surrounding the incident or violation shall be carefully considered before taking any formal disciplinary steps. In all cases of suspension or termination, Employee Relations must be contacted to ensure appropriate action steps are taken.

Verbal Warning

The intention of a verbal warning is to re-establish expectations, goals, and/or objectives. Supervisors who identify that an employee is not meeting expectations shall discuss the situation with the employee, to include the action necessary to correct the problem. Supervisors should document the conversation and keep that documentation as backup for the employee's annual performance evaluation.

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Written Warning

A written warning is formal documentation of an incident or violation of expected performance and/or behaviors, usually taken place after a verbal warning has been given. Supervisors shall use either a Corrective Action Form, or standard memorandum to document the warning. A copy shall be given to the employee and another copy forwarded to Human Resources for inclusion in the employee's file.

Suspension

Prior to any suspension being initiated, Employee Relations shall be contacted. Employee Relations will assist the department in determining whether a suspension is appropriate, and aid in determining the duration of the suspension. Employees in exempt positions may be suspended for as little as one day, under circumstances where partial-workweek suspensions (in whole-day increments) are allowed by law. The employee's immediate supervisor, with the approval of the department/division director or designee, shall notify the employee in writing of the proposed corrective action using the Notice of Proposed Corrective Action form, and explain the reasons and circumstances relevant to the proposed corrective action.

After the employee is given a reasonable opportunity to review the notification of accusations/charges, usually twenty-four (24) hours, the immediate supervisor and/or department/division director or designee will hold a meeting giving the employee an opportunity to explain his/her version of the facts surrounding the accusations/charges. The employee may do this in writing or orally. The employee may bring another County employee to act as a representative or witness to the meeting who voluntarily wishes to attend the meeting. Following this meeting, a final decision will be made. A Notice of Corrective Action form noting the final decision and the length of the imposed suspension, if upheld, shall be completed and a copy given to the employee and another copy forwarded to Human Resources for inclusion in the employee's file.

In situations where the employee's presence creates, in the County's opinion, a hazard to property, employees, the public, or otherwise interrupts the operations of the County, the employee may be placed on administrative leave immediately with pay pending the meeting with the employee's supervisor(s). The immediate supervisor and/or department/division director or designee shall then contact Employee Relations to determine future action to be taken.

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Termination

Prior to a termination being initiated, Employee Relations shall be contacted. Employee Relations will assist the department in determining whether termination is appropriate. The employee shall be notified in writing of the proposed termination using the Notice of Proposed Corrective Action form. The employee shall immediately be placed on administrative leave without pay, for at least twenty-four (24) hours and until the time of the meeting described below, allowing reasonable opportunity to review the notification of accusations/charges.

Following the administrative leave the employee's immediate supervisor and department/division director (or designee) will hold a meeting, within three (3) business days of the Proposed Corrective Action, to give the employee an opportunity to explain his/her version of the facts surrounding the accusations/charges. The employee may do this in writing or orally. The employee may bring another County employee to act as a representative or witness to the meeting who voluntarily wishes to attend the meeting. Following this meeting, a final decision will be made. A Notice of Corrective Action form noting the final decision shall be completed and given to the employee and another forwarded to Human Resources for inclusion in the employee's file.

While the employee is on administrative leave without pay, all terms and conditions of employment shall continue, pending the department director or designee's final decision and the corrective action taken. If the County's final decision on discipline is not termination or suspension, the employee will be paid for the time spent on administrative leave.

601:3 ALTERNATIVE PROCEDURES

Alternative procedures may be the final step before termination. Refusal by the employee to participate in the Alternative Procedure process may result in separation of employment.

Decision Making Leave

In certain situations where a suspension may not be appropriate, a supervisor may elect to use decision making leave as part of the final step in the corrective action process. During this process, an employee is given time off of work with pay, usually for one day, to decide if they are willing to make a long term commitment to the County. If the employee decides to re-commit to the County, they will sign a letter of commitment. If they are not willing to make this commitment, their employment with the County will end. In all cases, Employee Relations shall be consulted before beginning this process. Management will outline overall unacceptable behavior or performance. The employee will also provide a letter to Management outlining the steps they will take to change their behavior or improve their performance.

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Last Chance Agreement

Management may provide a written agreement to a long term employee accused of serious misconduct (e.g., substance abuse, absenteeism, harassment, insubordination, ethics violation, etc. and not meant to be all inclusive), to communicate a quota or maintain a certain level of performance, attendance, or behavior. The employee understands and agrees with provisions of this agreement and may accept the terms.

An employee may voluntarily resign at any time in the Corrective Action and Alternative Procedure process.

Not Employment Contracts

The letters and agreements forming part of the foregoing alternative disciplinary procedures are not employment contracts and do not alter employees' at-will employment status. Rather, the letters and agreements are an affirmation of the County's expectations and the employee's desire, after careful reflection, to meet them.

601:4 NAME CLEARING

A terminated employee may submit, in writing, a rebuttal of the reasons for his/her termination, which shall be placed in the employee's personnel file and become a public record. The writing is not a grievance; rather, the purpose of the writing is for the employee to address any circumstances surrounding the termination which he or she believes are stigmatizing. Terminated employees wishing to initiate a grievance shall follow the procedure in Policy 602.