



PERSONNEL RULES AND REGULATIONS

RULE 7: <i>Progressive Discipline</i>	APPROVED: <i>January 1, 2015</i>
REGULATION 1: <i>Discipline</i>	Pages: 1 of 6

Section 1: Introduction

Sarpy County will administer disciplinary provisions in order to ensure the fair and equitable treatment of employees who are not performing to expectation, who violate applicable work rules and/or laws, who conduct themselves in an inappropriate manner, or who disobey a legitimate, direct order of a superior. Such provisions shall also provide adequate protection for employees accused of misconduct and for appropriate monitoring, corrective actions, and appeal processes.

The County will use progressive discipline in most disciplinary situations. Formal discipline may not be initiated without consultation with the Human Resources Director and approval of the Department Head.

The purpose of this Regulation is to acquaint employees with expectations to guide their conduct in order that they can be contributing team members helping to achieve the objectives of better and more efficient service to the County's community.

Section 2: Administrative Actions

Corrective Action (Non-disciplinary):

Department Heads have primary responsibility for determining the adequacy of their employees' performance and conduct as well as for initiating corrective action when necessary. If corrective action can be accomplished through verbal coaching, closer supervision, counseling, or on-the-job training, formal disciplinary action may not be necessary.

Formal Disciplinary Actions:

In those instances where Corrective Action has not elicited improvement or for "cause" beyond Corrective Action, discipline shall be utilized. Disciplinary Actions include reprimands, suspensions, demotions, and dismissal.

These Disciplinary Actions are defined as follows:

- A. **Reprimand:** A Department Head may reprimand employees for cause. Reprimands shall address and communicate the specific performance/conduct issues and shall be presented to employees for signature. All reprimands and related documents will be placed in the respective employee's civil service personnel file.



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Reprimands may not be appealed to the Personnel Policy Board. However, tenured employees may appeal a written reprimand directly to the Human Resources Director. This appeal shall be presented within 15 calendar days of its receipt. The Human Resource Director shall respond in writing within 15 calendar days. This written decision shall be final and binding upon all parties. A written rebuttal to this final decision may be submitted by the employee within 15 calendar days of the decision.

1. Verbal Reprimand is typically the first step and occurs when a supervisor and/or Department Head become aware of a problem. This reprimand will be documented in writing.
2. Written Reprimand normally the second step of discipline occurs when the verbal reprimand did not result in prompt improvement or in situations where the issue is sufficient to begin discipline at this step. The written reprimand shall state the action that caused its issuance and action steps necessary to achieve expectations and avoid further discipline. Depending upon the nature of the disciplinary action, an employee may be placed on a probationary period in conjunction with a performance improvement plan. *Refer to Rule 5: Probationary Periods, Regulation 2: Trial Period Probations* for further details.

Employees may submit to the Human Resources Department an explanation or rebuttal to a written reprimand within 15 calendar days of its receipt.

- B. **Suspension:** If reprimands fail to result in improved performance and/or behavior, Department Heads may avail themselves of this third step of progressive discipline. Employees may be suspended without pay for cause for a total not to exceed 30 working days in any 12 month period; however, no single suspension shall be for more than 10 work days. Depending upon the nature of the offense, suspension may be the first step of the disciplinary process.

Prior to suspension, the Department Head shall notify the employee in writing in accordance with Section 4 of this Regulation.

Employees who are suspended may appeal in writing for a hearing before the Personnel Policy Board. Appeals must be filed with the Human Resources Department no later than 15 calendar days after the date on the letter notifying the employee of the suspension.

- C. **Demotion:** A Department Head may demote an employee for cause in accordance with *Rule 4: Promotions, Transfers, and Demotions Regulation 3: Demotions & Loudermill Process*. Demotions may be used as a last resort prior to Dismissal unless the offense is sufficient to justify demotion as a first step.



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No demotion shall be made as a disciplinary action unless the employee to be demoted is qualified for the job in the lower grade/class and shall not be made if a tenured employee would be laid-off as a result of such action.

Prior to demotion, the Department Head shall notify the employee in writing in accordance with the Section 4 of this Regulation.

Employees who are demoted for cause may appeal in writing for a hearing before the Personnel Policy Board no later than 15 calendar days of the date on the letter notifying the employee of the decision to be demoted.

Upon determination, the Department Head shall complete and submit to the Human Resources Department an Employee Action Form outlining any status changes resulting from the demotion.

- D. **Dismissal:** Department Heads may dismiss tenured employees for cause. Prior to a dismissal, the Department Head shall notify employees in writing of proposed dismissal along with the specific reasons for dismissal. Dismissal is generally the last step of progressive discipline unless the offense is sufficient to justify dismissal as a first step.

Employees shall be given an opportunity to rebut their dismissal at a Pre-Disciplinary Hearing, as outlined in Section 4 of this Regulation.

Employees may appeal in writing for a hearing before the Personnel Policy Board no later than 15 calendar days after the date on the letter notifying the employee of the dismissal.

Upon determination, the Department Head shall complete and submit to the Human Resources Department an Employee Action Form outlining the specific changes due to the dismissal.

The Department Head may consider previous Disciplinary Actions even if the previous discipline was for a different or unrelated offense. Disciplinary Action shall be taken in a timely manner. Every attempt must be made to monitor employees' behavior and to take any necessitated Disciplinary Action as soon after an offense is identified as practicable. Multiple violations should not go unchallenged before taking appropriate discipline, such as multiple sick leave abuses or incidences of insubordination, etc.

Section 3: Infraction Examples

The following examples illustrate what the County considers improper behavior. This is not a complete list, and the fact that an infraction is not listed does not mean discipline



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could not be imposed. The County reserves the right to investigate, make judgment, and take appropriate Disciplinary Action. The level of severity and/or the frequency of an infraction will be a determining factor in the level of Disciplinary Action to be taken.

- A. Conviction of a felony or crime which renders employees unfit to perform their job duties;
- B. Failure to obtain and/or maintain a current license, permit, or certification required by law or job requirement;
- C. Incompetent or inefficient job performance;
- D. Violation of a safety rule;
- E. Insubordination (failure to obey any proper direction given by a superior);
- F. Falsification of work product or time keeping records with the intent to defraud;
- G. Failure to maintain a satisfactory attendance record;
- H. Absence without leave contrary to these Rules or failure to report after leave of absence expires or leave request is disapproved, revoked, or cancelled by the Department Head;
- I. Breaches of confidential information be they verbal or written;
- J. Careless or negligent handling of monies or other County property;
- K. Damage to County property;
- L. Failure to maintain satisfactory working relationships;
- M. Lying, making false statements, or being purposely deceptive;
- N. Theft, bribery, misappropriation, or unauthorized use or possession of County property, property of another employee, or property of inmates/detainees;
- O. Infliction of physical harm to another person;
- P. Discrimination or harassment based in whole or in part on race, color, sex, religion, age, disability, or national origin, or any other protected group which manifests itself in the form of comments, jokes, printed material, and/or unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature;
- Q. Sleeping while on the job;
- R. Failure to abide by or violate these Rules, Personnel Policy Bulletins, or any other County/departmental policies;



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- S. Engaging in immoral or notoriously disgraceful conduct which is prejudicial to the County or its reputation;
- T. Engaging in outside business activities while on paid time or the use of County property for such activities;
- U. False statement, misrepresentation, or omission of material fact on an employment application and/or related documents; or
- V. Working another non-County job while on sick leave.

Section 4: Loudermill (Pre-Disciplinary) Hearing Process

- A. Tenured employees shall have an opportunity to respond to allegations regarding their potential suspension, demotion, or dismissal. The Pre-Disciplinary Hearing is designed to provide an initial check against mistaken determination and to assist the Department Head in making a determination as to whether there are reasonable grounds to believe that the allegations against employees are true and support the proposed actions. Employees are entitled to:
 - 1. A written notice of pending allegations,
 - 2. The County's evidence, and
 - 3. An opportunity to present an argument/evidence as to why a suspension, demotion, or dismissal should not occur.
- B. The Department Head shall provide employees a Loudermill Notice a minimum of 48 hours prior to the upcoming Hearing.
- C. Employees shall continue to work at assigned tasks until such time as the scheduled Hearing is conducted and a final decision rendered except in those instances where the Department Head deems it appropriate for the employee to be placed a paid Administrative Leave. Reasons employees may be placed on an Administrative Leave include, but are not limited to, further investigation, potential threat to the wellbeing of employees or the public, and/or potential liability to the County.
- D. Employees' Response Options to Loudermill Notice
 - 1. Indicate in writing their decision not to attend the Hearing. If this should occur, the Department Head may proceed with the proposed discipline,
 - 2. Not attend the Hearing at the prescribed time. If this occurs, the Department Head may proceed with the proposed discipline,



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3. Instead of attending the Hearing submit written documentation refuting the proposed discipline. In this situation, the Department Head will consider the documentation and make a determination, or
 4. Attend the Hearing or have a representative attend the Hearing. In this circumstance, the Department Head shall consider any additional information and make a determination.
- E. Once the Department Head has made a determination, written notification will be provided to all parties. The notification shall include language explaining the employees' right to appeal to the Personnel Policy Board in accordance with *Rule 1: General Provisions, Regulation 5: Personnel Policy Board Hearings*.
- F. If, following the Loudermill Hearing, it is decided sufficient evidence is not present to warrant a suspension, demotion, or dismissal, the Department Head may impose a lesser Disciplinary Action.
- G. While the process of a Loudermill Hearing has been described in some detail, the Hearing itself is intended to be a somewhat informal session with each party having the ability to exchange information and come to an understanding of the issues involved as well as their importance.