

**GUIDELINES FOR DISCIPLINARY ACTION AND PENALTIES****SECTION 6.02****Original Date: October 15, 2015****Revised Date: March 23, 2017****Approved By: Executive Director** 

To implement the Board's policy on Employee Conduct and Discipline the following procedures will be followed:

A verbal reprimand or counseling session may be given to any employee when a minor violation of agency policy or procedure has occurred. This action may be taken by the employee's immediate supervisor, with the program director's approval, and must include written documentation to be placed in the employee's file.

Written reprimands, suspensions, and terminations shall require the Executive Director's or designee's prior approval and signature.

An employee whose work performance does not meet the minimum expected standards for a position may be placed on disciplinary probation for a period not to exceed ninety (90) days. Disciplinary probation is an action taken by the Executive Director, or designee, upon consultation or recommendation of appropriate staff and must include:

1. Written notification to the employee of the disciplinary probation including the employee's receipt signature indicating s/he has received the material.
2. Statement of the specifics of the conduct for which the employee is being placed on probation.
3. Statement of the specific steps and criteria, which must be met for successful completions of the probation period.

During the disciplinary probationary period the employee is given every opportunity including intensive supervision to bring his/her performance to a satisfactory standard. At the end of the probationary period the employee must be informed in writing that s/he has completed the probationary period satisfactorily, or, that s/he is terminated.

The following addresses progressive discipline.

- A. The offenses set forth in Groups I, II, and III below are non-inclusive examples of the above forms of misconduct and guidelines for determining the appropriate level of discipline for employees.
- B. In general, Group I Offenses may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to productivity, efficiency and/or morale. Group I Offenses, if left undisciplined, will usually cause only a temporary impact against the organization unless such acts are compounded over time. Group 1 offenses shall not be counted towards subsequent progressive discipline one year from the date of the offense.

- C. Group II Offenses may be defined as those infractions which are of a more serious nature than the Group I Offenses and which, in turn, cause a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency and/or morale. Group II Offenses can cause a more serious and longer lasting impact against the organization than the Group I Offenses.
- D. Group III Offenses may be defined as those infractions which are of a very serious or possibly a criminal nature and/or which cause a critical disruption to the organization in terms of decreased productivity, efficiency and/or morale. Group III Offenses may have a long lasting and serious adverse impact on the organization.
- E. THIS DISCIPLINE POLICY IS A GENERAL GUIDELINE ONLY. THE FOLLOWING EXAMPLES OF SPECIFIC OFFENSES ARE NOT ALL INCLUSIVE, AND ARE NOT INTENDED TO BE BINDING ON THE EMPLOYER, NOR DO THEY ALTER THE "AT-WILL" EMPLOYMENT STATUS OF EMPLOYEES.

**GROUP I OFFENSES**

FIRST OFFENSE .....Verbal Reprimand

SECOND OFFENSE.....Written reprimand

THIRD OFFENSE..... Three day suspension for non-exempt employees  
 Suspension for exempt employees will be determined as appropriate.

FOURTH OFFENSE .....Up to and including termination of employment

The following are examples of Group I Offenses. Following each offense in parentheses are examples of the various charges of misconduct which may be applicable.

1. Failure to properly and completely clock/sign in or out (inefficiency, neglect of duty, or failure of good behavior).
2. Failure to properly "report off" work for any absence or failure to timely notify the proper party of absence (neglect of duty, failure of good behavior, or nonfeasance).
3. Leaving a post of continuous operations prior to being relieved by employee of incoming shift (neglect of duty or failure of good behavior).
4. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping (inefficiency, neglect of duty, or failure of good behavior).
5. Failure to observe official safety rules or common safety practices (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).

6. Failure to report accidents, injuries, or equipment damage (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
7. Discourteous treatment of the public (discourteous treatment of public or failure of good behavior).
8. Inattention to the needs of the public (discourteous treatment of public or failure of good behavior).
9. Distracting the attention of others, unnecessary shouting, use of profane, or other inappropriate language, misuse of two-way radios, or otherwise causing disruptions on the job (inefficiency, neglect of duty, or failure of good behavior).
10. Malicious mischief, horseplay, wrestling, or other undesirable or potentially harmful conduct (inefficiency, immoral conduct, discourteous treatment of public, or failure of good behavior).
11. Interfering with the work performance of subordinates/other employees or causing other disruptions of the workplace (inefficiency, neglect of duty, or failure of good behavior).
12. Failure to cooperate with other employees (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
13. Neglect of or careless failure to observe employer rules, regulations, policies, and procedures (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
14. Excessive garnishments (failure of good behavior or nonfeasance).
15. Use or possession of another employee's working equipment or property without approval (dishonesty or failure of good behavior).
16. Unauthorized use of the employer's telephone/cellular phone for other than business purposes (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
17. Obligating the employer for any minor expense, service, or performance without prior authorization (dishonesty, neglect of duty, failure of good behavior, or misfeasance).
18. Neglect of or careless failure to care for employer property or equipment (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
19. Inefficiency (e.g., lack of application or effort on the job, unsatisfactory performance, failure to maintain required performance standards, etc.) (Inefficiency, neglect of duty, failure of good behavior, or nonfeasance).

20. Neglect of, or careless failure to, prepare required reports or documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
21. Failure of a supervisor to administer discipline as provided herein or to otherwise enforce the rules, regulations, policies, and procedures of the employer (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
22. Failure to commence duties at the beginning of the work shift, or leaving work prior to the end of the work shift (inefficiency, neglect of duty, or failure of good behavior).
23. Leaving the job or work area during the regular working hours without authorization (neglect of duty, failure of good behavior, or nonfeasance).
24. Making preparations to leave work without specific prior authorization before the lunch period, any official break period or specified quitting time (neglect of duty, failure of good behavior, or nonfeasance).
25. Establishing a pattern use of sick leave or other misuse or abuse of sick leave (neglect of duty, malfeasance, and failure of good behavior).
26. Violation of any other Department policy contained in this manual or otherwise expected of an employee.

**GROUP II OFFENSES**

FIRST OFFENSE .....Three day unpaid suspension for non-exempt employees  
 Suspension for exempt employees will be determined as appropriate.

SECOND OFFENSE .....Up to and including termination of employment

The following are examples of Group II Offenses. Following each offense in parentheses are examples of the various charges of misconduct which may be applicable.

1. Disregarding job duties and neglecting work by sleeping, reading for pleasure, playing cards, viewing T.V., etc. when there are work duties to be completed (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
2. Reporting to work or working while unfit for duty (incompetence or failure of good behavior). Note: This may be a Group III Offense for CDL holders.
3. Failure to report for overtime work, without proper excuse, after being scheduled to work (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).

4. Willful refusal to clock/sign in or out when required (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
5. Performing private work on employer time (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
6. Neglect or careless failure to observe official safety rules, or common safety practices (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
7. Threatening, intimidating, or coercing subordinates, other employees, or general public (inefficiency, neglect of duty, or failure of good behavior).
8. Use of abusive or offensive language or gestures toward subordinates, other employees, clients or the general public (immoral conduct, insubordination, failure of good behavior, or malfeasance).
9. The making or publishing of false, vicious or malicious statements concerning other employees, clients, the employer, or its operations (dishonesty, failure of good behavior, or malfeasance).
10. Solicitation or distribution on employer property in violation of the solicitation and distribution policy (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
11. Willful disregard of the employer's rules, regulations, policies, and procedures (inefficiency, neglect of duty, failure of good behavior, misfeasance, malfeasance, or nonfeasance).
12. Negligent failure to obey a reasonable order of a supervisor or failure to carry out work assignments, including verbal instructions (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
13. Neglect or carelessness in the use of employer property or equipment (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
14. Obligating the employer for a major expense, service, or performance without prior authorization (dishonesty, neglect of duty, failure of good behavior, or misfeasance).
15. Unauthorized use of employer property or equipment, including the unauthorized reproduction of this manual or the Employee Handbook (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
16. Negligent failure to report accidents, injuries, or equipment damage (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).

17. A traffic violation or accident while driving an employer vehicle which evidences recklessness by the employee (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
18. Refusing to provide testimony in court, during a public hearing or any other official hearing, investigation, or proceeding involving the employer (insubordination, failure of good behavior, or nonfeasance).
19. Refusing to provide testimony or information concerning any investigation (insubordination, failure of good behavior, or nonfeasance).
20. Possession or storage of alcoholic beverages on the employer's premises (neglect of duty, drunkenness, failure of good behavior, or malfeasance).
21. Unauthorized presence on the employer's property (failure of good behavior or misfeasance).
22. Habitual neglect of timely completion of required reports or documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
23. Willful failure to timely complete required reports and documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
24. Unauthorized posting or removal of notices or documents on or from bulletin boards (failure of good behavior, misfeasance).
25. Violation of any other Department policy contained in this manual or otherwise expected of an employee.

### **GROUP III OFFENSES**

FIRST OFFENSE .....Up to and including termination of employment

Following are examples of Group III Offenses. Following each offense in parentheses are examples of the various charges of misconduct which may be applicable.

1. Wanton or willful neglect in the performance of assigned duties (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
2. Instigating, leading or participating in any walkout, strike, sit-down, stand-in, sympathy strike, call-in, slow-down, refusal to return to work at the scheduled time for a scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the employer's premises (neglect of duty, failure of good behavior, or misfeasance).

3. Refusal, without legitimate reason, to work during emergency situations or conditions (insubordination, neglect of duty, failure of good behavior, or nonfeasance).
4. Signing/clocking or altering other employees' time cards or records; altering one's own time card or record or having one's time card or record signed/clocked or altered by another, without authorization (dishonesty, failure of good behavior, or malfeasance).
5. Knowingly concealing a communicable disease (i.e., T.B., etc.) which may endanger others (neglect of duty, failure of good behavior, misfeasance, or malfeasance).
6. Carrying or possessing firearms, explosives or weapons in the work area (failure of good behavior or malfeasance).
7. Willfully withholding information which threatens the safety and security of the employer, its operations, or employees (dishonesty, failure of good behavior, misfeasance, or malfeasance).
8. Willfully demeaning, verbally abusing and/or humiliating a client, employee, or other person (discourteous treatment of the public, neglect of duty, failure of good behavior, or malfeasance).
9. Threatening, intimidating, or physically abusing a client, employee, or other person (malfeasance, failure of good behavior).
10. Committing an act of discrimination, sexual harassment, or engaging in conduct giving insult or offense on the basis of race, color, sex, age, religion, national origin, ancestry, military status, genetic information, or disability (immoral conduct, neglect of duty, failure of good behavior, or malfeasance).
11. Fighting with, or attempting to injure a client, employee, or other person (discourteous treatment of the public, neglect of duty, failure of good behavior, or malfeasance).
12. Insubordination by refusing to perform assigned work or to comply with the written or verbal instructions of a supervisor (insubordination, neglect of duty, failure of good behavior, or nonfeasance).
13. Providing false testimony, statements, or information in any official employer, court or administrative investigation, hearing, or proceeding (dishonesty, failure of good behavior, malfeasance, or neglect of duty).

14. Providing false information, making a false statement, committing a fraudulent act, or withholding pertinent information in the employment application process (dishonesty, failure of good behavior, misfeasance, or malfeasance).
15. Gambling during work hours (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
16. Stealing or similar conduct, including destroying, damaging, concealing, or converting any property of the employer or of other employees (dishonesty, failure of good behavior, or malfeasance).
17. Dishonesty or dishonest action. Examples of "dishonesty" or "dishonest actions" are: theft, pilfering, making false statements to secure an excused absence, or justify an absence or tardiness. These are examples only and do not limit the terms dishonesty and dishonest action (dishonesty or malfeasance).
18. Engaging in unauthorized political activity as provided in the Political Activity Section of this manual (failure of good behavior, malfeasance).
19. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled substance which takes place in whole or in part in the workplace (drunkenness, immoral conduct, neglect of duty, failure of good behavior, or malfeasance).
20. Driving a motor vehicle on duty or employer business without a valid, applicable operator's license (dishonesty, failure of good behavior, malfeasance, or neglect of duty).
21. Failure to obtain, maintain, and/or report the loss of required licenses, certifications, or other qualifications of an employee's position (dishonesty, failure of good behavior, malfeasance, or neglect of duty).
22. Conviction of any violation of law which may adversely affect the public's trust in the employee's ability to perform the duties of the employee's position (dishonesty, failure of good behavior, or malfeasance).
23. Intentional misuse of employer or other public funds (dishonesty, neglect of duty, failure of good behavior, or malfeasance).
24. Willful neglect or intentional misuse, abuse, or destruction of the property, equipment or tools of the employer or another employee (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
25. Soliciting or accepting a gift, gratuity, bribe, or reward for the private use of the employee, or otherwise using one's position, identification, name, photograph, or title for personal gain, or otherwise violating the employer's Code of Conduct



(inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).

26. Engaging in off-duty employment activities which the employer has determined to be an interest or time conflict (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
27. Making false claims or misrepresentations in an attempt to obtain any benefit (dishonesty, failure of good behavior, neglect of duty, or malfeasance).
28. Misusing, removing, or revealing documents or information of a confidential nature or revealing such information without prior and appropriate authorization (dishonesty, neglect of duty, failure of good behavior, or malfeasance).
29. Misuse, removal or destruction of employer records without prior authorization (dishonesty, neglect of duty, failure of good behavior, or malfeasance).
30. Committing violations of official safety rules or common safety practices (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
31. Failure (negligent or otherwise) to report accidents or injuries.
32. Engaging in unauthorized political activity.
33. Willful violation of social media policy (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
34. Failure to report an act of discrimination.
35. Conviction of certain felonies or serious misdemeanors.
36. Violation of any other Department policy contained in this manual or otherwise expected of an employee.