

### Employee Discipline

The County must have certain rules in order to operate in an orderly and efficient manner, to make cooperation between employees easier, and to assist in properly respecting the rights and interests of each employee. The provisions of this policy shall also apply to appointed department heads except that the county board or its designated committee shall act in the role of the supervisor for purposes of discipline. Employees violating these rules may be subject to disciplinary action.

### Causes for Discipline

The following list is illustrative of, but does not include all, types of behavior for which disciplinary action up to and including termination may result. The employer expressly reserves the right to terminate employment at any time for any reason. Discipline may be made for other reasons or causes as reasonably determined by the employer and/or defined within applicable labor agreements.

- 1) Insubordination or if the employee failed to obey any proper direction made and given by a supervisor.
- 2) Theft of employer's property or money or acting in a careless or negligent manner with employer's money, property or vehicles.
- 3) Abusive or improper treatment during the performance of duty to any member of the public, fellow employee or manager, including harassment on the basis of race, creed, color, sex, national origin, religion, age, sexual orientation, gender identity, marital status, mental or physical handicap or disability, or any behavior which has the effect of producing a hostile work environment, including offensive conduct or language toward the public and/or other employees, either on or off duty.
- 4) Tardiness, failure to report to work, or failure to maintain satisfactory attendance.
- 5) Failure to satisfactorily and consistently perform the duties of the position; incompetence, inefficiency or negligence in the performance of assigned duties; unauthorized dissemination of non-public information acquired during the performance of duties for the employer.
- 6) Violation of Personnel Policies or any other rules or regulations promulgated by the employer.
- 7) Lying or providing false, inaccurate or incomplete information either verbally or in writing; falsification, alteration, deletion of required information, or failure to include material information on any application of employer record including timesheets.
- 8) Inappropriate, personal or unauthorized (unwritten) use or access to FAX/photocopy services, computer, cell phones, or other employer-owned property and/or equipment.
- 9) The employee has violated any lawful regulation or law while on duty.

- 10) Violations of the Federal Drug-Free Workplace Act, if the employee is in possession of, or under the influence of intoxicants, illegal drugs or a controlled substance while on duty.
- 11) Operating employer equipment or vehicles without proper license or permit, failure to maintain any required license or permit, or failure to notify employer of loss of any such license or permit.
- 12) Illegal activities and/or conviction of a crime closely or directly related to the ability of employees to perform their job effectively.
- 13) Disregard for safety policies and procedures, including improper use of safety gear, clothing or equipment.
- 14) Citation for DWI while operating a personal or employer vehicle while employee is on employer business (including training and education).
- 15) An employee taking files (hard copy or electronic) away from the work place without approval from the manager.
- 16) Activity which involves conflict of interest.
- 17) Failure of employee to take or satisfactorily complete drug and/or alcohol testing.

#### **Types of Disciplinary/Corrective Action**

The following are some of the types of disciplinary actions, which may be imposed. Nothing in these rules shall be construed as requiring the County or a Supervisor to impose each of the lesser forms of discipline before proceeding to a more severe disciplinary action. Discipline shall be imposed based upon the nature of the offense, the employee's work performance and prior disciplinary/corrective action history.

- **Oral Reprimand/Warning**

This is an action taken by a Supervisor in which an employee is told about actions or behaviors of the employee, which the Supervisor finds objectionable or wishes to correct. When an employee fails to maintain standards or has broken a rule, an oral reprimand including a statement that repetition may call for further discipline is in order.

The Supervisor shall prepare a written summary of the reprimand and place a copy in the employee's personnel file at the Human Resources Office.

- **Written Reprimand**

This is an action taken by a department head in which the department head writes out the action or behavior, which the department head wishes the employee to change, cease or begin. The Written Reprimand will describe in detail the behavior to be corrected, and will give direction and orders for the future and will point out the consequences of repeating the actions which brought about the Written Reprimand.

- **Unpaid Suspension**

This is an action taken by the Department Head, which removes an employee from employment in a department and from the Cottonwood County payroll for a definite period of time not to exceed thirty- (30) working days.

The employee does not accrue salary, annual or sick leave credit during the time of the suspension, nor can leave time be used while on suspension.

At the end of the suspension, the employee shall return to the payroll in the same department, classification, and salary as when they were suspended.

- **Dismissal**

This is an action taken by the County Board upon the recommendation of the Department Head and Human Resources Office, which permanently removes an employee from employment in their department and Cottonwood County. Dismissal shall be used when preceding forms of discipline have failed to correct the action, behavior, performance deficiency or nonfeasance or when the behavior or conduct is of nature warranting immediate termination. Dismissed employee, unless otherwise stated in this policy, (see "Removal of an Honorably Discharged Veteran" below) need not be kept in employment or be paid for any time after the completion of their normal working day on the date of discharge.

#### **Other Disciplinary/Corrective Actions**

In some cases, before the final progressive disciplinary/corrective action is taken, the following actions may be used if they will result in the correction of the offending action or behavior.

- **Probation**

Under certain conditions, where the reason for disciplinary/corrective action is related to changes in previously satisfactory job performance, the Department Head may recommend that a probationary period of no more than sixty days be used. Based on this recommendation the County Board will determine the length of the probationary period.

During this probationary period, the Department Head and the affected employee shall work out a plan for correcting the performance and place a copy of the plan in the personnel file at the Human Resources Office. If following completion of the probationary period, the employee's job performance hasn't improved; other forms of disciplinary/corrective action shall be imposed.

- **Demotion**

A demotion may be used as a form of discipline/corrective action if the employee does not satisfactorily perform the duties of his/her present position. It may or may not result in reduction-in-pay. If the employee's present pay falls within the pay range of the lower level position to which he/she is being demoted, no pay reduction occurs. If the employee's present pay exceeds the pay range of the lower level position, his/her pay is reduced to the maximum of this new position.

The reasons for demotion must be stated in writing, including showing what corrective job performance action, if any, was attempted, and placed in the personnel file at the Human Resources Office.

- **Transfers**

A transfer of the employee to another position at the same salary level in another department or program may be used as a form of discipline/corrective action. Normally this would only be used in cases of unsatisfactory job performance where it is felt the employee's performance in the position to which he/she is transferred would be satisfactory. If this action is taken, it can only be done with the consent of the Department Heads involved and the County Board.

- **Notice of Performance Deficiencies**

In some circumstances, a supervisor or Department Head may choose to issue a written statement of performance problems to an employee, which is not designed to be disciplinary in nature. Such a performance notice may include specific examples and directives to correct the behavior. The written statement should be placed in the personnel file at the Human Resources Office.

### **Administrative Leave**

A Department Head or the County Board may place an employee on paid administrative leave pending an investigation into misconduct, performance deficiencies or other conduct or circumstances into which inquiry may be warranted. Such leave will not constitute disciplinary action.

### **Investigation**

Employees are required to cooperate with the employer's reasonable investigation of facts surrounding an allegation or violation of these or any policies of Cottonwood County. Employees who cooperate with the employer's reasonable investigation, will be protected by the employer from reprisals from any affected party. Employees who refuse to cooperate may be subject to disciplinary action.

### **Methods of Notifying an Employee**

Employees subject to written reprimand, suspension without pay, demotion, probation, notice of performance deficiency or dismissal as part of a disciplinary/corrective action shall be notified according to the following method:

- A written notice of the action, giving specific reasons for the action, the effective date and conditions of the action, signed by the affected employee's Department Head, must be presented to the affected employee in person, or else sent to the employee's last known address by registered mail, with return receipt requested, on or prior to, the effective date of the action.

If the written notice is presented in person, the employee should sign a copy to acknowledge receipt. If the employee refuses, the presenter should so note on the form.

Written notice of action should be prepared in all instances of disciplinary/corrective action even in those instances where the disciplinary situation is serious enough to warrant immediate dismissal or suspension without pay.

- A copy of the notice shall be reinstated by the affected employee's department, another copy made a part of the employee's personnel file at the Human Resources Office, and a copy forwarded to the County Board for its information except in cases of notices of performance deficiency.

### **Removal of an Honorably Discharged Veteran**

Honorably discharged veterans shall not be dismissed or demoted, without receiving sixty (60) days advance written notice and notification of their right to a hearing under the Veterans Preference Act. All notices shall include reference to the veteran's right to a hearing pursuant to the Veterans Preference Act, which must be requested within sixty- (60) days of the notice. Notices should be delivered in person or sent by certified mail, return receipt requested. An eligible veteran may be placed on paid leave pending the hearing or request for a hearing.

For the purposes of this section, an honorably discharged veteran is a citizen or resident alien of the United States who has separated under honorable conditions from any branch of the armed forces of the U.S. after having served on active duty for 181 consecutive days or by reason of disability incurred while serving on active duty or who has active military service certified by the United States Secretary of Defense and discharged under honorable conditions.

Honorably discharged veterans shall not have the right to file a grievance or have a hearing on the question of dismissal, demotion, suspension without pay for thirty days or more or involuntarily transfer. Instead, questions on the removal of a veteran under these circumstances will proceed according to the provisions of the Veterans Preference Act, Minn. Stat. § 197.46. (See Policy 415

Other disciplinary/corrective actions, which are not subject to the Veterans Preference Act, such as shorter suspensions, reprimands and notices of performance deficiencies, are subject to the grievance procedure.

### **Reasons for Disciplinary Action**

Disciplinary action, up to and, including discharge will be for just cause.

### **Grievance**

This is covered under Policy Number 340 in the Cottonwood County Employee Policy Handbook.