

Rule 3-60

DISCIPLINE AND DISMISSAL

§§:

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§ 3-60-010 PURPOSE

This rule provides supervisors with an orderly administrative procedure for actions imposing discipline and dismissal that incorporates the requirements of collective bargaining agreements, MCC Chapter 9 and other applicable law. This rule does not amend or supersede the disciplinary or grievance procedures set out in MCC Chapter 9 or the collective bargaining agreements. This rule applies only to classified employees except as otherwise specified. See § 3-60-080 for volunteers and interns (paid and unpaid).

§ 3-60-020 POLICY

Supervisors must fairly administer provisions governing discipline for violations of work and conduct rules. They are also responsible for dismissing employees who do not maintain acceptable standards of performance or conduct.

§ 3-60-030 AUTHORITY FOR DISCIPLINARY ACTION

Supervisors are authorized to impose discipline, as listed below, unless a Director has specifically removed that authority in writing. Delegation of authority for disciplinary actions is as follows:

- (A) Oral and Written Reprimands: Immediate supervisor
- (B) Demotions, Suspensions, and Reductions in Pay: Reviewing supervisor
- (C) Dismissals: Supervisor who is an Executive employee.

This authority may be delegated in writing. Copies of delegations must be distributed to executive employees, and the Chief Human Resources Officer. This authority may be amended in writing at any time.

§ 3-60-040 CAUSES FOR DISCIPLINARY ACTION

County employees are subject to disciplinary action for cause and any violation of county rules.

§ 3-60-050 FORMS OF DISCIPLINARY ACTION

Unless prohibited by a collective bargaining agreement, any of the following disciplinary action may be imposed. Other forms of disciplinary action may be imposed subject to the approval of Central HR. No FLSA exempt employee is subject to discipline by suspension without pay for increments of less than full workweeks, unless it is discipline for a major safety violation which may be for less than a full workweek, nor to a reduction in pay.

- (A) Oral reprimand
- (B) Written reprimand
- (C) Suspension without pay
- (D) Demotion
- (E) Reduction in pay
- (F) Dismissal
- (G) Any combination of the above.

§ 3-60-060 NOTIFICATION PROCEDURES

- (A) Notice of Proposed Discipline

Except in the instance of oral or written reprimands, an employee will be notified of specific charges, the key elements of the evidence that support such charges, and the specific disciplinary action proposed before discipline may be imposed by the supervisor. The notice of proposed discipline must also include the employee's right to respond to the charges orally and in writing, and provide the date, time and place for the oral response. This notification will be in writing except that employees may be immediately suspended without written notice of proposed action when the supervisor deems that the employee's continued presence in the work place presents a safety or security hazard to the employee, coworkers, or the employer.

- (B) Discipline

Except for oral reprimands, notice of discipline must be mailed to the appropriate collective bargaining agent and delivered to the affected employee or last known mailing address by the date the discipline is to be imposed. If the discipline is a suspension, reduction in pay, demotion or discharge, the letter of notice to the employee will be either sent by certified mail/return receipt requested or hand delivered with a dated written receipt.

§ 3-60-070 FORMAT AND PROCEDURES FOR DISCIPLINARY ACTION:

(A) **Letter Content.** Letters of discipline will include sufficient information to inform the employee of the nature of the discipline, the grounds for the action, and the specific facts upon which the action is based. Generally, letters should contain the following information, as appropriate:

- (1) Action: The nature of the discipline imposed, e.g., suspension without pay.
- (2) Effective Date of Action: e.g., date a suspension begins, or an employee is dismissed.
- (3) Grounds: The charge against the employee, e.g., just cause.
- (4) Background: Includes such matters as length of service, prior warnings, prior discipline, other notice given to the employee of management's expectations or standards, training relevant to the charges, relevant policies or rules, and other pertinent information.
- (5) Supporting Facts, e.g., "You were witnessed leaving the work site, etc."
- (6) A description of future behavioral expectations including the consequence of further misconduct or non-performance.
- (7) For pre-dismissal hearings, the pre-dismissal process.
- (8) Conclusion, including:
 - (a) A description of future behavioral expectations including the consequence of further misconduct or non-performance.
 - (b) A statement of the employee's appeal rights.
 - (c) A statement of the right to respond in writing within 10 days and to have that response placed in the personnel file. (Non-represented only.)
- (9) The signature of the supervisor with authorization to impose disciplinary action, or of the Director.
- (10) A notation of all copies furnished, including:
 - (a) Employee's department personnel file
 - (b) Collective bargaining representative
 - (c) Department HR Manager
 - (d) Central HR Manager

(B) **Privacy.** Every reasonable effort will be made to impose discipline in a manner that will not embarrass the employee before other employees or the public.

(C) **Appeals**

Any represented employee has the right to appeal any discipline other than an oral reprimand in accordance with the terms of the collective bargaining agreement.

(D) **Imposition of a Lesser Discipline:** Where there is a decision to impose a lesser discipline, two letters will be prepared:

(1) The first will state that the earlier discipline is withdrawn and a lesser form of discipline is anticipated;

(2) The second will impose the lesser discipline without reference to the withdrawn disciplinary action.

After it is issued, the employee has the right to appeal the lesser disciplinary action unless it was imposed as part of a written settlement agreement involving the employee, Central HR and, if appropriate, the collective bargaining representative.

(E) **Withdrawal of Charges:** Supervisors may withdraw or modify any of the above disciplinary actions by notifying, in writing, all those originally notified. When charges are withdrawn, the copy of the notice of discipline in the personnel file will be destroyed. Central HR will retain a notated copy in case of litigation.

(F) **Imposition of More Serious Discipline Based on New Information:** If new facts are discovered during the disciplinary process that would result in the imposition of a more serious discipline than that originally proposed, a new notice must be sent to the employee incorporating the new facts as an additional basis for discipline, and giving the employee the opportunity to refute the new facts and charges.

§ 3-60-080 Volunteers and Interns (Paid and Unpaid)

Volunteers or interns (paid or unpaid) found to have violated county rules and/or department policies and procedures will be coached, or depending on the severity and/or frequency of the violations, may be dismissed from their volunteer assignment or internship.