

Utah County Human Resource Management Policy 4-8000: Progressive Discipline

Purpose

It is the purpose of this policy to establish guidelines for Utah County in assisting employees and management when performance or behavioral issues dictate corrective or disciplinary action consistent with merit principles of Utah Code § 17B-1-803.

I. Policy

Disciplinary action may be imposed for unsatisfactory performance or misconduct as established by Human Resource Management policy, Standards of Conduct 4-4000 or departmental standards and policies.

II. Procedures

A. Progressive Discipline:

1. The primary purpose of disciplinary action is to change negative employee behavior and/or improve employee job performance.
2. Progressive discipline includes documented counseling, one or more written reprimand(s), and thereafter more severe disciplinary action. In the case of a serious conduct problem, the department head may elect to skip one or several steps in the progressive discipline model up to and including immediate termination.
3. A supervisor must be able to establish that the employee had a clear understanding of job duties, performance measures, and expectations related to behavior. This understanding can be documented through the use of written job descriptions, accurate performance standards and evaluations, orientation sessions, and familiarity with these regulations. Prior to deciding to administer discipline, a supervisor must provide that employee an opportunity to explain or respond verbally or in writing after being informed of the charges. Release of confidential information without authorization;
4. Upon written request of the employee and the employee's department head to the Director of Human Resource Management, the employee may have all written reprimands removed from his/her official employment file that were issued more than three (3) years prior to the request, provided that no ensuing progressive discipline or overall unsatisfactory performance appraisals have occurred. Upon removal, the written reprimand will be sent to the employee.
5. If an employee is facing potential disciplinary action, he/she has the right to request another individual to accompany him/her to investigatory meetings to serve as a witness. Scheduled

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investigatory meetings are not subject to delay or rescheduling due to the unavailability of the individual selected by the employee to serve as a witness.

6. If an employee conduct results in a situation which requires immediate removal of the employee from the work area, the employee may be placed on administrative leave with pay pending investigation. During an administrative leave with pay, the County must be able to contact the employee at any time during working hours. The employee shall promptly report to work when requested. Administrative leave with pay status should be utilized no longer than necessary to efficiently conduct the investigation and consider the degree of discipline, if any, to be administered.
7. **Serious Conduct Problems.** Serious conduct problems are characterized by the fact that even in isolated instances they may have an immediate and serious negative impact upon the County. Management intervention should always be immediate. The department head may elect to skip one or more steps in the progressive discipline model up to and including immediate termination. At the earliest practical moment, both the Director of Human Resource Management and the County Commission will be advised of the problem and any other available information that is pertinent. If necessary, a formal investigation will be initiated. See Employee Standards of Conduct.

B. Progressive Discipline Steps

1. **Documented Counseling.** A Documented Counseling is a formal conversation between a supervisor and an employee about a specific aspect of the employee's performance and/or conduct. This step is taken when an employee has committed a relatively minor infraction. The deficiency demonstrated should be verbally communicated to the employee and documented.
 - a. Whenever possible, reasonably and sufficient time for improvement should precede additional corrective or disciplinary action.
 - b. An overall unsatisfactory performance evaluation also services as a document counseling and notification of deficiency. Repeated unsatisfactory performance evaluations may result in more severe discipline up to and including termination.
 - c. During the documented counseling meeting the following items should be discussed:
 - i. The date of the incident(s);
 - ii. The specific rule(s) violated and performance and/or conduct concerns;
 - iii. The expected conduct and level of work performance;
 - iv. Notification that this meeting is an official documented counseling; and

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- v. The employee should consider the meeting as official notification that he/she must correct the condition, with a time limit for making improvements established , and informed that if the condition is not corrected more serious disciplinary action may be taken., The supervisor must document the meeting in writing, including the above cited elements , in the event that formal documentation will be required at a later date. This counseling summary is to be maintained in the supervisor's employee incident file.
2. Written Reprimand. A written reprimand is a formal written notice to the employee regarding repeated offenses for which a Documented Counseling has already been given, or in situations of significant misconduct and/or specific inadequate performance. All Written Reprimands shall be reviewed and approved by the Human Resources Director and County Attorney's office prior to being presented to the employee. The written reprimand notice shall include:
 - a. The date of the incident(s);
 - b. The specific rule(s) violated and performance and/or conduct concerns.
 - c. A reference to the previous documented counseling(s) , if applicable, and reference to prior training or coaching the employee received concerning appropriate work performance and conduct;
 - d. A statement indicating the specific improvements expected and a time limit within which the improvements must be made; and
 - e. A statement that the employee must correct the condition and failure to correct the condition may result in more severe disciplinary action. The employee is asked to acknowledge receipt of this reprimand by signing and dating the document. If the employee refuses to acknowledge receipt of the reprimand, a witness can sign and date the document stating the employee received a copy of this document. The original of this reprimand with the employee's, or witness', signature shall be sent to the Office of Human Resource Management for placement in the employee's official employment file.
3. Disciplinary Transfers, Suspensions, Demotions and Terminations. No employee who has satisfactorily completed probation may be demoted (unless returned to a position at the same salary step range formerly held as result of a trial period), involuntarily laterally transferred, suspended without pay, or terminated without just cause. Just cause includes, but is not limited to: inefficiency, incompetence, insubordination, moral misconduct, habitual or excessive tardiness or absenteeism, abuse of sick leave or authorized leaves, withholding services as a result of strike, and violation of established County rules and regulations or of departmental work rules or procedures. Prior to deciding to involuntarily laterally transfer an employee to another County department, a supervisor must provide

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that employee an opportunity to explain or respond verbally or in writing after being informed of the charges.

4. **Suspension/Demotion:** Suspension without pay or Demotion are severe disciplinary actions administered by the hiring authority, but not by the department head whenever possible. A suspension is usually implemented after a Documented Counseling and/or written reprimand have been given and expectations have not been met, or when an employee commits a serious violation of established rules. A suspension without pay serves as a final warning for serious misconduct or performance issues. The length of a suspension without pay typically ranges from one (1) to five (5) workdays but may be longer. Prior to deciding to demote or suspend an employee without pay, a supervisor must provide that employee an opportunity to explain or respond verbally or in writing after being informed of the charges.

The suspension without pay written notice shall include:

- a. The effective date of the “notice or proposed demotion” or of the suspension including the duration, time and date the employee is to report back to work;
 - b. Details of the incidents or actions warranting the disciplinary action including the rule(s) and/or standards violated as well as the dates and nature of previous coaching, oral and written reprimands (as applicable);
 - c. A statement indicating the specific improvements expected and a time limit within which the improvements must be made;
 - d. Notification that failure to correct the condition and meet expectations may result in more severe disciplinary action up to and including termination of employment; and
 - e. Notice that this action is grievable under the Human Resource Rules and Regulations and the procedure and time limits, therefore. the employee is asked to acknowledge receipt of this notice by signing and dating the document. If the employee refuses to acknowledge receipt, a witness can sign and date the document stating the employee received a copy of this document. The original of this notice with the employee’s, or witness’, signature shall be sent to the Office of Human Resource Management for placement in the employee's official employment file.
5. **Termination:** Termination should only be recommended by a hiring authority, but not by the department head whenever possible. Such action usually occurs when previous disciplinary steps have been taken and there has been inadequate change in performance and/or behavior, or when an employee has committed a serious violation not appropriately addressed by lesser forms of discipline. Prior to deciding to recommend termination, a supervisor must provide that employee an opportunity to explain or respond verbally or in writing after being informed of the charges.

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- a. Career Service tenure employee who is recommended termination from County Service shall be given a written statement setting forth the charges upon which the proposed termination is based.
- b. The statement shall include:
 - i. The effective date of “suspension without pay pending termination”;
 - ii. A statement of the reasons for the proposed termination detailing the incidents or actions warranting the discipline, the rule(s) and/or standards violated, and the dates and nature of previous coaching, oral and written reprimands, and suspensions (as applicable);
 - iii. An explanation of the employee’s right to a pre-hearing as provided by the Human Resource Rules and Regulations and the procedure and time limits therefore; and
- c. A statement that the decision to terminate will be based on the findings of the pre-hearing. The employee is asked to acknowledge receipt of this notice by signing and dating the document. If the employee refuses to acknowledge receipt, a witness can sign and date the document stating the employee received a copy of this document. The original of this notice with the employee’s, or witness’, signature shall be sent to the Office of Human Resource Management for processing and placement in the employee's official employment file.
- d. The hiring authority or Department Head may, in consultation with the Human Resources Director, dismiss an employee having other than career service status, without right of appeal, upon providing written notification to the employee specifying the reasons for the dismissal and the effective date.
- e. NO DECISION TO RECOMMEND SUSPENSION, DEMOTION OR TERMINATION OF AN EMPLOYEE WILL BE MADE WITHOUT PRIOR CONSULTATION WITH THE COUNTY ATTORNEY’S OFFICE, DIRECTOR OF HUMAN RESOURCE MANAGEMENT AND THE COUNTY COMMISSION.

III. References