

## R. CORRECTIVE AND DISCIPLINARY ACTIONS

### GENERAL POLICY

It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency and effectiveness in their work. Department heads and supervisors shall organize and direct the work of their units in a manner calculated to achieve these objectives. Whenever the work habits, attitude, production or personal conduct of an employee falls below an acceptable standard, the employee is subject to corrective and/or disciplinary action. All such actions shall be promptly and consistently administered and shall not be on account of political considerations, personal bias, or prejudice.

### SCOPE

This policy is applicable to the following:

All employees responsible to the Scott County Board of Supervisors;

All employees responsible to a county elected office holder providing the appropriate elected office holder and the Board of Supervisors have certified its applicability;

All employees not directly responsible to either the Board of Supervisors or an elected office holder and whose governing body and the Board of Supervisors have certified its applicability.

Whenever the provisions of this policy are in conflict with the Code of Iowa, or with a collectively-bargained agreement between the County and a certified bargaining unit, the provisions of the collectively-bargained agreement and/or the Code of Iowa will prevail.

### CORRECTIVE ACTION

Corrective verbal warnings (also referred to as a cautionary notice) shall precede formal discipline whenever, in the judgment of the department head, an infraction is readily correctable and is of lesser consequence.

All corrective actions should be thoroughly documented in writing appropriate to the infraction committed, with reasonable time allotted for improvement and subsequent review. Corrections and suggestions should be made in a constructive manner.

### DISCIPLINARY ACTION

Formal disciplinary actions will include written reprimand, suspension, demotion, and/or termination. It shall be the policy of Scott County to utilize a system of progressive discipline in addressing an employee's work deficiencies; however management reserves

the right to exercise judgment in determining the appropriate level of discipline. Any of the disciplinary measures cited above may be initiated on the more serious first offense

In most cases, disciplinary action will be issued to the employee by his/her immediate supervisor, or by a higher-level supervisor in the department to which the employee is assigned. Disciplinary action will be issued in a manner which will minimize embarrassment to the employee.

All disciplinary actions will be thoroughly documented in writing appropriate to the infraction committed. The document should be signed by the supervisor or department head initiating the action and by the employee. A copy should then be given to the employee, the original forwarded to the Human Resources department. If the action involves an employee covered by a collective bargaining agreement, said disciplinary action will be sent to the appropriate union steward.

### **PUBLIC RECORD**

Employees are reminded that disciplinary actions that result in a demotion, termination or resignation in lieu of termination are considered public records pursuant to state law. A demotion is defined as involuntarily moving to a lower classification after the start of a disciplinary meeting or name clearing hearing. A resignation in lieu of termination is defined as employee offering resignation after the start of a disciplinary meeting or name clearing hearing.

### **GROUND FOR DISCIPLINARY ACTION**

The seriousness of an offense will often vary with the circumstances prevailing at the time it occurred and the motives which prompted it. Related and mitigating factors would be considered when determining the appropriate action to take. Each of the following infractions may be just cause for disciplinary action, up to and including termination. The list presented herein is representative and is not intended to be all-inclusive.

1. Unreasonable and/or abusive treatment of a client, citizen, other County employee or individual in the community, including verbal or nonverbal sexual or racial harassment.
2. Violation of any lawful and reasonable County or departmental policy including but not limited to Rules of Conduct (Policy G).
3. Destruction or loss of County property, including abuse of tools, equipment and/or clothing allotments.
4. Absence from duty without permission, proper notice or satisfactory reason.
5. Falsifying records, knowingly giving inaccurate information or unnecessarily withholding information.

6. Refusal to cooperate, deceptiveness or interference with an internal investigation.
7. Obtaining materials or leave time based on fraudulent information; dishonesty; stealing; and other criminal acts.
8. Being under the influence of narcotics, alcohol or other physically impairing or illegal substances on the job.
9. Possession of any type of firearms, explosives or concealed weapons (without specific authority).
10. Conviction of a crime involving moral turpitude or that is closely or directly related to the ability of the employee to perform his/her County job effectively. (NOTE: Dismissal or non-prosecution for criminal charges shall not, in itself, preclude the County from taking disciplinary action.)
11. Incompetence, ineffectiveness, inefficiency or wastefulness in the performance of assigned duties.
12. Disregard for safety policies, procedures, reporting requirements, and/or proper use of safety equipment.
13. Failing to maintain specific job requirements.
14. An attendance record which demonstrates a consistent or continual lack of availability for work to the extent that ineffectiveness or inefficiency of services results.

### **PROHIBITION OF REPRISAL**

No reprisal, such as failure to appoint, failure to promote or termination, shall be taken against an employee (or applicant) for disclosures to the individuals listed in Iowa Code Section 70A.29, including the County's Human Resources Director, of actions the individual in good faith, reasonably believes to evidence a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority or a substantial and specific danger to public health or safety, unless the disclosure was prohibited by law. Additionally as addressed in Human Resources Policy G employees are to report suspicious, unethical or illegal conduct of employees or citizens utilizing county services. The individual may report any reprisals to the state ombudsman at 1-888-426-6283.

### **NOTICE OF POTENTIAL DISCIPLINARY ACTION**

In order to provide an employee with adequate right of due process, a department head

or his/her designee shall notify any regular, non-probationary employee of potential disciplinary action.

Notice of a disciplinary meeting may be verbal or in writing, but shall include a brief synopsis of the reasons for the potential disciplinary action and a meeting shall be scheduled to allow the employee the opportunity to respond to the alleged infractions. This disciplinary meeting is often times referred to as a "name clearing hearing".

Procedures set forth in Chapter 80F of the state code shall be followed when the action rises to the level of a "formal administrative investigation" for staff considered sheriff deputies, corrections officers, detention youth counselors, public safety dispatchers, rangers or their supervisory personnel.

In the event the immediate removal of an employee from the worksite is required, the employee should be placed on leave pending a review of the particular facts and circumstances of the case. Refer to Policy M. Paid Leaves of Absence.

### **ADMINISTRATIVE PROCEDURES**

1. The Human Resources Director is responsible for assisting department heads and supervisors in the use of corrective or disciplinary techniques as may be necessary to maintain effectiveness and efficiency of operations.
2. The department head or elected official may elect to place an employee on investigative leave before making any determination of corrective or disciplinary action. Procedures for investigative leave may be found in Paid Leaves of Absence (Policy M.).