



## DISCIPLINE

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This policy applies to all Whitman County employees, unless otherwise addressed in a collective bargaining agreement.

### **Definitions:**

#### **1. Discipline and Termination**

Whitman County maintains a progressive disciplinary procedure to ensure a sound method of disciplining employees. The progressive discipline system is intended to give employees advance notice, whenever possible, of problems with their conduct or performance in order to provide them with an opportunity to make corrections. Normally, progressive discipline involves one or more written warnings or suspensions before termination. However, exceptions or deviations from the normal procedure may occur whenever the County deems the circumstances warrant immediate termination. It should be remembered that employment is at the mutual consent of the employee and the County. Probationary and temporary employees may be terminated at will.

#### **2. Examples of Inappropriate/Unacceptable Behavior**

Rules outlining acceptable conduct are necessary for the orderly operation of any business and for the benefit and protection of the rights and safety of all employees. Examples of impermissible conduct that may lead to disciplinary action, up to and including termination, are identified below to promote understanding of what is considered unacceptable conduct and to encourage consistent action by the County in the event of violations. This list is not all inclusive, and serves only as a general guide.

1. Drinking intoxicating beverages, or the use of illegal drugs on the job; or arriving at work under the influence of intoxicating beverages or drugs.
2. Violation of lawful duty.
3. Insubordination.
4. Breach of discipline.

5. Being absent from work without first notifying and obtaining permission from a supervisor.
6. Being habitually absent or tardy for any reason.
7. Misconduct.
8. Using religious, fraternal, or political influence in duty related matters.
9. Conviction of a felony.
10. Accepting fees, gifts, or other valuable items for the performance of employee's official duties.
11. Failure to complete work assignments, and/or producing work that is substandard.
12. Theft or attempt theft from County or employees.
13. Attitude problems.
14. Harassment, including sexual harassment of other employees.
15. Unauthorized overtime.
16. Ignoring safety rules or common safety practices.
17. Violation of any federal, state, or local law while on duty.
18. Breach of confidentiality.
19. Inability to work in harmony, mistreatment, or abuse of other employees, the public and elected or appointed officials.
20. Violation of the Whitman County personnel policies and procedures.
21. Dishonesty

### **3. Consideration of Disciplinary Action**

Questions which must be considered when determining the level of discipline are listed below.

- a. What is the policy violation?
- b. Was the employee aware of the policy?
- c. After an investigation, is the employee guilty of the wrongdoing?
- d. Are there extenuating circumstances?
- e. Has the rule and consequence been uniformly applied?
- f. What is the employee's past work/disciplinary record?
- g. Is there sufficient documentation to support the discipline?

### **4. Documentation**

Maintaining accurate and complete work records is an essential part of an effective disciplinary system. For documentation to be complete, the following items should be included:

- a. Date, time, and location of the incident(s).
- b. Negative performance or behavior exhibited by the employee (the problem).
- c. Consequences of that action or behavior on the employee's overall work performance and/or the operation of the employee's work unit.
- d. Prior discussion(s) with the employee about the problem.
- e. Disciplinary action to be taken and specific improvement expected.
- f. Consequences if improvement is not made, and a follow-up date.

### **5. Counseling and Progressive Discipline**

The severity of discipline should correspond with the nature of the infraction and, when applicable, must be in accordance with any active labor contract. It is the responsibility of the supervisor to evaluate thoroughly and objectively the facts of each case. The supervisor will then apply the most suitable form of discipline. Prior to taking any formal disciplinary action, the supervisor shall review such pending action with the Human Resources Director.

Counseling: Counseling will be provided to an employee prior to disciplinary action. **Counseling is not discipline.** Counseling is a formal or informal discussion between a supervisor and an employee about an employee's job performance and areas needing improvement. Counseling is followed by a memo that documents the conversation and the performance expectations. The memo will be maintained in a separate file from the personnel file. Employees have fifteen (15) days to provide a rebuttal to counseling. Counseling may be skipped in instances of illegal, unethical, dishonest or highly inappropriate behavior. Although counseling is not discipline, continued counseling on the same issue may lead to discipline.

Progressive Discipline: Discipline should be administered in increasing degrees. Each additional violation(s) brings a higher level of discipline such as written reprimand, suspension, or discharge. However, certain

offenses are so serious in nature that they will result in more severe levels of discipline, bypassing lower levels and could potentially proceed up to immediate termination.

Loudermill Hearings: A Loudermill Hearing is a series of meetings, typically three, where the employer presents the employee's performance violations, and the employee is afforded an opportunity to respond. A Loudermill hearing is required when any discipline beyond a written warning is considered. Specific steps and notices are required for Loudermill. Human Resources must be consulted prior to the Loudermill, suspension, demotion and discharge processes.

Written Reprimand: Written reprimands are the first level of discipline. They will be issued in the event an employee continues to disregard counseling, or if the infraction is severe enough to warrant a written record in the employee's file. The elected official/department head will set forth the nature of the infraction and will sign the notice. *See the Written Reprimand Instructions for guidance.* A meeting will be held to present the employee with the written notice and allow the employee to respond. Departments will notify unionized employees that they may invite a union representative to the meeting. The original notice is to be placed in the employee's personnel file, and a copy sent to the union, if applicable.

Suspension: Suspension may be imposed when the violation is severe or when there has been no correction from written reprimands. Suspensions are issued without pay or through the use of accruals. Employees exempt from overtime must be suspended in full workweek increments. All the facts leading to the suspension and the length of the suspension will be in writing. A copy of the document will be placed in the employee's personnel file and, if applicable, a copy sent to the union. Retaliation against an employee returning from suspension is prohibited.

Demotion: Demotion is the required movement from one position to a lower paying position. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications. An employee being demoted will be notified in writing not later than two weeks prior to the demotion. The document will be placed in the employee's personnel file and, if applicable, a copy sent to the union. An employee may be demoted when:

- 1) Performance falls below that established for the current classification;
- 2) For disciplinary purposes;
- 3) In lieu of lay off.

Discharge: Discharge is when an employee is terminated from Whitman County employment. Only the elected official/department head may terminate an employee. The elected official/department head must be sure of all the facts influencing the decision and should attempt at all times to be objective in the evaluation of the circumstances leading to the discharge. A notice of termination will be provided in person to the employee. A copy of the document will be placed in the personnel file and, if applicable, a copy sent to the union.

## **6. Discipline Complaints**

An employee may file a complaint with respect to a claim or dispute arising from the interpretation, meaning, or application of this policy. The following procedures will be followed:

1. Within five (5) working days of the occurrence, or the date the employee became aware of it, or should have been aware of it, the aggrieved employee shall discuss the complaint with the appropriate supervisor. The discussion will be verbal and if settled, no further action will be necessary.
2. If the matter is not resolved in the above manner, the complaint including the specific provisions the employee alleges to have violated, shall be reduced to writing, signed by the employee, and submitted to the elected official/department head within ten (10) working days. Any complaint not so filed shall be waived. The elected official/department head will investigate and provide the employee with a response within ten (10) working days.
3. If the aggrieved employee is still dissatisfied after step two, the employee has ten (10) working days to submit a formal complaint to the Board of County Commissioners. The Commissioners will review the complaint and make a final decision.

Any and all complaints not filed in a timely manner shall be waived provided that the above limits are not extended by mutual consent.

### **Written Reprimand Instructions**

Written reprimands are given in the interest of the employee as well as the County. It is given with a sincere desire to help the employee correct the deficiency identified and succeed on the job.

Written reprimand meetings: Written reprimand meetings must be given privately and must bring improvement. If improvement is not timely and permanent, additional disciplinary actions may be appropriate.

Written reprimands: The written reprimand documents must be constructive, accurate and specific. It must be given to and discussed with the employee in private. A written reprimand is appropriate for repeated or deliberate minor infractions, as well as some serious or major offenses. Always consult with HR regarding serious and major offenses. For a written reprimand to be effective, there must be follow through to see that the improvement is definite and permanent.

In preparing a written reprimand, keep the following points in mind:

1. Be specific. Address with the aspects of job performance or behaviors that are observed.
2. Specify improvements necessary for continued employment.
3. Investigate the accusations and speak with the employee prior to the written reprimand meeting.
4. Consult with Human Resources.
5. Notify unionized employees of their right to have representation present.
6. Deliver the written reprimand at the reprimand meeting.

7. Prepare three copies of the reprimand. Have all available at the time of the meeting.
8. Sign and date the form as the reprimand meeting ends.
9. After you have discussed it, ask the employee to sign all copies. *The signature is not an admission nor agreement of the content. It only indicates that the employee has received a copy of the reprimand and will be held responsible for the content and instructions, regardless if they agree or not.* Give the employee a copy. Send the original to the Human Resources Department to be made part of the employee's official personnel file, and a copy may be placed in the department file. If the employee refuses to sign the reprimand, do not argue over the matter. Make note the employee refused to sign the document, list the witnesses and ask them to initial the note.
10. Reprimand meetings are private and will not be repeated, shared, or discussed with other employees by management other than on a need to know basis.
11. If required, ensure the union representative is present.