

# **Kenosha County Discipline Policy**

## **Report # 139**

### **Purpose**

The intent of this discipline policy is to ensure that unacceptable conduct and performance issues are addressed promptly and appropriately. It provides employees with notice when performance standards are not met or when standards of conduct are violated. This discipline policy also advises the employee of the action needed to improve the deficiency and a time table for improvement. Discipline shall be respectful and equitable and discipline measures shall all be appropriate to the infraction.

This policy, which applies to all Kenosha County employees, has two main purposes:

- To set guidelines of what the County considers to be minor and major behavior and performance deviations from the work rules, and
- To establish procedures for dealing with inappropriate behavior and performance issues.

This policy is based on the premise that when expectations are clear, misunderstandings are few. Recognizing the behaviors that will result in disciplinary action enables us to work together to maintain the standards that make us a high performance organization.

### **Policy**

The art of discipline is intended to be positive in nature and attempts to correct unacceptable employee actions. This attempt may include counseling sessions, personal improvement plans, and other help with the purpose of improving the behavior of an employee that may be detrimental and disruptive to the effective operations of a department, division and/or work program.

In the process of trying to assist the employee to resolve problems and improve his/her behavior, corrective action may be necessary. This corrective action may include discipline.

Progressive discipline is basically a series of disciplinary actions, corrective in nature, starting with a verbal or written reprimand. Each time the same or similar infractions occur, more stringent disciplinary action takes place. It is important when invoking progressive discipline, that each time disciplinary action is contemplated, it must be definitely established that an infraction did occur which is organizationally inappropriate. To definitely establish that an infraction did occur means that a supervisor must be able to sufficiently substantiate the occurrence of any infraction.

After the infraction has been established, then an assessment of the type of corrective action required is made, taking into account the previous disciplinary actions that have been taken, if any. It does not necessarily mean that an employee is required to violate the same rule or have the same incident occur in order to draw upon previous corrective disciplinary actions.

If there is a general pattern in the employee's behavior previous disciplinary actions can be used in determining the next level of progressive discipline. When there is a series of minor infractions and where there have been several verbal reprimands, written reprimands or suspensions occurring over a period of time the previous disciplinary actions can be included and used in determining the next level of progressive discipline. If past behavior relates to the present problem, past actions should be taken into consideration.

Where the County believes there has been a serious offense, suspension and/or termination may be the first and only disciplinary step taken. Any step of the disciplinary process may be skipped at the discretion of Kenosha County after investigation and analysis of the total situation, past practice, employee's record and circumstances.

Upon taking any disciplinary action, with the exception of discharge, the employee must be notified at that time that any continued involvement in that particular negative behavior will result in progressive disciplinary action up to and including discharge. The various levels of discipline are: verbal reprimand, written reprimand, suspension, demotion, and discharge.

## **Procedure**

All disciplinary actions must be sent to the Division of Personnel for approval prior to being issued, and, after all signatures have been obtained for recording and retention in the employee's Personnel file. A copy is given to the union representative who must be present at the time the discipline is issued. The Division of Personnel will keep logs of all disciplinary actions taken and the infraction that caused the discipline. These logs then form the basis of the uniform application of discipline in the future.

## **Levels of Disciplinary Action**

### **Verbal Reprimand**

A verbal reprimand defines an inappropriate action or omission which includes a warning that the incident is not to be repeated. A verbal reprimand, when required, shall be given orally by the employee's immediate supervisor. The reprimand should be given in a private meeting. Verbal reprimands must be documented for the personnel file in order to substantiate the start of progressive discipline. The documentation should be recorded

on the disciplinary form. The employee must be told clearly, as is required at other disciplinary levels, what the infraction is, how to correct the problem and explicitly inform the employee what further disciplinary action may result for failure to comply with recommended corrective action.

Verbal reprimands will remain valid for six (6) months. Examples of first offense verbal reprimands (but not limited to those listed) are:

- First late arrival (tardy) for scheduled shift
- First time extending the length of your break or lunch period
- Isolated mistake with minor consequences or a job duty is done incorrectly
- Failure to complete and submit accident and sickness benefit forms on time.

### **Written Reprimand**

A written reprimand may follow one or more verbal reprimands issued to an employee for a repeated offense. A verbal reprimand need not precede a written reprimand. A written reprimand should be used for repetition of an offense that originally caused a verbal reprimand. Infractions of a more serious nature may be discipline initially for a written reprimand. The written reprimand shall be issued to the employee by the immediate supervisor in a private meeting. The immediate supervisor shall inform the employee of any past verbal reprimands issued to the employee for similar infractions. The supervisor shall explain the reasons for the issuance of the written reprimand; again, suggestions for correcting the behavior are issued together with a warning of what discipline, up to and including dismissal may be taken in the future if behavior or performance does not improve.

Written reprimands will remain valid for one year. Examples of first offense written reprimands (but not limited to those listed) are:

- Inappropriate or rude interaction with a member of the public such as a raised voice, sarcastic comments, or impatience
- Failure to show up for a scheduled shift
- Insubordination such as talking back to a member of management
- Lack of adherence to performance standards
- Repeatedly failing to complete and submit accident and sickness benefit forms on time.

### **Suspension**

A suspension is a temporary removal of the employee from the payroll. A suspension may be recommended when lesser forms of disciplinary action have not corrected the

employee's behavior. Suspensions may also be recommended for first offenses of a more serious nature. A suspension will remain valid for an employee's entire length of employment.

Suspensions may be imposed on an employee for repeated offenses when verbal reprimands and written reprimands have not brought about corrected behavior, or for first offenses of a more serious nature. Examples of some of the more serious infractions (but not limited to those listed) are:

- Major deviations from the work rules, including a violation of safety rules
- Having any measurable level of alcohol while on the job
- Falsification or misuse of time sheets or records
- Fighting
- Excessive absenteeism
- Theft or any form of dishonesty
- Harassment
- An incident of verbal abuse to a member of the public, co-worker, management or an individual in the County's care, custody or control.

The number of days recommended for suspension will depend on the severity of the act. Commission of the above offenses may also result in a recommendation for discharge.

## **Discharge**

Discharge may be recommended for an employee when other disciplinary steps have failed to correct improper action by an employee, or for first offenses of a serious nature. Examples of some of the more serious infractions (but not limited to those listed) are:

- Having any measurable level of alcohol or drugs while on the job
- Possession of an unauthorized weapon or fire arm while on the premises
- Insubordination
- Physical or sexual assault
- Theft of County property or funds
- Sleeping while on duty
- Off duty misconduct
- Sexual harassment or discrimination
- Acts of fraud or dishonesty

- Consistently failing to meet performance expectations
- Isolated mistake with major consequences or potential liability.

## **Internal Review**

Before any of the following disciplinary actions may be taken, the system of internal administrative review described below will be followed to insure that the discipline system is utilized in a uniform and equitable manner:

- a) Suspension of two or more working days
- b) Discharge.

The following system shall be adhered to:

- a. Employee Infraction of Rules, including continued failure to meet performance standards:
  - Department Head or Supervisor investigate situation
  - Employee is provided with notice of investigation and his/her rights including the right of union representation and Garrity warning (if applicable).
- b. Due Cause Meeting:
  - Due cause meeting held with the Director of Personnel.
  - Department Head and Supervisor will review results of investigation and recommend level of discipline. A maximum level of discipline will be set in the due cause meeting, based on equitable and uniform discipline Countywide.
- c. Written Notice to Employee:
  - The employee is informed in writing of the charges brought, his/her rights (right to union representation and right to an open meeting), and the date, time and place of a pre-disciplinary meeting to discuss the charges.

d. Pre-Disciplinary Meeting:

- Conducted by Department Head
- Supervisor involved attends
- Personnel Director attends
- Employee and representative of his/her choosing attends
- Witnesses may be called by the department or by the employee. Such witnesses will be provided the time off from work to appear at the pre-disciplinary meeting
- Charges will be discussed, with ample time provided for a complete presentation of charges and for rebuttal and defense by the employee.

e. Results of Pre-Disciplinary Meeting:

As a result of the discussion, facts and material presented in the pre-disciplinary meeting, the Department Head may:

- Take disciplinary action as determined in the due cause meeting;
- Reduce the level of disciplinary action determined in the due cause meeting or;
- Take the matter under advisement for no longer than five (5) working days.

In no event shall the level of disciplinary action taken be greater than the maximum determined in the due cause meeting.

f. Written Notice to Employee:

Written notice of disciplinary action to be taken shall be given to the employee and the union representative, stating effective date and time of action.

g. Appeal Procedure:

Employees may appeal the disciplinary action issued by the department directly to the Administration Committee of the County Board.