

## Sec. 86-455. - Procedures for disciplinary action.

### (a) *Oral reprimand.*

- (1) Whenever grounds for disciplinary action exist and the supervisor determines that the incident, action or behavior of the employee is such that more severe disciplinary action is not immediately necessary, the supervisor should orally communicate to the employee the supervisor's observation of the problem and offer assistance in correcting the situation.
- (2) When an oral reprimand is given, the supervisor should ensure that the employee's personnel file is documented to show the date of the reprimand and the nature of the reprimand. The employee should be advised that the reprimand will be documented in the personnel file and that he may submit comments for the file.
- (3) Depending on the circumstances or seriousness of the offense, normally no more than three oral reprimands should be given to any employee for the same type of offense, after which a more severe type of disciplinary action should be taken. Whenever possible, however, sufficient time for improvement should be allowed before further and/or more severe action is taken.

### (b) *Written reprimand.*

- (1) When the supervisor determines that a written reprimand is appropriate and necessary, the reprimand shall be addressed to the employee and shall include the charge, the specific behavior and the dates of the behavior (where appropriate) that support the charge, the warning that continuance of this behavior will result in more severe disciplinary action, an offer of assistance in correcting the behavior, any circumstances affecting the severity of the discipline, and advice on right of appeal through the grievance procedure.
- (2) A signed copy of the reprimand shall be included in the employee's official personnel file in the human resources office, and the employee shall have the opportunity to submit written comments to be included in the file.

### (c) *Suspensions.*

- (1) **Suspension without pay.** An appointing authority, with the concurrence of the legal department and the human resources director, may suspend an employee without pay in the following situations:
  - a. *Investigation.* Whenever the appointing authority has reason to believe that an employee may have committed a serious violation or offense, but sufficient evidence is not yet available to make a proper evaluation and determination of appropriate final action, the appointing authority may suspend an employee for up to seven calendar days pending investigation.
  - b. *Disciplinary action.* When an appointing authority determines that suspension is an appropriate corrective action for a violation, an employee may be suspended for up to 30 calendar days. Ordinarily, an initial suspension for a particular offense will not exceed three to five workdays depending on the seriousness of the offense. A 30-day suspension would normally be imposed only for the most serious and flagrant of offenses, or as the last in a series of progressively more severe suspensions.
  - c. **Employees charged with misdemeanor or felony.** When an employee has been charged with a crime classified as a misdemeanor or felony, the appointing authority shall review the nature of the employee's offense; make a determination of the impact of the crime on the ability of the employee to perform the duties of his position in a satisfactory manner; and, if appropriate, suspend the employee until disposition of the charge or charges.
- (2) **Suspension with pay/administrative leave with pay.** In certain circumstances, the appointing authority may determine that, even though a suspension without pay may not be appropriate, it is nonetheless necessary to relieve the employee of his duties and remove him from the work

site. In such a case, a suspension with pay or administrative leave with pay may be given to the employee.

- (3) *Extension of time by county manager.* The county manager on the recommendation of the personnel board may authorize a disciplinary suspension in excess of 30 calendar days.
  - (4) *Notice to employee.* On or before the effective date of the suspension, the supervisor will provide the employee with a written statement setting forth the reasons for the suspension, the effective dates of the suspension and the date the employee should return to work. The statement shall also include the charge, the specific behavior and the dates of the behavior (where appropriate) that support the charge, the warning that continuance of this behavior will result in more severe disciplinary action, an offer of assistance in correcting the behavior, any circumstances affecting the severity of the discipline, the employee's right to respond to the charge within three calendar days, and advice on the right of appeal.
  - (5) *Emergency suspension.* If an emergency exists which makes immediate suspension of an employee necessary before concurrence can be obtained, to preserve the health and safety of the employee or others or to continue vital services to the public, or to continue a county function without serious disruption, a supervisor may make such an immediate suspension. Any such emergency suspension must be reported by the appointing authority for concurrence at the earliest possible time.
  - (6) *Restoration to active duty.* At the end of the period of suspension, the employee shall be returned to active duty at his previous salary rate unless other disciplinary action affecting the position and/or salary has been taken. If the suspension has been found to be inappropriate or too severe, the employee shall be given back pay for all or part of the suspension period.
- (d) *Reduction in pay.* Whenever an appointing authority, having obtained the required concurrences, determines that an employee's performance or conduct is of such nature that it can best be recognized and/or corrected through a reduction of pay within grade, the employee shall be advised in writing of such action, setting forth the reasons for such action, the extent of the reduction and the effective date. The statement shall include the specific deficiencies in performance or conduct; the previous warnings, counseling and attempts to correct which were ineffectual; the employee's right to respond to the intended action within three calendar days; and advice on the right of appeal.
  - (e) *Demotion.* An appointing authority may determine that demotion of an employee to a position in a lower pay grade is a proper action to correct a situation. In such a case, the appointing authority, after obtaining the required concurrences, shall furnish the employee with a statement of the reasons for such action and the effective date, at least three days prior to the proposed date of the action. The statement shall fully set forth the reasons for the proposed demotion; previous warnings, counseling and attempts to correct the problem; the employee's opportunity to respond within three calendar days; and notification of the employee's right to appeal.
  - (f) *Dismissal.*
    - (1) An employee may be dismissed when all reasonable attempts at corrective action have been ineffectual, or when the seriousness of and the circumstances surrounding the offense leave dismissal as the only feasible alternative.
    - (2) A dismissal shall be effective only after the appointing authority has obtained the concurrence of the legal department and the human resources director, and has presented the employee with the reasons for the dismissal in writing specifically and fully stated, at least three calendar days in advance of the proposed effective date. The employee shall have not less than three calendar days to respond to the charges before the dismissal is effected.
    - (3) A dismissed employee shall be notified by the appointing authority of the right to appeal under this article.

(Ord. No. 81-19, § 14.05, 9-3-81; Ord. No. 2017-27, § I, 11-16-17)