

## BOX ELDER COUNTY PERSONNEL POLICIES AND PROCEDURES

<b>5.</b>	<b>DISCIPLINE</b>
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### 5-1. Policy

It is the policy of Box Elder County that disciplinary actions which result from violation of rules, regulations, policies, and procedures be applied equally and consistently to all employees. The aim of any disciplinary action is a modification of behavior. Disciplinary action will be accompanied by documentation which is given to each employee that is subject to discipline.

### 5-2. Action

If, after discussion with the employee(s), the supervisor decides to take disciplinary action, the usual sequence of disciplinary action could be oral warning, written reprimand and termination. Deviations from this procedure may be justified depending on the severity and circumstances of the action(s) to be disciplined. If, in the judgment of the supervisor, in consultation with Human Resources, the facts show aggravated misconduct, disciplinary action may proceed directly to suspension or dismissal.

### 5-3. Causes For Discipline

Each of the following shall constitute cause for discipline, up to and including discharge. The offenses listed are not intended to be comprehensive and the enumeration of these commonly accepted violations shall not limit the discipline of an employee for any other violations.

#### Verbal Warning:

- Indulging in offensive conduct or using offensive language
- Insubordination by refusing superior's order, verbal abuse of a superior, or unwillingness to submit to proper authority (see Written Reprimand)
- Deliberate, reckless, or careless conduct endangering the safety of the employee or employees (see Written Reprimand)
- Using, threatening, or attempting to use personal or political influence in an effort to secure special consideration as a county employee
- Incompetence or inefficiency in the performance of job duties resulting in an unsatisfactory performance evaluation
- Sleeping on duty except as provided for in official county regulations (see Written Reprimand)
- Using offensive language toward the public, county officers, or employees
- Excessive absenteeism and/or tardiness (see Written Reprimand)
- Horseplay and related kinds of activity (see Written Reprimand, Termination)
- Violating a safety rule or practice (see Written Reprimand, Termination)

- Inattentiveness to work, failing to start work at the designated time, quitting work early or leaving employer's premises during working hours without authorization from the supervisor, elected official or department head (see Written Reprimand)
- Not wearing seat belts at all times or ensuring passengers are wearing seat belts when driving or riding in a county vehicle (see Written Reprimand)
- Neglect of work and/or failure to comply with oral instructions or warnings (see Written Reprimand)
- Distributing written or printed literature or circulating a petition without authorization (see Written Reprimand)
- Unauthorized use of county equipment or materials (see Written Reprimand)
- Failure to comply with requests and instructions from supervisor(s), elected official, or department head. (see Written Reprimand)

### **Written Reprimand:**

- Gross neglect of duty or refusal to comply with lawful instruction unless such instruction is injurious to the employee's or general public's health or safety
- Insubordination by refusing superior's order, verbal abuse of a superior, or unwillingness to submit to proper authority (see Verbal Warning)
- Deliberate, reckless or careless conduct endangering the safety of the employee or employees (see Verbal Warning)
- Inducing or attempting to induce any employee in the service of the county to commit an unlawful act in violation of county regulations, official policies or departmental order
- Carelessness or negligence with county monies or property
- Theft or intentional destruction of county or employee funds or property (see Termination)
- Intentional falsification of personnel records, time reports, or other county records
- Sleeping on duty except as provided for in official county regulations (see Verbal Warning)
- Filing a false or unsubstantiated report with any outside agency
- Harassment to another employee, vendor, or member of the public as defined in Section 12 of the Employee Handbook: Harassment (see Termination)
- Unlawful possession of a weapon while on duty
- Punching or completing another employee's time record (see Termination)
- Physical attack on the public, county officers or employees (see Termination)
- Violations of Code of Conduct for Sheriff Department employees (see Termination)
- Making direct, indirect, implied, or conditional threats against another employee
- Using a county computer for self-employment or outside employment. Entering or maintaining personal information, which is detrimental to public service, on a county computer
- Using computer software in violation of license agreement. Copying software licensed to or developed by Box Elder County. Bringing software from home computers to run on Box Elder County computers unless authorized by the Information Technology director or designate. Purchasing, moving, altering, or

- repairing computer equipment and wiring unless authorized by the Information Technology director or designate. (see Termination)
- Excessive absenteeism and/or tardiness (see Verbal Warning)
  - Horseplay and related kinds of activity (see Verbal Warning, Termination)
  - Violating a safety rule or practice (see Verbal Warning, Termination)
  - Failure to report to work without notification to the supervisor, elected official or department head prior to the time the shift begins, unless it is impossible to give such notice (see Termination)
  - Inattentiveness to work, failing to start work at the designated time, quitting work early or leaving employer's premises during working hours without authorization from the supervisor, elected official, or department head (see Verbal Warning)
  - Misuse of sick leave or official leave (see Termination)
  - Not wearing seat belts at all times or ensuring passengers are wearing seat belts when driving or riding in a county vehicle (see Verbal Warning)
  - Neglect of work and/or failure to comply with oral instructions or warnings (see Verbal Warning)
  - Distributing written or printed literature or circulating a petition without authorization (see Verbal Warning)
  - Unauthorized use of county equipment or materials (see Verbal Warning)
  - Operating any vehicle without the proper license or insurance (see Termination)
  - Failing to immediately notify supervisor of traffic violations or accidents if driving county vehicle or equipment. (see Termination)
  - Failing to immediately notify supervisor of knowledge of direct, indirect, implied, or conditional threats against employees.
  - Knowingly or intentionally altering safety mechanisms or using equipment without safety mechanisms in place. (see Termination)
  - Smoking in unauthorized areas ***including all county buildings and vehicles/equipment*** and less than ***25 feet*** away from ***any entrance*** to any county building.
  - Failure to comply with requests and instructions from supervisor(s) or superiors. (see Verbal Warning)
  - Working at another job that creates a conflict of interest or adversely affects performance at work.

**Termination:**

- Conviction of any felony while an employee of the county
- Any use of intoxicants or body impairing drugs while on duty
- Theft or intentional destruction of county or employee funds or property (see Written Reprimand)
- Harassment to another employee, vendor, or member of the public as defined in Section 12 of the Employee Handbook: Harassment (see Written Reprimand)
- Clocking in for or completing another employee's time record (see Written Reprimand)
- Physical attack on the public, county officers or employees (see Written Reprimand)

- Violations of Code of Conduct for Sheriff Department employees (see Written Reprimand)
- Using computer software in violation of license agreement. Copying software licensed to or developed by Box Elder County. Bringing software from home computers to run on Box Elder County computers unless authorized by the Information Technology director or designate. Purchasing, moving, altering, or repairing computer equipment and wiring unless authorized by the Information Technology director or designate. (see Written Reprimand)
- Horseplay and related kinds of activity (see Verbal Warning, Written Reprimand)
- Violating a safety rule or practice (see Verbal Warning, Written Reprimand)
- Failure to report to work without notification to the supervisor, elected official or department head prior to the time the shift begins, unless it is impossible to give such notice (see Written Reprimand)
- Misuse of sick leave or official leave (see Written Reprimand)
- Operating any vehicle without the proper license or insurance (see Written Reprimand)
- Failing to immediately notify supervisor of traffic violations or accidents if driving county vehicle or equipment (see Written Reprimand)
- Knowingly or intentionally altering safety mechanisms or using equipment without safety mechanisms in place. (see Written Reprimand)

#### 5-4. **Procedures For Discipline:**

**Forms of disciplinary action.** There are six basic forms of disciplinary action typically used in public service, as follows:

1. Verbal warning
2. Written reprimand with a corresponding action plan
3. Suspension with pay
4. Suspension without pay
5. Demotion
6. Termination

**Verbal Warning:** The supervisor will hold a discussion with the employee and the supervisor will caution the employee about his/her conduct and impress upon the employee the need for corrective action. The supervisor should clearly specify, “This is your verbal warning.” If communication and lack of understanding is a recognized problem, the supervisor will write a brief record of the reprimand. The supervisor will sign or initial the record but it need not go in the employee's official personnel file. The supervisor will keep a copy for a reasonable time to be understood between the supervisor and the employee, and then the record may be destroyed after a specified period of time (recommended six (6) months) if the employee's conduct or performance has proven to be satisfactory during that time. Depending on the severity of the conduct, the supervisor may desire to inform Human Resources of the verbal warning.

**Written reprimand:** A written reprimand is a written record of discipline which is given to the employee and usually comes after a previous verbal warning. The employee will be given the right to comment and reply to it. The supervisor will give a copy of the written record to the employee and a copy will be filed with Human Resources in the individual's personnel file.

**Action plan:** An action plan is a process which will help the employee and the supervisor focus ideas and to decide what steps need to be taken to remedy the unacceptable behavior. It is a statement of what is to be achieved with a specific end date. The action plan should include: 1) A brief description of the problem and an explanation of why it is unacceptable, 2) A series of steps that will remedy the problem, 3) Clarification of which policy was violated and that Human Resources is informed of the situation, 4) A specific timetable for when the action plan will be completed.

**Suspension with pay:** Suspension with pay is an ordered absence of an employee from duty while in full pay status for a prescribed period of time. This allows for immediate response to a suspected but not fully substantiated offense; a period in which an investigation can be thoroughly pursued; and/or the preclusion of a grievance by the employee should the charges against him/her be found invalid. In all instances suspensions will be documented and placed in the employee's file. Typically a suspension with pay is not to exceed 90 days. An extension may be allowed under approval of the county commission in an executive closed session.

**Suspension without pay:** Suspension without pay is an ordered absence of an employee from duty without pay for a prescribed period of time until remedial action has been taken. A written notice and the right of the employee to reply in writing or in person may be involved before the suspension occurs.

**Demotion:** Demotion is the removal of an employee from his/her present position to a different position potentially at a lower salary.

**Termination:** Termination is the removal from county employment for misconduct or unsatisfactory performance. This involves a letter of charges, a right for the employee to reply, a final decision letter, and a right to appeal. Procedures have been established in the grievance policy for reviewing disciplinary actions such as suspensions, demotions, reductions in pay, and dismissals.

#### 5-5. **Termination**

If an employee is terminated by the county because of disciplinary actions, (s)he will be terminated with no notice depending on the severity of the offense. An exit interview will be required of all terminated employees. Exit interviews will be conducted by the Human Resources director.

Upon termination of an employee either voluntarily or involuntarily, any and all keys and/or other property of the county held by the employee will be surrendered to the elected official, department head, or Human Resources director. Failure to return such property will be considered as theft of government property and may result in prosecution.