I. PURPOSE:

The purpose of this policy is to establish a process of progressive discipline. Progressive discipline is designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues. Such a process ensures that employees are afforded adequate notice and opportunity to correct unacceptable behavior.

II. APPLICABILITY:

This policy applies to all Gila County employees except Elected Officials.

III. POLICY:

Gila County wishes to create and maintain a work environment that promotes efficiency, productivity, and positive reinforcement of actions through work standards met or exceeded. The County advocates the use of progressive discipline as a means toward maintaining a positive work environment. However, the seriousness of an offense may dictate overriding progressive discipline, and serious offenses may lead to administrative suspension or immediate dismissal. When circumstances dictate, a combination of disciplinary actions may be used.

SIGNATURE:

Michael A. Pastor
CHAIRMAN, BOARD OF SUPERVISORS

3/15/16
DATE

IV. PROCEDURES:

A. General

1. Causes for disciplinary actions include, but are not limited to:

   a. Fraud in securing appointment;
   b. Incompetence;
   c. Neglect of duty;
   d. Insubordination;
   e. Sleeping while on duty;
   f. Disorderly conduct;
   g. Malicious gossip or false accusations which tend to destroy friendly relations between the County and the public or between employees or in any way hinder County operations;
   h. Dishonesty;
   i. Absence without leave;
   j. Commission or conviction of a felony or misdemeanor involving moral turpitude which would affect the employee's suitability for continued employment;
   k. Discourteous treatment of the public and/or co-workers;
   l. Willful disobedience;
   m. Engaging in prohibited political activity;
   n. Misuse of government property;
   o. Possessing, dispensing or being under the influence of a narcotic, barbiturate, marijuana, tranquilizing or hallucinogenic drug, alcohol, or other controlled substances on duty, except in accordance with medical authorization;
   p. Seeking to obtain financial, sexual or political benefit from another employee with his/her consent induced by wrongful use of force or fear, or under color of official right;
   q. Discrimination or harassment based upon race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, genetic information, or Vietnam era or disabled veteran status;
   r. Revocation, suspension or loss of Arizona driving privileges where having an Arizona Driver's License is a requirement for the position;
   s. Revocation, suspension or loss of certification issued by a governmental entity where such certification is a requirement for the position;
   t. Engaging in sexual harassment of an employee;
   u. Inefficiency;
   v. Unsatisfactory attendance;
   w. Mishandling of County funds;

x. Falsification or unauthorized use of County records;
y. Unauthorized possession of firearms, weapons or explosives on County property;
z. Unsafe actions;
aa. Any other conduct or performance which constitutes cause for disciplinary action.

B. Types of Disciplinary Action

Behavior that is illegal or violent will not be subject to the progressive discipline process and may be reported to local law enforcement agencies. All disciplinary actions must be discussed with Human Resources (HR) prior to implementing the disciplinary action. All disciplinary actions must be documented and the original sent to HR to be placed in the employee's file.

1. Verbal Warning

A verbal warning creates an opportunity to bring attention to existing performance, conduct, or attendance issues with the employee. Expectations and steps that must be taken to improve performance or resolve the issue should be discussed here. Verbal warnings must be documented and sent to HR.

2. Written Reprimand

A written reprimand is a formal notice to an employee that further disciplinary action will be taken unless their behavior or performance improves. A copy of the written reprimand is to be forwarded to the HR Department for placement into the employee's personnel file. A Performance Improvement Plan (PIP) may be applicable to assist the employee in meeting expectations.

3. Suspension

a. Before an employee with regular status can be suspended, the Appointing Authority shall give the employee written notice of the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made not later than three working days after the employee receives the notice of the charges, unless extended in writing by the Appointing Authority.

b. The Appointing Authority may suspend any employee with regular status for cause, but not before attempting to serve the employee personally or by registered or certified mail, return receipt requested (addressee only), with written notice of the specific reasons for suspension in sufficient detail to inform the employee of the facts, with a copy to the Director. The Appointing Authority shall include a

statement of the employee's right to appeal. The action is not effective until one of the following occurs:

i. The employee signs for receipt of the suspension letter personally served or served by mail; or,

ii. Three working days have passed since the letter was mailed to the employee; or,

iii. An attempt is made to personally serve the suspension letter, but the employee refuses to sign for the letter. Such attempt to personally serve the letter shall be witnessed.

c. Except as otherwise provided by statute or policy, suspensions shall not exceed a total of thirty working days during any twelve (12) month period. The twelve (12) month period begins with the first day of the first suspension.

4. Demotion

a. A regular status employee may be demoted for cause by an Appointing Authority to any regular status position, provided the employee meets the minimum qualifications for such class.

b. Before an employee with regular status can be demoted, the Appointing Authority shall give the employee written notice of the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made not later than three working days after the employee receives notice of the charges, unless extended in writing by the Appointing Authority.

c. The Appointing Authority may demote any employee with regular status only for cause, but not before attempting to serve the employee personally or by registered or certified mail, return receipt requested (addressee only), with written notice of the specific reasons for demotion in sufficient detail to inform the employee of the facts, with a copy to the Director. The Appointing Authority shall include a statement of the employee's right to appeal. The action is not effective until one of the following occurs:

i. The employee signs for receipt of the demotion letter personally served or served by mail; or

ii. Three working days have passed since the letter was mailed to the employee; or

iii. An attempt is made to personally serve the demotion letter, but the employee refuses to sign for the letter. Such attempt to personally serve the letter shall be witnessed.

d. An employee who is demoted shall serve a demotion probationary period under the same rules as an original probation, except that the employee retains the right of appeal should they be dismissed due to failure of the demotion probationary period.

5. Dismissal

Recommendations for dismissal must be approved by the Human Resources Director before the following steps occur:

a. Before an employee with regular status can be dismissed, the Appointing Authority shall give the employee written notice of the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made not later than three working days after the employee receives notice of the charges, unless extended in writing by the Appointing Authority.

b. The Appointing Authority may dismiss any employee with regular status for cause, but not before attempting to serve the employee personally or by registered or certified mail, return receipt requested (addressee only), with written notice of the specific reasons for dismissal in sufficient detail to inform the employee of the facts, with a copy to the Director. The Appointing Authority shall include a statement of the employee's right to appeal. The action is not effective until one of the following occurs:

i. The employee signs for receipt of the dismissal letter personally served or served by mail; or

ii. Three working days have passed since the letter was mailed to the employee; or

iii. An attempt is made to personally serve the dismissal letter, but the employee refuses to sign for the letter. Such attempt to personally serve the letter shall be witnessed.

c. If an employee is on an approved period of leave with pay, the action will be effective at the end of the approved period of leave with pay, and the dismissal letter shall be served on the employee in accordance with this subsection.

d. Dismissal During Probation

i. An employee on original probation may be dismissed without the right of appeal.

ii. An employee on promotional probation may not be dismissed without the right of appeal.

6. Administrative Leave

Nothing in this policy shall preclude the Appointing Authority from immediately placing an employee on administrative leave pending implementation of procedures under this section, but no pay shall be withheld for such period.