

BOX ELDER COUNTY PERSONNEL POLICIES AND PROCEDURES

5.	DISCIPLINE
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5-1. 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. 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 warning 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, 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.

1. 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;
2. Insubordination by refusing superior's order, verbal abuse of a superior, or unwillingness to submit to proper authority;
3. Conviction of any felony while an employee of the County;
4. Indulging in offensive conduct or using offensive language;
5. Deliberate, reckless or careless conduct endangering the safety of the employee or employees;
6. 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;
7. Using or threatening or attempting to use personal or political influence in an effort to secure special consideration as a County employee;

8. Incompetence or inefficiency in the performance of job duties resulting in an unsatisfactory performance evaluation;
9. Carelessness or negligence with County monies or property;
10. Theft or intentional destruction of County or employee funds or property;
11. Intentional falsification of personnel records, time reports or other County records;
12. Any use of intoxicants or body impairing drugs while on duty;
13. Sleeping on duty except as provided for in official County regulations;
14. Filing a false or unsubstantiated report with any outside agency.
15. Harassment to another employee, vendor, or member of the public as defined in Section 12 of the Employee Handbook: Entitled Harassment.
16. Unlawful possession of a weapon while on duty;
17. Punching or completing another employee's time record;
18. Physical attack on the public, county officers or employees;
19. Violations of Code of Conduct for Sheriff Department employees;
20. Making direct, indirect, implied, or conditional threats against another employee;
21. 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;
22. 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 Director of Information Technology or designate. Purchasing, moving, altering, or repairing computer equipment and wiring unless authorized by the Director of Information Technology or designate.

5-4. CAUSES FOR DISCIPLINE

The following causes for discipline may warrant dismissal, suspension, written reprimand and/or action plan: Behavior that includes but is not limited to those listed below may warrant immediate dismissal:

1. Excessive absenteeism and/or tardiness;

2. Horseplay and related kinds of activity;
3. Violating a safety rule or practice;
4. Using offensive language toward the public, county officers, or employees.
5. 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;
6. 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 or Management;
7. Vending, soliciting, or collecting contributions on the employer's time or premises without proper authorization;
8. Misuse of sick leave or official leave.
9. Not wearing seat belts at all times or ensuring passengers are wearing seat belts when driving or riding in a County vehicle;
10. Neglect of work and/or failure to comply with oral instructions or warnings.
11. Distributing written or printed literature or circulating a petition without authorization.
12. Unauthorized use of County Equipment or materials.
13. Operating any vehicle without the proper license or insurance.
14. Failing to notify supervisor of traffic violations or accidents if required. (Any accident involving any county equipment must be reported immediately.)
15. Failing to notify supervisor of knowledge of direct, indirect, implied, or conditional threats against employees.
16. Knowingly or intentionally altering safety mechanisms or using equipment without safety mechanisms in place.

5-5. CAUSES FOR DISCIPLINE

The following causes for discipline vary in degree of seriousness. The first offense warrants an oral or written warning and/or action plan. Repetition of inappropriate behavior may warrant suspension or dismissal.

1. Smoking in unauthorized areas, ***including all County buildings and vehicles/equipment***, and less than 25 ft. away from ***any entrance*** to any County building.
2. Chronic or excessive absenteeism or tardiness.
3. Failure to give notice of absence in accordance with department and County procedures, except in emergencies.
4. Removing or defacing County or employee property.
5. Failure to comply with requests and instructions from supervisor(s) or superiors.
6. Working at another job that creates a conflict of interest or adversely affects performance at work.

5-6. PROCEDURES FOR DISCIPLINE:

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

1. Oral reprimand
2. Written reprimand/Action Plan
3. Suspension with pay
4. Suspension without pay
5. Demotion
6. Dismissal

Oral reprimand: The supervisor will hold a discussion with the employee and the supervisor will caution the employee about his/her conduct and impresses upon the employee the need for corrective action. If communication and lack of understanding is a recognized problem, the supervisor will write a brief record of the reprimand. The supervisor and the employee 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.

Written reprimand: A written reprimand is a written record of discipline which is given to the employee and usually comes after a previous oral reprimand. 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 placed in the master personnel file.

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. It allows for immediate response to a suspected but not fully substantiated offense; a period in which an investigation can be thoroughly pursued; 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 master personnel file.

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 at a lower salary.

Dismissal: Dismissal/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.

5-7. 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. Forms may be obtained at the Personnel Office, where the exit interview will be conducted by the Personnel 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 manager or personnel director. Failure to return such property will be considered as theft of government property and may result in prosecution. Included as government property are the employee policy manuals.