



CHAPTER: Employee Conduct and Relations Standards

SUBJECT: Discipline

POLICY NUMBER: 4.501

Pages: 5

**RELATED POLICIES:
4.500 4.502 4.601**

**ENABLING RESOLUTION:
114-1988 267-2007 269-2007
31-09 35-09 209-2015**

**REVISION DATE(S):
5/88 11/01 10/02 12/07 2/09
12/15 6/16**

DEPARTMENT OF PRIMARY RESPONSIBILITY: HUMAN RESOURCES

SPECIAL NOTES: This Policy/Procedures Manual does not in any way constitute an employment contract. Sedgwick County reserves the right to amend this Manual at any time subject only to approval by the Board of County Commissioners and the Governing Body of Sedgwick County Fire District Number One.

I. Purpose

The proper discipline of employees is essential to good management. Rules and regulations governing employee discipline are designed to provide guidance for supervisors in the handling of employee misconduct and/or unsatisfactory work performance. The primary objective of disciplinary action is to conform an employee's behavior to that expected of all productive County employees.

II. Policy

- A. When a supervisor deems that discipline is necessary, progressive steps should be used unless the employee's conduct warrants more severe action. Progressive discipline is merely a guide and it is not required that the hiring authority proceed through each step. Each incident of employee misconduct needs to be considered in reference to the appropriate level of disciplinary action needed to correct the problem.
- B. Except for verbal counseling and written counseling, a copy of all disciplinary action taken by supervisors should be forwarded to Human Resources to be included in the employee's Personnel File.
- C. Except for verbal counseling, supervisors shall have employees sign any disciplinary action to acknowledge its receipt. If the employee refuses to sign the acknowledging receipt, it should be noted and initialed by the supervisor.

III. Procedure

- A. Relief of Duty With Pay. A hiring authority, in his/her discretion, may relieve any employee of his/her duties while maintaining the employee's paid status for a reasonable period if such employee is the subject of an administrative investigation

concerning alleged violations of County policy. Such action shall not be construed to be a suspension, demotion or termination. Prior to relieving an employee of duty with pay, notice of the proposed action shall be given to the Division of Human Resources. If, while the employee is on Relief of Duty With Pay, the investigation results in a disciplinary action to suspend the employee, the time recorded without pay as a suspension can be recorded within the same pay period while the employee is on Relief of Duty With Pay in order to complete the disciplinary suspension.

B. Progressive Discipline

When it is necessary to discipline an employee, progressive disciplinary steps may be used. Progressive disciplinary steps may include verbal counseling, written counseling, written reprimand, suspension, demotion, disciplinary probation, or termination. It is emphasized that the hiring authority is not required to go through any or all progressive steps before termination or suspension may occur.

1. **Verbal Counseling.** When it appears that the personal conduct or job performance of an employee is unsatisfactory, the hiring authority should counsel the employee and review the duties that the employee is expected to perform. The hiring authority should explain why the employee's conduct or performance on the job has not been acceptable and provide the employee with an opportunity to explain or justify his/her conduct or performance on the job. This verbal counseling session should be documented in writing and kept in a department file.
2. **Written Counseling.** When an employee's conduct or performance, does not meet expectations the hiring authority may issue the employee a written counseling disciplinary action. The hiring authority shall review the job duties the employee is expected to perform, explain why the employee's conduct or performance on the job has not been acceptable, document prior supervisory efforts that have been taken to address the unacceptable conduct or performance, and specify the required corrective actions. The employee shall have the opportunity to provide written comments regarding the conduct, performance and/or the corrective actions for improvement(s). The written counseling shall include a timeframe for improvement and the consequences if the performance is not improved. The written counseling document shall be signed by both the supervisor and the employee and kept in the department personnel file. The employee's signature does not constitute agreement with the findings, only that the document was received. If the employee refuses to sign, the supervisor shall indicate that on the form.
3. **Written Reprimand.** When an employee's conduct or job performance is not improved to the satisfaction of the hiring authority, the hiring authority may wish to issue a written reprimand. The Sedgwick County Division of Human Resources shall provide the department head/hiring authority with a form to be used for written reprimands. The hiring authority shall discuss the written reprimand with the employee and the employee will be asked to sign the form to acknowledge receipt.
4. **Suspension.** When an employee's conduct is not improving to the satisfaction of the hiring authority, the employee is being disruptive or insubordinate or is

otherwise engaging in conduct that could be grounds for termination, the hiring authority may suspend the employee. A disciplinary suspension shall be a forced leave of absence without pay. An employee may be suspended for disciplinary reasons for a period not to exceed thirty (30) days, except when an employee has been charged with a criminal offense.

- a. To suspend an employee without pay, the following steps must be implemented:
 1. When the hiring authority reaches the disciplinary decision he or she will meet with Human Resources to discuss the disciplinary decision. Human Resources will review the information and make recommendations.
 2. Based on the recommendations from Human Resources, the hiring authority completes form PS- 1369, County Manager's Review of Termination/Disciplinary Suspension. A copy of the form will be given to the Division of Human Resources.
 3. The hiring authority gives a copy of PS-1369 and supporting documentation to the Division Director and/or Assistant County Manager for review and discussion with County Manager.
 4. The Assistant County Manager, Division Director or his/her designee, should discuss the disciplinary decision with the County Manager for notification purposes.
 5. The employee will be notified by the hiring authority, or appropriate supervisor, of the reasons for the suspension, either orally or in writing. If done orally, a written notification shall be sent to the employee which shall include the reasons and length of the suspension.
 6. Suspensions under six (6) days will be recorded on the time sheet. If, while the employee is on Relief of Duty With Pay, the investigation results in a disciplinary action to suspend the employee, the time recorded without pay as a suspension can be recorded within the same pay period while the employee is on Relief of Duty With Pay in order to complete the disciplinary suspension.
 7. A Personnel Action Form must be submitted to Human Resources for suspension for six (6) days or more.
- b. Suspension for Violation of a Law. Employees have a duty to disclose to management if they have been arrested and/or charged with a felony or a DUI. Any employee arrested and charged with a felony criminal offense shall be suspended without pay while criminal proceedings are pending in court. The affected department must immediately report that the employee has been charged with a felony to the Human Resource Director, who shall then immediately notify the County Manager.

Exceptions to suspension or termination shall be at the discretion of the County Manager. Employees terminated for this reason may or may not be eligible for rehire. Any employee arrested and charged with a misdemeanor offense may, at the discretion of the hiring authority, be suspended without pay while criminal proceedings are pending in court. If an employee is exonerated from such felony or misdemeanor charges, he/she will be reinstated.

1. If an employee is found guilty of any criminal charges, pleads guilty or is placed on diversion from any criminal charges, an administrative investigation into the incidents which are the subject of the criminal charges will be conducted. The employee may be terminated or otherwise disciplined. If the employee has been suspended without pay and said employee pleads guilty and is placed on diversion, or found guilty of criminal charges, there will be no retroactive salary payment for the time period of such suspension.
- c. When an employee's driver's license is suspended or revoked for any length of time and a valid driver's license is a requirement for the position occupied, the employee is required to notify his/her supervisor immediately (no later than the next work day). If the employee's driver's license is suspended for more than thirty (30) days, the employee may be reassigned to a position that does not require a driver's license or may be terminated.
5. Demotion. Employees may be demoted for continued inability to satisfactorily perform assigned duties, as discipline for employee misconduct, or any other basis that could likewise result in termination of the employee.
6. Disciplinary Probation. When a supervisor deems that an employee's misconduct or inadequate work performance is such that termination is imminent unless such work performance is corrected, the supervisor may, at his/her option, place the employee on disciplinary probation for a period of thirty (30) to ninety (90) days. A Disciplinary Probation Form may be obtained from Human Resources. Anyone on disciplinary probation will not be eligible for salary increases. If an employee on disciplinary probation does not take appropriate steps to correct his/her work conduct during the probation period, the supervisor shall initiate steps to terminate said employee in accordance with Sedgwick County Policy No. 4.500 Employee Conduct and Relations Standards - Termination. It is emphasized that a supervisor's use of disciplinary probation does not affect any other disciplinary action the supervisor deems appropriate.
7. Termination.
 - a. None of the above suspension procedures preclude the hiring authority from terminating an employee during the period of suspension and prior to the disposition of criminal charges, pursuant to Policies and Procedures as outlined in Policy No. 4.500, Employee Conduct and

Relations Standards- Termination.

b. County employees shall be terminated when progressive disciplinary steps fail to bring about improvement in an employee's performance. It is emphasized that the hiring authority is not required to go through any or all progressive steps of the disciplinary warning system before termination may occur. All terminations shall be reviewed by the County Manager, or a designated representative, before the termination is executed. The form, "County Manager's Review of Termination/Disciplinary Suspension," supplied by Human Resources shall be obtained and submitted for review following the procedures outlined in Sedgwick County Policy 4.500 Employee Conduct and Relations Standards – Termination.