

Title: Disciplinary Procedure
Policy Number: 711
Effective Date: July 1, 2009
Revision Date:
Authorized by: Board of Supervisors

Policy:

It is the policy of Pottawattamie County that all employees are expected to comply with the County's standards of behavior and performance and that any noncompliance with these standards may result in disciplinary action. This policy does not modify the status of employees as "employees-at-will" or in any way restrict the County's right to bypass the disciplinary procedures suggested.

Comments:

- (1) The purpose of an employee disciplinary action is to advise the employee of his/her violation of policy in such a manner as to ensure that such behavior will not be repeated.
- (2) Disciplinary actions shall be progressive in nature for job performance issues only and shall include the following:
 - A. First Step: Documented Oral Reprimand
 - B. Second Step: Written Reprimand
 - C. Third Step: Suspension without Pay
 - D. Fourth Step: Discharge/Termination of Employment
- (3) Disciplinary actions shall be discussed with the employee and the employee shall be given a copy of the action. A copy shall also be forwarded to the Auditor's Office/Payroll Division for inclusion in the employee's personnel file.
- (4) Employees who have been suspended from work without pay or discharged and who have completed their Introductory Period, may process a grievance through the grievance procedure.

Oral and written reprimands may be protested in writing by the employee and such protests will be placed in the employee's personnel file.

- (5) In cases involving serious misconduct, or any time the Department Head determines it is necessary, such as a major breach of policy or violation of law, the procedures of progressive discipline may be disregarded. Typically, the Department Head should suspend the employee immediately (with pay) and begin an investigation of the incidents leading up to the suspension, to determine if any further action, such as unpaid suspension or termination, should be taken.
- (6) The County has the right to discipline which may include a suspension and/or termination of any employee immediately for the following actions. This list is a guideline and is not considered an all - exclusive list.
 - (a) Engaging in or threatening acts of workplace violence, including but not limited to:
 - (i) Possessing firearms or other weapons on County property (other than certified law enforcement)
 - (ii) Fighting, assaulting or bullying a coworker, supervisor, guest, or customer;
 - (iii) Threatening or intimidating a coworker, supervisor, customer, or guest;
 - (b) Engaging in any form of sexual or other unwelcome harassment;
 - (c) Reporting to work under the influence of alcohol or illegal drugs, using, selling, dispensing, or possessing alcohol or illegal drugs or narcotics on County premises;
 - (d) Reporting to work or performing job duties in an unfit condition because of the consumption or misuse/abuse of prescription or over-the-counter medications or selling or dispensing prescription medications on County premises;
 - (e) Disclosing confidential County information;
 - (f) Failure to cooperate in a workplace investigation;
 - (g) Misrepresenting, falsifying, or altering any County record or report, such as an employment application, medical reports, expense accounts, and similar public records;
 - (h) Misrepresenting or falsifying timesheets, daily logs or any other time and attendance records for yourself or others;
 - (i) Stealing, destroying, defacing, or misusing County property, unauthorized personal use of county funds or property or another employee's or customer's property; making unauthorized purchases on county credit card(s);
 - (j) Employment connected theft, burglary, or battery;

- (k) Misusing County communications systems, including the county website, electronic mail, computers, Internet access, and telephones
 - (l) Accessing pornographic websites;
 - (m) Refusing to follow Department Head or Supervisor instructions concerning a job-related matter or being insubordinate; insubordination; failure to follow directions;
 - (n) Failing to wear a seat belt or other assigned safety equipment or failing to abide by safety rules and policies (willful violation) and failing to adhere to job related work restrictions or accommodations;
 - (o) Soliciting or distributing information in violation of County policies;
 - (p) Accessing personal websites during working hours such as "My Space", "Facebook", "Twitter", personal blogging and other similar websites.
 - (q) Smoking where prohibited by state law, local ordinance or County rules;
 - (r) Using profanity or abusive language;
 - (s) Sleeping on the job without authorization;
 - (t) Gambling on County property;
 - (u) Playing pranks or engaging in horseplay at the workplace;
 - (v) Wearing unprofessional or improper attire or having an inappropriate personal appearance; (sloppy, unkept appearance);
 - (w) Conducting personal business during working hours;
 - (x) Using county property for personal gain or using county position for personal gain;
 - (y) Unlawfully destroying county or work property including records;
 - (z) Willful and/or reckless neglect of duty;
 - (aa) Dishonesty.
 - (bb) Any absence of three (3) or more consecutive work days without an excuse or notification; excessive absenteeism and late arrival (tardy).
 - (cc) Violation of County electronic communications policies and procedures.
- (7) An employee who is represented by a union may request that a union representative be present at any meeting and/or investigative interview which may lead to or result in disciplinary action. Employees represented by a union should also refer to the appropriate union contract for disciplinary procedures.

- (8) The Human Resources Department along with the County Attorney's Office should review and approve all recommendations for unpaid suspensions or terminations before any final action is taken.
- (9) If a disciplined employee works twelve (12) consecutive months without further disciplinary action under this policy, the next failure to meet behavior or performance standards may be treated as a first occurrence under this policy. However, the County may still consider all past disciplinary actions in evaluating the employee's job performance.