8.02 CORRECTIVE ACTION

A. Policy Statement

Clearly written policies tend to minimize misunderstandings and prevent minor infractions from developing unchecked into major problems. To this end, the Board of Commissioners has adopted this policy of progressive, corrective discipline for all classified employees.

Each disciplinary incident is unique. Management, therefore, retains the right to deal individually with the merits of each matter, without creating any precedents for the treatment of any other incident which may arise in the future. Examples given in any rule do not limit the generality of that rule. These rules and regulations are not to be construed as a limitation upon the rights of management, but are merely a guide to aid the employee in knowing what types of behavior are not permitted.

These rules and regulations provide typical penalties for specific offenses. However, a different penalty (either more or less severe) may be issued than that which appears in the standard procedure, if appropriate. This approach gives recognition to the impartiality of consistent application tempered with good judgment, without losing sight of the unique individual nature of each infraction.

B. Criteria For Corrective Action

Every employee has the duty and responsibility to be aware of, and abide by, rules and policies outlined herein. Employees will be assessed and held accountable for their respective job performance, behavior and attendance. For purposes of this manual, these criteria are defined as:

1. **Performance**—Conducting the duties of the job, as detailed in the job description, to the highest standard.
2. **Behavior**—Adhering to the rules of conduct as outlined in this Policy Manual; displaying a proper respect for other people and belongings; and showing proper and appropriate respect to supervisors.
3. **Attendance**—Displaying consistent and predictable attendance. This includes arriving on time, adhering to clock-in/clock-out rules, and being available for call-in and overtime when assigned.

C. Means of Corrective Action

1. Documented Verbal Warning

A supervisor verbally counsels an employee about an issue of concern, and a written record of the discussion in the form of a memo, or Department of Human Resources supplied document, are placed in the employee's file for future reference.

2. Written Warning

Written warnings are used for violations that a supervisor considers serious in nature, or in situations when a verbal warning has not corrected the unacceptable behavior. Written warnings, in the form of a memo, or County supplied document, is placed in the employee's file for future reference.

3. **Suspension**

    a. **With Pay**
    Otherwise known as "in-house" suspension. An employee will report to work as usual, but it shall be documented in the employee's personnel file that they served a suspension.

    b. **Without Pay**
    Employment is suspended for a period of time without pay. The employee does not report to work. Dates of suspension are decided by employee's management.

4. **Demotion**
Employee is removed from his/her current position and placed in a lower job classification and appropriate pay grade.

5. **Deduction in Accrued Time Off**
Generally used to offset an abuse of sick time or tardiness. In such cases, time shall be deducted from an employee's vacation time or compensatory time.

6. **Final Warning and Last Chance Agreement (L.C.A.)**
An employee may be given a final warning and presented with a Last Chance Agreement. The Last Chance Agreement will detail the necessary improvements, as determined by the employee's immediate supervisor, which need to be made by the employee. The Last Chance Agreement will last for a predetermined amount of time. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct, attendance and/or work requirements as specified in the Last Chance Agreement. At the end of the conclusion of the time period, if the established goals are not met, it may be determined that the employee has failed to meet the terms of the Last Chance Agreement and termination may occur.

D. Pre-Disciplinary Conference (a.k.a Loudermill Hearing)
Whenever an employee, in the classified civil service is alleged to have committed an offense warranting suspension or discharge from employment, the employee shall be provided with advanced notice of the allegation(s). Attached to the notice shall be copies of all evidence to be used in support of the allegation(s) or summaries of such evidence.

1. **Notification of Conference and Preparation**
The employee shall be afforded the opportunity to prepare his/her defense and examine the evidence to be used against him/her. In order to afford such opportunity, the notice to the employee must include a date and time for the conference which shall not be less than three (3) regularly scheduled working days from the date the employee receives the notice unless otherwise agreed upon by both the employee and management.

    The employee has the right to voluntarily waive a conference. Absent extenuating circumstances, failure to appear at the conference will result in an automatic waiver of the employee's right to a conference.

2. **Conference Administrator and Conference Process**
The conference shall be conducted by a Conference Administrator not involved in the events giving rise to the allegation(s). The Commissioners recommend that the Director of Human Resources serve as the Conference Administrator.

The employee may present evidence and call witnesses on his/her behalf. The employee must provide copies of all evidence, identify all witnesses and summarize the expected testimony of each to Management at least forty-eight (48) hours in advance of the conference. The Conference Administrator shall limit witnesses' testimony to matters relevant to the allegation(s) and limit redundant testimony. The Conference Administrator may question witnesses. Cross-examination of witnesses by an opposing party is not allowed. Unless otherwise agreed in advance by the Conference Administrator and both parties, the employer and employee shall be limited to a total of twenty (20) minutes each to present their respective cases and any rebuttal evidence.

Any employee who elects to proceed with a pre-discipline conference shall not suffer a reduction in pay for the time spent at the conference. Likewise, witnesses who are required or allowed to testify shall not suffer a reduction in pay.

3. **Response from Conference Administrator**
Within five (5) regularly scheduled working days after the conference, the Conference Administrator shall provide to the employee and the hiring authority a written statement limited to affirming or disaffirming whether there is reasonable cause to believe each allegation. If the statement of the Conference Administrator affirms that there is reasonable cause to believe any allegation(s), it shall be left to Management to determine what disciplinary action, if any, to impose.

4. **Determination of Discipline**
When imposing discipline on a current charge, management will consider the severity of the violation as well as prior disciplinary action.

For disciplinary actions resulting in employee suspensions, the County Administrator may reject the Conference Administrator's statement regardless of whether it affirms or disaffirms any allegation(s). The County Administrator may then proceed with, or reject management's proposed disciplinary action.

For disciplinary actions resulting in a proposal to terminate, the Board of Commissioners may reject the Conference Administrator statement regardless of whether it affirms or disaffirms any allegation(s). The Board of Commissioners may then proceed with, or reject management's proposal for termination.

5. **Appeals Process**
For non-exempt employees, an order of suspension of more than twenty four (24) hours or dismissal may be appealed to the State Personnel Board of Review according to its rules and regulations. For exempt employees, an order of suspension of more than forty (40) hours or dismissal may be appealed to the State Personnel Board of Review according to its rules and regulations. Members of a certified bargaining unit may access the grievance procedure provided in the applicable collective bargaining agreement.

E. Typical Offenses and Disciplines

The following lists serve as a guide to inappropriate conduct that will result in an employee corrective action and a *recommendation* for discipline. These lists are not exhaustive and do not indicate every possible violation. Ultimately, management reserves the right to discipline any employee that fails to meet acceptable standards of performance, behavior or attendance as well as determine the appropriate degree of discipline.

1. Group I Offenses

Recommended Disciplines	
First Offense	Instruction or documented verbal.
Second Offense	Written reprimand.
Third Offense	Minimum one (1) day's suspension without pay.
Fourth Offense	Minimum three (3) days' suspension without pay.
Fifth Offense	Termination

Typical Offenses

1. Discourteous treatment of the public.
2. Failure to properly report off work for any absence.
3. Failure to commence duties at the beginning of the work period, unexcused tardiness, or leaving work prior to the end of the work period without authorization.
4. Leaving the job or work area during regular working hours without authorization for a brief period (off task). Prolonged absence could be considered a more severe violation and subject to more severe discipline.
5. Making preparations to leave work without specific prior authorization before the lunch period, or for any official break time, or before the specified quitting time.
6. When operations are continuous, employees shall not leave their post at the end of their scheduled shift until relieved by an employee on the incoming shift.
7. Neglect or carelessness in clocking in or out.
8. Unauthorized and/or excessive absence from work.
9. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
10. Distracting the attention of others, or causing confusion by unnecessary shouting, demonstration or any other disruptive behavior on the job.
11. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language, gestures and/or graphics.
12. Failure to cooperate with other employees as required by job duties.
13. Failure to use reasonable care of County property or equipment.
14. Use or possession of another employee's equipment without authorization.
15. Neglect or carelessness in observance of official safety rules, or disregard for common safety practices.
16. Failure to observe department rules.
17. Failure to comply with attire and grooming rules.
18. Misuse and/or abuse of County telephone privileges.
19. Obligating the County for minor expenses or services without authorization.
20. Failure to report:
    - Accident, injury or unsafe condition, no matter how small.
    - Equipment damage.

21. Disregarding job duties by neglect of work or being "off task" (i.e. reading for pleasure during working hours, playing computer games on computer, phone or tablet, etc.).
22. Use of cell phone or other electronic device while operating a vehicle (personal or County-owned) in the performance of County business.
23. Unsatisfactory work or failure to maintain required standards of performance.

2. Group II Offenses

Recommended Discipline	
First Offense	Instruction, Documented Verbal and minimum one (1) day suspension.
Second Offense	Minimum three (3) days' suspension
Third Offense	Termination

Typical Offenses

1. Sleeping during work hours (i.e. dozing off at your work station/desk).
2. Reporting for work or working while unfit for duty.
3. Conduct violating morality or common decency.
4. Unauthorized use of County property or equipment.
5. Performing private work on County time.
6. Violation of unacceptable activities as described in Section 4.11, C. pertaining to the inappropriate use of employee computer, email, or internet.
7. Willful failure to clock-in or out when required.
8. Willful failure to make required reports.
9. Failure to report for overtime work or when scheduled for "standby" without good reason after being directed to work according to overtime policy.
10. Violation of the county policy on solicitation and distribution.
11. Violation of prohibited political activities as described in Section 4.15, B.
12. The making or publishing/distribution of false, vicious, malicious, or misleading statements or photos concerning any employee, supervisor, or the County.
13. Refusing to give testimony when questioned during an investigation into potential employee wrongdoing or an accident.
14. Giving false testimony during an investigation or hearing.
15. Unauthorized posting or removal of notices or signs from bulletin boards.
16. Divulging confidential information; claiming to speak on behalf of the County when not authorized or otherwise engaging in conduct that reflects negatively on their employer via social media sites, internet discussion boards and the like.
17. Unauthorized presence on County property.
18. Willful disregard of Department Rules.
19. Use of abusive or threatening language.

3. Group III Offenses

Recommended Discipline	
First Offense	Termination

Terminable Offenses

1. Wanton or willful neglect in the care, use or custody of any County property or equipment. Abuse, or deliberate destruction in any manner of County property, tools, equipment, or the property of employees.

2. Wanton or willful neglect in the performance of assigned duties (i.e. sleeping during working hours, walking off premises without permission or notification, purposely not performing assigned tasks, etc.).
3. Harassing (sexual or otherwise), threatening, intimidating, or coercing subordinates or other employees or engaging in any prohibited behavior described in Section 5.02, A and 5.03 B.
4. Signing or altering another employee's time card, or unauthorized altering of his/her own time card.
5. Falsifying time worked for the gain of a County benefit (i.e. reporting overtime worked for the purpose of gaining compensation time or overtime pay).
6. Falsifying testimony when accidents are being investigated or falsifying an injury report.
7. Falsifying or assisting in falsifying or destroying any County record, including work performance reports.
8. Giving false information or withholding pertinent information called for in making application for employment except as modified under the application section.
9. Making false claims or misrepresentation to obtain any County benefit.
10. Falsifying travel and lodging records for personal gain.
11. Sale of tickets for pools, or bookmaking, or gambling of any nature.
12. Stealing or similar conduct, including destroying, damaging or concealment of any property of the County or of other employees.
13. Use of drugs (controlled substance as defined by law); the sale of drugs; or the abuse of non-schedule drugs.
14. Failure of drug or alcohol test as described in Section 5.08.
15. Being in possession of or consuming drugs or alcohol on the job.
16. Fighting or attempting to injure another person.
17. Carrying or possession of firearms, explosives or weapons on County property or while acting in the course and scope of their employment either on or off County property, regardless of whether the employee has a permit to carry a deadly weapon, except as otherwise provided in Section 5.03.C.(2).
18. Knowingly harboring a communicable disease such as TB which may endanger other employees.
19. Misuse or removal of County records or information of any nature, or revealing such information without prior authorization.
20. Any acts of retribution towards an employee who makes and accusation of harassment or wrongdoing that would be considered covered as a Whistleblower.
21. Instigating, leading, or participating in any illegal walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction or interference with work in or about the County's work stations.
22. Obligating the County for significant sums of money for expenses or services without authorization.
23. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are: theft, pilfering, opening desks assigned to other employees, opening lunch boxes, tool kits, or other property of the County or other employees; inserting slugs in vending machines without paying the proper charge therein; making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made, inaccurate or false reports concerning any absence from work. The foregoing are examples only and do not limit the terms "dishonesty" or "dishonest action".

24. Obtaining, attempting to obtain or assisting another employee in obtaining or attempting to obtain a benefit of employment by way of misleading
25. Insubordination by refusing to perform work assigned or to comply with verbal and/or written instruction of a supervisor.
26. Patient/Client/Customer/Co-worker abuse – regardless whether physical, verbal or mental.
27. Conviction of a felony; or any imposed legal restriction(s) that would prohibit you from performing an essential function of your job.
28. Willful disregard for official safety rules, or disregard for common safety practices.