

District 2 Public Health

Progressive Discipline	Policy No. 224
Effective Date: August 1, 2015 Revised Date:	District 2 Public Health County Boards of Health (CBH)

References:

1. State Personnel Board Rule 478-1-.26 Adverse Actions for Classified Employees

1.0 Purpose

The purpose of this policy is to provide a progressive disciplinary guideline for District 2 Public Health employees and managers.

2.0 Scope

This policy applies to all employees (classified and unclassified) within District 2 Public Health.

3.0 Policy

The progressive discipline policy and procedure is designed to provide a structured corrective action process to improve and prevent the recurrence of undesirable behavior and/or performance issues.

4.0 Definitions

- 4.1 **DHD/AA** - District Health Director/Appointing Authority
- 4.2 **HR** - Human Resources
- 4.3 **FLSA** - Fair Labor Standards Act

5.0 Responsibilities

- 5.1 Human Resources is responsible for issuing and updating procedures to implement this policy.
- 5.2 It is the responsibility of each District 2 Public Health employee to read and adhere to the policy and procedures provided herein.

6.0 Procedure

- 6.1 Outlined below are the steps of the progressive discipline policy and procedure. District 2 Public Health reserves the right to combine or skip steps depending upon the circumstances of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered depend upon whether the offense is repeated despite coaching, counseling and/or training, the employee's work record, and the impact the conduct and performance issues have on the organization.
- 6.2 Adverse Actions for Classified Employees (refer to Adverse Actions for Classified Employee Policy) also applies to the Progressive Disciplinary Process. Adverse action occurs when a disciplinary action results in the suspension without pay, demotion, reduction in salary, or dismissal of a classified employee. The progressive disciplinary steps are the same, but require (a) at least fifteen (15) calendar days advance written notice of the proposed action stating the specific charges or reasons for which the action is to be taken; (b) a reasonable time in which to refute such charges; and (c) written determination of the final action. The policy for Adverse Actions for Classified Employees includes the specific requirements and procedures. Any adverse impact related discipline step for Classified Employees must be reviewed for pre-approval by HR.

6.2.1 **STEP 1: Verbal Warning**

This step creates an opportunity for the immediate supervisor to schedule a meeting with the employee to bring attention to the existing performance, conduct or attendance issue. The supervisor should discuss with the employee the nature of the problem or violation of company policies and procedures. The supervisor is expected to clearly outline expectations and steps the employee must take to improve performance or resolve the problem. The supervisor must clearly document all verbal warning meetings.

6.2.2 **STEP 2: Written Warning (e.g. Letter of Concern)**

While it is hoped that the performance, conduct or attendance issues that were identified in step 1 have been corrected, this may not always be the case. A written warning involves a more formal documentation of the performance, conduct or attendance issues and consequences. Written warnings should be sent to HR for review prior to presenting them to the employee.

During step 2, the immediate Supervisor/Manager will meet with the employee and review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. Management will outline the

consequences for the employee of his or her continued failure to meet performance and/or conduct expectations. A warning outlining that the employee may be subject to additional discipline up to and including termination if immediate and sustained corrective action is not taken, must also be included in the written warning. This written warning may be presented in either letter format or Progressive Discipline Action Form (PDA) format for Performance related deficiencies.

The employee will be asked to sign the written warning (letter or PDA) to acknowledge receipt of the Written Warning. A copy of the written warning (letter or PDA) is to be given to the employee. The written warning (letter or PDA) signed by the employee must be given to HR to be placed in the employee's file. All actions recorded in the employee file are permanent and may not be purged.

6.2.3 STEP 3: Written Reprimand and/or Suspension (e.g. Letter of Reprimand)

6.2.3.1 Written Reprimand

Written reprimands should be sent to HR for review prior to presenting to the employee.

During step 3, the immediate Supervisor/Manager will meet with the employee and review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his or her continued failure to meet performance and/or conduct expectations. A warning outlining that the employee may be subject to additional discipline up to and including termination if immediate and sustained corrective action is not taken, must also be included in the written reprimand. This reprimand may also be presented in either letter format or Progressive Discipline Action Form (PDA) format for Performance related deficiencies.

The employee will be asked to sign a copy of the written reprimand (letter or PDA) to acknowledge receipt of the Written Reprimand. A copy of the written reprimand (letter or PDA) is to be given to the employee. The written reprimand (letter or PDA) signed by the employee must be given to HR to be placed in the employee's file. All actions recorded in the employee file are permanent and may not be purged.

6.2.3.2 Suspension

Suspension may not be applied without prior approval of HR and the DHD/AA.

There may be performance, conduct or safety incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee with or without pay (with the prior approval from HR) pending the results of an investigation.

If the seriousness of the infraction warrants the employee be suspended without pay it should be done in full-day increments consistent with federal, state and local wage-and-hour employment laws. Employees may not substitute or use an accrued paid annual leave or sick day in lieu of the unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. HR will provide guidance so that the discipline is administered without jeopardizing the FLSA exemption status.

Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee.

Important Note: Suspension without pay is considered an adverse action for classified employees and must be reviewed and pre-approved by HR. Refer to Adverse Action for Classified Employees Policy.

6.2.4 **STEP 4: Recommendation for Termination of Employment**

The last and most serious step in the progressive discipline process is a recommendation to terminate employment. Generally, the supervisor/manager will try to exercise the progressive nature of this policy by first providing a verbal warning, written warning, a written reprimand, and/or suspension from the workplace before proceeding to a recommendation to terminate employment. However the DHD/AA reserves the right to combine and/or skip steps depending upon the circumstances and egregiousness of each situation and the nature of the offense. Furthermore, unclassified employees may be terminated without prior notice or progressive disciplinary action. All recommendations for termination of classified and unclassified employees will be reviewed by HR

and approved by the DHD/AA prior to any termination decision for an employee.

NOTE: Nothing in this policy provides any contractual rights regarding employee discipline or counseling nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between the County Board of Health and its employees.

Progressive Discipline Chart*

Step One	Verbal Warning
Step Two	Written Warning
Step Three	Written Reprimand and/or Suspension
Step Four	Recommendation for Termination

* The DHD/AA reserves the right to combine or skip steps depending upon facts of each situation and the nature of the offense.

Approval:		
	District Health Director/Appointing Authority	Date