

**BREVARD COUNTY
MERIT SYSTEM PROCEDURES
PROCEDURE XII**

Title: **DISCIPLINARY ACTIONS**

I. PURPOSE AND SCOPE

To implement the Disciplinary Actions Policy.

II. DEFINITIONS AND REFERENCES

Merit System Policy XII, Disciplinary Actions

III. RESPONSIBILITIES

- A.** First-line supervisors and middle managers are responsible for monitoring the conduct and job performance of employees under their jurisdiction.
- B.** Administrative Officer IV/V (working title: department office directors) are responsible for instructing and monitoring their supervisors and middle managers in the formulation of conduct and job performance standards and the administration of discipline.
- C.** The Office of Human Resources Director is responsible for monitoring all disciplinary actions in the County to ensure that basic employee rights are protected and to ensure that appropriate and consistent action has been taken.

IV. PROGRESSIVE DISCIPLINE ADMINISTRATION

A. VERBAL COUNSELING:

- 1. Verbal Counseling should consist of the supervisor verbally reminding or cautioning the employee concerning his/her behavior or work performance and counseling the employee on how to improve.
- 2. The Supervisor should make a written record of the counseling session.

B. WRITTEN REPRIMAND:

- 1. A written warning (reprimand) should be used when the verbal counseling has not resulted in a satisfactory change in conduct or when verbal counseling is deemed insufficient for the offense.
- 2. A written reprimand should include the following information:
 - a. Reference to recent verbal counseling or similar violations if germane to the reason for verbal counseling.

- b. Specific charge of misconduct with reference to the County or departmental rules or a supervisory order.
- c. Warning regarding management's course of action if violations occur in the future.
- d. The supervisor's signature.
- e. The employee's signature and date acknowledging receipt of the reprimand. The employee's signature does not imply agreement. If the employee refuses to sign the written reprimand, it should be noted and witnessed.

C. SUSPENSION:

- 1. A suspension should be used as a disciplinary action when a written reprimand has not resulted in a satisfactory change in the employee's conduct or written reprimand is deemed insufficient for the offense.
- 2. Before completing or processing a suspension, unless deemed to be in the immediate and best interest of County government, the appointing authority must conduct a pre-disciplinary hearing as provided in section V of this Procedure.
- 3. The suspension document should contain the following information:
 - a. Reference to previous disciplinary actions if germane to the reason for suspension.
 - b. Specific charge of misconduct with reference to a violation of County or departmental policies or a supervisory directive.
 - c. Warning regarding management's course of action if a violation occurs in the future.
 - d. The date of the pre-disciplinary hearing and any pertinent information brought forward at that hearing.
 - e. Reference to employee's rights to grieve or appeal.
 - f. The supervisor's signature.
 - g. The appointing authority's signature.
 - h. The employee's signature and date which acknowledges receipt of the suspension document. The employee's signature does not imply agreement and refusal to sign should be noted and witnessed.

D. DEMOTION, REDUCTION IN PAY AND/OR PLACEMENT ON DISCIPLINARY PROBATION:

1. These should be used when other forms of discipline have not resulted in a satisfactory change in an employee's work performance are deemed inappropriate for the offense.
2. Before completing or processing a notice of demotion, reduction in pay and/or placement on disciplinary probation, the appointing authority shall coordinate such action with the Office of Human Resources Director and conduct a pre-disciplinary hearing as provided in section V of this Procedure. The demotion, reduction in pay and/or placement on disciplinary probation notice should contain the following:
 - a. Reference to previous disciplinary action(s) if germane to the reason for demotion, reduction in pay and/or placement on disciplinary probation.
 - b. Specific area(s) of non-performance or charge of misconduct with reference to a violation of County or departmental rules or a supervisory order.
 - c. Warning regarding management's course of action for future violation(s).
 - d. Employees placed on disciplinary probation shall receive written notice that they are not entitled to use the Merit System (or Bargaining Unit, if applicable) grievance processes if terminated while on disciplinary probation.
 - e. The date of the pre-disciplinary hearing and any pertinent information brought forward at that hearing.
 - f. Reference to the employee's appeal rights.
 - g. The supervisor's signature.
 - h. The appointing authority's signature.
 - i. The employee's signature and date, which acknowledges receipt of the document. The employee's signature does not imply agreement and failure to sign should be noted and witnessed.

E. DISMISSAL:

1. A dismissal is initiated when all previous disciplinary actions have failed to bring a satisfactory change in conduct or when lesser action is deemed insufficient for the offense.
2. Before completing or processing the notice of dismissal, the appointing authority shall obtain the concurrence of the next appropriate level of administration (usually the Department Director) and the County

Attorney's Office, after conducting a pre-disciplinary hearing as provided in section V of this Procedure.

3. The dismissal document should contain the following information:
 - a. Reference to previous disciplinary action(s) if germane to the reason for dismissal.
 - b. Specific charge of misconduct with reference to a violation of County or departmental policies or a supervisory directive.
 - c. The date of the pre-disciplinary hearing and any pertinent information brought forward at that hearing.
 - d. Reference to employee's right to appeal.
 - e. The appointing authority's signature.
 - f. The concurring director's signature.
 - g. The employee's signature and date, which acknowledges receipt of the dismissal document. The employee's signature does not imply agreement and failure to sign should be so noted and witnessed.

V. PRE-DISCIPLINARY HEARINGS

A. Scheduling:

When the appointing authority has determined that an employee's actions may require discipline above a written reprimand, a pre-disciplinary hearing will be scheduled and the employee will be notified in writing at least 24 hours in advance. The notice should include a description of the pending charges (the decision of what action will occur is not provided).

Prior to conducting a pre-disciplinary hearing, which may result in termination of employment, the appointing authority shall review the proposed pre-disciplinary notice with the County Attorney's Office and obtain their concurrence.

B. Conducting Hearings:

1. At the pre-disciplinary hearing, the appointing authority:
 - a. Confirms that the employee has a copy of the charges;
 - b. Explains the charges and the type of disciplinary action being contemplated;
 - c. Provides the employee with an opportunity to offer any contrary evidence, explanation, and/or comments.
2. After the employee leaves the hearing, management discusses and decides upon the appropriate disciplinary action. The employee shall be notified of the decision pursuant to section IV of this Procedure.

C. Postponement of Hearings:

Hearings may be postponed, rescheduled or continued on a different date under reasonable circumstances.

Employees who fail to appear or fail to reschedule their pre-disciplinary hearing will forfeit this right; however, they retain any right to grieve or appeal the disciplinary action as otherwise provided in Merit System Policies or applicable labor agreements.

VI. SUMMARY ACTION

In the event that an appointing authority (or designee) concludes that immediate imposition of disciplinary action is necessary for public interest or safety, discipline may be taken summarily. The employee is informed to leave the work site and is later contacted to report to a disciplinary hearing.

VII. RECORD-KEEPING

Upon an employee filing a timely grievance, no disciplinary action shall be placed in the employee's department or official Human Resources' personnel files until all steps of the grievance procedure have been completed. Upon completion of the grievance process, only such disciplinary actions that have been upheld or modified shall be placed in the employee's departmental and/or official Human Resources' personnel file.

VIII. RESERVATION OF AUTHORITY

The authority to issue and/or revise this Procedure is reserved to the County Manager.

4/24/2009