

## DISCIPLINE

Where problems with employee behavior or performance arise, a supervisor will seek to correct the problem. Discipline is a means to correct substandard employee behavior and performance.

The supervisor should have a conference with the employee and identify specific differences between the desired and actual performance. Discuss the action the employee should take to correct the problem. **The details of the meeting should be confirmed in writing to the employee. A copy of the letter should be placed in the supervisor's folder.**

If the employee continues to perform below the performance standard, the employee should again be counseled by the supervisor. At this conference, the employee should be warned that if performance does not improve, more forceful measures will be taken, up to and including termination. **The details of this conference should be confirmed in writing to the employee. A copy of the letter should be placed in the supervisor's folder.**

Whenever an employee engages in conduct that is not acceptable and something stronger than an informal conference or coaching session is needed to get the employee's attention, a letter of counseling, warning or reprimand would be appropriate. The letter tells the employee that his/her performance or behavior is not acceptable and explains what performance or behavior is expected. The purpose of this letter is not to punish the employee, but rather to get the employee to change his/her behavior. **A copy of the letter should be placed in the supervisory file kept by the employee's immediate supervisor.**

The employee has a right to submit a written response and a copy of the employee's response must be filed with the letter of counseling, warning or reprimand. The letter should advise the employee of his right to respond and set a deadline for the response. However, a response that does not meet the deadline should not be rejected. The letter should tell the employee that the letter is not a disciplinary action and will not be placed in his/her official personnel record and tell him/her where it will be placed.

After two counseling sessions which have been confirmed in writing, the supervisor should notify the Director of Human Resources in writing. The letter should include a description of the conduct for which the action is being taken in sufficient detail for the Director to fully inform the employee of the reasons for the action and to allow the employee to prepare a defense (i.e., date, time, place and names of persons directly involved in or affected by the conduct). The memo should also state the recommended discipline to be taken.

The Director of Human Resources will conduct an investigation and notify the employee in writing as to the proposed action to be taken.

The type of discipline imposed should reflect the seriousness of the problem. Some offenses are so serious as to justify discharge or suspension on the first offense (e.g. theft, fraud, serious negligence, etc.) For those offenses which do not justify serious discipline on the first offense,

progressive discipline is applied.

The employee-employer relationship for classified employees is governed by Civil Service Rules.

The discipline system must contain these elements:

The system must provide due process to the employee;

All employees must be treated fairly and equitably without regard to race, color, religion, sex, national origin, age, handicap or veteran status.

Employees have a right to know what is expected of them. It is important that all employees be given a copy of their position descriptions. The duties and responsibilities of the job along with the associated work rules must be communicated so that the employee will be forewarned that the failure to meet job expectations will result in some form of discipline.

Civil Service Rule 12.2(b) lists the following as disciplinary actions: suspensions without pay, reductions in pay, reassignments, involuntary demotions and dismissals. They may be used separately or may be combined. For example: a reassignment (which does not impact pay) can be coupled with a reduction in pay. Or an employee can be suspended for a period of time and then demoted at the end of the suspension.

**Suspension without pay** - An enforced leave of absence without pay for a specified period of time. This type of suspension cannot exceed 90 calendar days. Suspensions without pay require Appointing Authority approval and are appealable to the Civil Service Commission.

**Reduction in pay** - An enforced reduction in the employee's pay normally determined by assessing the cost of a suspension and then reducing the employee's pay over several payroll periods. The reduction in pay is a severe penalty, in that, the employee is expected to perform his/her duties but must do so for a lesser amount of pay. Since reductions in pay are figured on base pay, both retirement contributions and over-time are figured at a lower rate of pay. Reductions in pay are for a specific period of time. However, no employee may be reduced in pay below the minimum/entry pay for the job title/classification he/she occupies. Reductions in pay require Appointing Authority approval and are appealable to the Civil Service Commission.

**Termination** - is the last resort when less severe forms of the positive discipline system do not correct performance or behavior problems. Because of the serious nature of termination, it is sometimes necessary to suspend an employee pending investigation. The suspension is to investigate the problem and confer with the appropriate officials regarding the decision to discharge. The suspension requires Appointing Authority approval. Terminations for cause require Appointing Authority approval and are appealable to the Civil Service Commission.

Involuntary Reassignment - An enforced change in the employee's job title/classification to a title with the same minimum rate of pay. This is the only disciplinary action that does not (in and of itself) affect the employee's pay. The employee must meet the minimum qualifications and have the appropriate test score, if required, for the job title he/she is moving to. Involuntary reassignments require Appointing Authority approval and are appealable to the Civil Service Commission.

Involuntary Demotion - An enforced change from one job title/classification to a lower job title/classification. It is mandatory that involuntary demotions result in a reduction in pay. The employee must meet the minimum qualifications and have the appropriate test score, if required, for the job title/classification to which he/she is demoted. Involuntary demotions require Appointing Authority approval and are appealable to the Civil Service Commission.