

Polk County Wisconsin

EMPLOYEE DISCIPLINE

Policy 716

Effective Date: 05-20-97

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The purpose of this policy is to state Polk County's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be implemented and comes from good leadership and fair supervision at all employment levels.

Polk County's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Disciplinary action may call for any of four steps -- verbal warning, written warning, suspension with or without pay, or termination of employment -- depending on the severity of the problem and the number of prior occurrences. There may be circumstances when one or more steps are bypassed. Discipline at the suspension level may involve loss of accrued leaves in addition to or in lieu of time off.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a verbal warning; a written reprimand; a suspension, with or without pay; and, termination of employment.

Polk County recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

By using progressive discipline, the County hopes that most employee problems can be corrected at an early stage, benefiting both the employee and the County.

Procedure

It shall be the responsibility of the Employee Relations Director and each Department Head of Polk County to assure the proper administration of disciplinary procedures in each respective department as outlined in this policy.

Prior to the administration of discipline for an employee, the responsible party shall conduct a proper fact finding investigation in order to determine what level of discipline, if any, is warranted. In addition, the Employee Relations Director and the Corporation Counsel shall have

the authority to investigate violations of policies, procedures, work rules, and statutes, and if warranted make recommendations of appropriate discipline to responsible parties. Employees are required to cooperate with such investigations, and shall be subject to discipline for failure to do so.

Only the immediate supervisor of an employee or the supervising committee of a Department Head shall have the authority to issue discipline to an employee. Governing Committees shall have the authority to issue discipline to a Department Head. In addition, the Employee Relations Director shall have the authority to issue verbal warnings and written reprimands, and may recommend suspensions or terminations to the appropriate supervising authority for employees that fail to cooperate in disciplinary investigations or who violate directives given to them regarding the integrity of investigations.

In the case of governing committees, discipline shall only be administered upon a majority vote of the committee's members except that in cases of suspension, termination, or any other discipline affecting compensation the decision must be by a two-thirds (2/3) vote. For those positions having statutory requirements with regard to discipline, the provisions of this paragraph shall apply only to the extent that they do not interfere or conflict with the authority of the body or individual granted disciplinary authority by the statute(s).

Notwithstanding the above paragraph, pursuant to Chapter 59.26 of the Wisconsin Statutes, the Public Protection Committee is designated as the grievance committee for sworn deputies in the Sheriff's Department. Discipline involving the suspension, demotion, or dismissal of a deputy sheriff shall be presented to the Public Protection Committee for consideration and resolution using the procedures required by statute.

The Employee Relations Director, in consultation with the Corporation Counsel, shall have the authority to place any county employee on paid administrative leave for up to thirty (30) calendar days during or pending a disciplinary investigation or any other time warranted for the protection of the county or its employees. Governing committees may extend such paid administrative leaves.

In order to maintain consistency in the administration of this policy, responsible parties shall consult with and obtain direction from the Employee Relations Director prior to the administration of discipline.

In order to reduce the probability of further discipline, all oral warnings, written reprimands, and suspensions shall contain a plan of corrective action for the employee to follow.

Responsible parties shall maintain proper documentation of all actions associated with disciplinary procedures. Written verification of all disciplinary actions shall be kept in the employee's personnel file with a copy of the same forwarded to the Employee Relations Director.

Appeal

Non-Represented employees, with the exception of employees subject to disciplinary procedures defined by statute shall have the ability to appeal disciplinary sanctions to the Personnel Committee. Appeals must be filed within ten (10) calendar days of the receipt of written confirmation of the imposition of discipline by the employee, either at work or at their last known address. In the case of such appeals, the Personnel Committee shall conduct a hearing to review the facts in each individual appeal, and shall by majority vote either uphold, overturn, or modify the disciplinary action under appeal. In the absence of a member of the Personnel Committee, the County Board Chair and the first vice chair of the County Board shall, in that order, assume a seat on the committee and have full voting rights during the appeal. The County Board Chair and the first vice chair shall not fill the vacancy if they were a party to the disciplinary action under appeal. If the Personnel Committee is the responsible party issuing the discipline, the affected employee may file an appeal with the Executive Committee of the County Board. Employees subject to disciplinary procedures as defined by statute shall only have those appeal rights as defined by said statute.

In the case of deputy sheriffs covered under Chapter 59.26, Wisconsin Statutes, disciplinary actions involving suspension, demotion, or dismissal may be appealed to the circuit court in the manner proscribed by law.

Closed Session Meeting

No County Board Supervisor shall be permitted to attend, sit in on, or participate in the closed session meeting of a governing committee or board that is conducting a disciplinary procedure or hearing an appeal of a disciplinary action against an employee unless he/she is a member of that committee or board or summoned as a witness or a complainant.