

Kenosha County Progressive Disciplinary and Grievance Procedure Policy

When it becomes necessary to address an employee's actions in the workplace, general guidelines of acceptable business conduct will govern. Depending upon the nature and seriousness of the employee's actions, disciplinary action may begin at any step of the disciplinary process, with an overriding commitment toward a constructive and corrective discipline action rather than a punitive system. The process should ensure that employees are informed of exactly what behavior needs to be corrected, advised of the measures they must take to correct unacceptable behavior, and given adequate opportunity to correct the behavior.

Procedure

All disciplinary action must be timely and authorized by the Director of Personnel Services prior to being issued. A copy of the document must be sent to the Division of Personnel Services after all signatures have been obtained for recording and retention in the employee's personnel file. All documents relating to disciplinary actions will remain in the employee's personnel file and will become a part of the employee's entire work record.

The Division of Personnel Services will keep a record of all disciplinary actions taken and the infraction that caused the action. This log then forms the basis of the uniform application of discipline.

Levels of Disciplinary Action

The various levels of discipline are: verbal reprimand, written reprimand, suspension, disciplinary probation, and discharge.

Verbal Reprimand

A verbal reprimand is issued for a first offense of a minor infraction or the first incident of sub-standard work performance. The immediate supervisor of the employee will meet with the employee and inform the employee of the specific behavior that is unacceptable. The employee must be told clearly what the infraction is, how to correct the problem and what further disciplinary action may result for failure to comply with recommended corrective action. Verbal reprimands must be documented for the personnel file in order to substantiate the start of progressive discipline.

Verbal reprimands will remain active for six to twelve months as determined by the supervisor and Director of Personnel Services. Examples of first offense verbal reprimands include, but are not limited to:

- First late arrival (tardy) for scheduled shift;
- First time extending the length of a break or meal period;
- Isolated mistake with minor consequences or a job duty is done incorrectly;
- Failure to submit accident and sickness benefit forms on time;
- A missed punch in the time/attendance system; and
- First time dress code violation.

Written Reprimand

A written reprimand may follow an active verbal reprimand issued to an employee for a repeated offense. Also, a written reprimand may be issued for a new offense of a more serious nature; therefore, a verbal reprimand therefore need not precede a written reprimand. The written reprimand shall be issued to the employee by the immediate supervisor. The supervisor shall explain the reasons for the issuance of the written reprimand; again, suggestions for correcting the behavior are provided 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 active for one to two years as determined by the supervisor and Director of Personnel Services. Examples of first offense written reprimands include, but are not limited to:

- Inappropriate or rude interaction with a member of the public or a co-worker, such as a raised voice, sarcastic comments, or impatience;
- Failure to show up for a scheduled shift (unexcused);
- Insubordination such as talking back to a member of management or failure to perform assigned duty;
- Lack of adherence to performance standards;
- Repeatedly failing to submit accident and sickness benefit forms on time; and
- Repeatedly missing punches in the time/attendance system.

Appeal Procedure for Verbal and Written Reprimands

Employees who feel they have received a written or verbal reprimand unjustly may appeal directly to the Finance/Administration Committee (Committee) of the County Board by providing notice in writing to the Director of Personnel Services within seven calendar days of receiving the discipline. The written communication must refute in detail the disciplinary action taken by the County. The Committee will consider both the discipline and the employee's communication and determine:

- If the Committee will dismiss the matter or conduct a hearing; or
- If the Committee will refer the matter to an Independent Hearing Officer for a formal hearing and recommendation.

Disciplinary 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 an employee's behavior. A suspension may also be recommended for first offenses of a very serious nature.

Disciplinary suspensions remain active for an employee's entire length of employment. Examples of very serious infractions include, but are not limited to:

- Insubordination such as talking back to a member of management or failure to perform assigned duty;
- Major deviations from the work rules, including a violation of safety rules;

- Having any measurable level of alcohol in employee's system while on the job;
- Falsification or misuse of time sheets, County records or documents;
- Fighting;
- Excessive absenteeism;
- Theft or any form of dishonesty;
- Harassment of any form;
- Resident abuse; and
- An incident of verbal abuse to a member of the public, a 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.

Disciplinary Probation

An employee may be placed on disciplinary probation for a designated period of time for significant performance deficiencies that are determined to be within the employee's ability and intent to correct. The employee's immediate supervisor shall counsel the employee regarding performance issues, job performance standards, an improvement plan, and specifically state what action will be taken if the employee fails to complete improvement goals.

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 an extremely serious nature. Such action may be justified because the offense is so severe as to make a warning unnecessary (that any employee normally would know that such behavior is completely unacceptable). In these cases, the employee should be placed on administrative leave pending a complete investigation of the situation prior to discharge. Examples of extremely serious infractions include, but are not limited to:

- Having any measurable level of alcohol or drugs in employee system while on the job;
- Possession of an unauthorized weapon or firearm 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;
- Excessive absenteeism;
- Resident abuse; and
- Isolated mistake with major consequences or potential liability which would include an act which exhibits lack of due care and/or neglect of duty.

Internal Review for Suspensions and Discharges

Before a disciplinary suspension or discharge is implemented, the following system of internal administrative review will be followed to ensure that the discipline policy is followed in a uniform and equitable manner:

Employee infraction of rules, including continued failure to meet performance standards:

- Department/Division Head or supervisor conducts investigation; and
- Employee is provided with notice of investigation and his/her rights including the right to a hearing if charges are brought forward.

Due cause meeting:

- Department/Division Head and supervisor review results of investigation and recommend level of discipline to Director of Personnel Services; and
- A maximum level of discipline is authorized by Director of Personnel Services based on equitable and uniform discipline County-wide.

Written notice to employee:

- The employee is informed in writing of the discipline charges brought, his/her rights (which include the right to representation, the right to an open or closed meeting, the right to see/hear evidence produced to show misconduct and question witnesses, the right to present evidence and witnesses on his/her behalf and to rebut recommendations for discipline and certain basic “rudimentary rights” as guaranteed by Loudermill), and the date, time and place of the pre-disciplinary hearing to discuss the charges.

Pre-disciplinary hearing:

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

Results of pre-disciplinary hearing:

As a result of the discussion, facts and material presented in the pre-disciplinary meeting, the Impartial Hearing Officer 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 ten calendar days and issue a decision.

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

Written notice to employee:

Written notice of disciplinary action to be taken, if any, is given to the employee stating effective date and time of action. Written notice of the employee's right to appeal the decision is also provided with the written disciplinary decision.

Appeal Procedure for Suspensions and Discharges

Employees may appeal the disciplinary action issued by the Impartial Hearing Officer directly to the Finance/Administration Committee (Committee) of the County Board by providing notice in writing to the Director of Personnel Services within ten calendar days of receiving the disciplinary decision. The Director of Personnel Services will arrange for the Committee to hear the appeal within 30 calendar days of receipt of the written notice.

The Committee will hear the appeal within 30 calendar days of written notice and issue a decision within ten calendar days of the meeting.