



EFFINGHAM COUNTY BOARD OF COMMISSIONERS

Human Resources Standards of Practice

Standards of Practice: Section 2.13	Issue Date: 2015 New ____ Revised ____ Supersedes Policy Dated:
Title: Disciplinary Policy and Procedures	Approved By Effingham County Board of Commissioners

2.13- DISCIPLINARY POLICY AND PROCEDURES

A. PURPOSE

This policy states the County's philosophy with respect to disciplinary action and provides guidelines for the administration of the policy.

B. STANDARD

It is the policy of the County to administer the rules of personal conduct for its employees in a fair, consistent, and uniform manner. The objectives are to ensure proper operations of the County, to maintain safe working conditions and to establish adequate safeguards for the County's property.

C. GENERAL

1. The Department Head's Role

The Department Head is responsible for the application of discipline. Before acting, however, the Department Head is expected to get all the facts. The following is a list of examples of questions to ask:

a. Did the employee know the rules? Had the employee been warned and given a chance to improve? If so, when and under what circumstances?

b. Did the employee violate a rule willfully?

c. Is this employee a chronic violator or is this a rare instance?

d. What extenuating circumstances contributed to the situation? Are all the facts available?

e. Has the Human Resources Department and/or County Manager been informed prior to any action?



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f. What is the attitude of the employee? Does the employee recognize that an error has occurred?

g. What precedents are there in handling similar circumstances?

D. PROGRESSIVE DISCIPLINE

Progressive discipline, i.e., the use of disciplinary measures less severe than dismissal, is a means to correct negative behavior or inadequate performance. The County encourages a policy of progressive discipline in which termination should be used as a last resort after less severe disciplinary measures fail to improve the employee's performance or correct negative behaviors; however, the use of a policy of progressive discipline is for the benefit of the County, not the employee. The County, at its sole discretion, may take disciplinary actions up to and including dismissal for any infraction or improper conduct without regard to previous disciplinary measures.

1. Types of Progressive Discipline

a. Oral Counseling / Warnings: An oral counseling / warning is an effort to correct and improve the employee's actions so that the employee's behavior will be adjusted to meet the needs of the county. This counseling / warning should be given in private and a record of the oral counseling / warning may or may not be placed in the employee's personnel file. The Department Head should make a personal note of the oral counseling / warning.

b. Written Warnings: A written warning is more severe than an oral warning because it is made a part of the employee's permanent personnel file. It is the responsibility of the Department Head to decide whether the employee's conduct should be subject to a written warning. If the Department Head decides to issue a written warning, the Department Head should prepare a statement recording the time, place, and circumstance of the violation, as well as a history of any prior oral warnings given to the employee. The written warning will be signed by the employee as acknowledgement of receipt. If the employee refuses to sign the written warning, the Department Head will make a notation for the employee's file that the employee



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has been informed of the warning. The Department Head shall transmit the original to the Human Resources Department and provide a copy to the employee.

c. Suspension: When an employee has failed to correct his behavior in response to one or more oral or written warnings, or when it is the judgment of the Department Head that a more severe penalty is necessary, the Department Head may recommend suspension without pay. Suspension may be appropriate on a first offense, if it is of a serious nature. Suspension with or without pay may also be used as a temporary measure when an investigation is pending to determine all the facts regarding an alleged disciplinary infraction. The Department Head may not suspend the employee without the approval of the Human Resources Department and the County Manager. The Department Head must prepare a written report of the basis for this suspension.

d. Dismissal: The County, at its sole discretion, may dismiss an employee for disciplinary violations. The Department Head may recommend dismissal of employment but may not dismiss the employee without the approval of the Human Resources Department and the County Manager. The Department Head shall prepare a detailed report addressing the grounds for dismissal.

2. Appeal Procedures for Suspensions and Dismissals:

a. An employee who believes that the disciplinary action is inappropriate may respond in writing within three (3) working day period to the action (suspension or dismissal) against him or her to the County Manager or to the Human Resources Department.

b. The County Manager or his/her designee will conduct an investigation into the allegations to determine if there are reasonable grounds to believe that the action taken is supported by the facts against the employee. The County Manager may affirm, revise, or revoke the disciplinary action within seven (7) workdays of the request for review.



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c. If the County Manager determines that a different action, in addition to or substantially different from those originally taken, should be made, or that the adverse action should be more severe than the action taken, he shall issue a new disciplinary action against the employee in accordance with these standards of practice.

d. The employee may request a hearing before the Board of Commissioners by filing a written appeal of the determination of the County Manager to the Board of Commissioners or any committee appointed by the Board of Commissioners to hear appeals within five (5) working days after the effective date of the County Manager's determination and action;

(1) The employee may have a representative present, may bring others to testify, may submit written documents, and may question individuals testifying against him; and

(2) A failure to appeal during the five (5) day period will result in a waiver or loss of appeal rights and in the action being effective on the date specified without further notice.

e. The Board of Commissioners or any committee appointed by the Board to hear appeals shall consider all available facts, evidence, and testimony.

The Board or committee may affirm, revise, or revoke the disciplinary action. If the action was suspension without pay, the Board may direct the employee be paid. If the action was dismissal, the Board may reinstate the employee with back pay. The Board shall issue its decision as soon as practical after the hearing, but in no event later than fifteen (15) work days following the hearing.

f. The decision of the Board of Commissioners or committee shall be final.

g. An aggrieved employee who does not follow the employee appeal procedure waives or loses any further appeal rights.



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E. DISCIPLINARY OFFENSES

All County employees have a duty to conduct themselves in a professional, effective and confidence inspiring manner. In addition, each employee’s conduct must always promote a positive image of the Board and its citizens. Employees deliver a wide variety of services and many citizens will evaluate the various County operations based upon their observations of how County employees treat others. County employees shall always render polite and courteous service, including when they are answering questions or receiving criticisms from the public. While some employees perform routine tasks in a safe office environment, others engage in unpredictable life-threatening situations under the most demanding of circumstances. Breach of a particular standard in one context might be less serious, while in another it might result in the loss of life or property and be deemed more serious in the light of those particular circumstances. Accordingly, determining conduct unbecoming shall take into consideration the unique mission and the individual facts and circumstances of an alleged offense with the defining ruling resting with senior County administration, the Board of Commissioners or any committee appointed.

In addition, employees shall strive to perform at the highest level of efficiency and shall be expected to do more than “get by”. Employees are expected to be effective, for example: to organize their work; to stay focused on job related activities during work hours; to provide the level of effort necessary to get the job done; to demonstrate willingness and ability to make decisions and exercise sound judgment; to produce work that consistently meets or exceed expectations; to accept responsibility for their actions and decisions; to adapt to changes in work assignments, procedures, scheduling and technology; and to be committed to improving individual performance.

It is virtually impossible to list every disciplinary offense with a recommended penalty. The County has, however, made some distinctions based on the seriousness of an offense. These offenses are listed below as EXAMPLES ONLY and are not intended to include or exclude all possible situations.

1. Violation of any of the following rules may be considered adequate justification for dismissal for first offense:



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a. Possession, misuse or being under the influence of intoxicating beverages, controlled substances, misuse of non-prescription or prescription drugs while on duty, testing positive for drugs during random sampling;

b. Theft, misappropriation, conversion, or destruction of the property of any county employee or visitor on County premises or refusal to allow inspection of any packages, boxes, or bundles while entering or leaving County property.

c. Bodily assault upon any employee, or fighting on County property;

d. Immoral or indecent conduct on County property or while representing the Board;

e. Conduct or language unbecoming a public employee. Employees shall conduct themselves, on and off the job, in a manner that will not bring discredit or embarrassment to the Board, including while operating County equipment or vehicles;

f. Employees shall be courteous, considerate, respectful, and prompt in dealing with and serving the public and co-workers;

g. Employees shall maintain high standards of honesty, integrity, and impartiality. Employees shall place the interests of the public ahead of personal interests. Employees shall not use, or attempt to use, their official position for personal gain or confidential information for personal advantage;

h. Misconduct. Employees shall refrain from conduct which, though not illegal or inappropriate for a County employee generally, is inappropriate for a person in the employee's particular position. For example, cowardice may be dishonorable in people generally, but it may be entirely unacceptable in public safety employees. By way of further example, people are generally free to relate with others, but it may be entirely unacceptable for certain employees to enter into certain relations with others, such as correctional officers with inmates.



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- i. Unauthorized possession of firearms or any dangerous weapons or explosives on County property;
- j. Threatening, intimidating, coercing, or interfering with other employees or any persons on County property;
- k. Taking disciplinary action against any employee based on sex, age, creed, national origin, race, religion, disability or for partisan reasons or other unlawful harassment or discrimination;
- l. Gross insubordination such as a refusal to obey a direct instruction, either verbal or written, or blatant disrespect for a supervisor or higher authority or, directing abusive or threatening language at any person;
- m. Employees shall resolve any differences with any peer or duly delegated authority in a professional and constructive manner.
- n. Disclosing confidential or private County information to unauthorized persons; or disclosing information deemed "need to know" outside the scope of that authority. For example, attorney/client privilege, HIPAA protected information or other such information gained as a result of your employment with the Board;
- o. Conflict of interest;
- p. Falsification of employment application, time cards, production reports, or records required by the County or by law; Fraud committed by knowingly accepting pay for work not performed;
- q. Acts of sabotage, or other interference with County projects;
- r. Removal of safety devices or guards on machines or equipment that could result in bodily injury or destruction of equipment; Carelessness and/or improper use of, or failure to use, proper safety equipment for a particular job activity that could result in bodily injury to another employee or yourself; Unsafe operation of



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equipment or destruction of material or property; Negligence or carelessness resulting in injury to any person; Damage to County or other property or equipment;

s. Willful acts which may result in danger or injury to one's self or another employee;

t. Conviction of a felony or other crime involving moral turpitude which could be considered to render an individual unreliable as an employee or undesirable as a co-worker;

u. Failure to cooperate or withholding information related to or during a County security interview/investigation by County management or authorized agent;

v. Sleeping during working hours;

w. Habitual tardiness and/or absenteeism, including absence from work without first notifying and securing permission from the supervisor / Department Head;

x. Participating in an unauthorized work stoppage or slowdown, or interfering with service;

y. Willful disregard of State or Federal laws, regulations or County policies and procedures; violation of any County Ordinance, official regulation or order; or, failure to obey any proper direction made and given by a superior;

z. Incompetence or inefficiency in the performance of the duties of the position;

aa. Willful destruction, disobedience or willful interference of ones work or the work of others.

F. **BULLYING**



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The Board is committed to providing all employees a healthy and safe work environment. As part of that commitment, we will not permit bullying in the workplace. Bullying differs from harassment in that the focus is rarely based on race, color, religion, sex, age, national origin, disability, sexual orientation, veteran, or marital status. The focus is more often on the lack of competence of the targeted individual, as perceived by the bully.

Bullying can take many forms, including rumors, jokes, slurs, pranks, gestures, purposefully excluding people from a group, threats, attacks, demeaning or threatening text messages, instant messages, or e-mails or other written, oral or physical action.

What is the difference between **Harassment** and **Bullying**?

HARASSMENT

BULLYING

Tends to focus on the individual because of what they are (female, black, disabled, old, etc.)	Anyone will do, especially if they are competent, popular and vulnerable.
Harassment is usually linked to sex, race, age, national origin, disability, etc.	Although bullies are deeply prejudiced, sex, race and gender play little part; it's usually discrimination on the basis of competence.
Harassment may consist of a single incident or a few incidents or many incidents.	Bullying is rarely a single incident and tends to be an accumulation of many small incidents, each of which, when taken in isolation and out of context, seems trivial.
The person who is being harassed knows almost immediately they are being harassed.	The person being bullied may not realize they are being bullied for weeks or months.
The harassment almost always has a strong clear focus (e.g., sex, race, disability)	The focus is on competence (envy) and popularity (jealousy)
Harassment takes place both in and out of work	The bullying takes place mostly at work



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The harasser often perceives their target as easy, albeit sometimes a challenge	The target is seen as a threat who must first be controlled and subjugated, and if that doesn't work, eliminated
The harasser often has specific inadequacies (e.g., sexual).	The bully is inadequate in all areas of interpersonal and behavioral skills.

1. Bullying is intentional repeated hurtful behavior which has the purpose of achieving power over another individual. Bullies are predators and choose their prey by homing in on vulnerability. Bullying is unacceptable behavior which the Board will not tolerate.

Some examples are:

- Verbal Bullying: slandering, ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.

- Physical Bullying: pushing, shoving, kicking, poking, tripping, assault, or threat of physical assault; damage to a person's work area or property.

- Other examples of Bullying: Belittling or disregarding opinions or suggestions; criticizing in public; persistent singling out of one person; teasing; practical jokes at the expense of any individual; shouting, raising voice at an individual in public or in private; using verbal or obscene gestures; personal insults or use of undesired or offensive nicknames; constant unjustified criticism; public reprimands; repeated accusations of errors which cannot be substantiated; interfering with mail or other communication; spreading rumors or gossip about an individual; unwanted physical contact, physical abuse or threats of abuse to an individual or that person's property.

2. Bullying is a form of violence; it is aggression expressed psychologically and emotionally rather than physically. Just because there's no physical injury, don't make the mistake of thinking it's not harmful. It is – bullying is often more devastating than a physical injury; the suffering is often compounded by denial and ignorance. Dealing with violence – physical and psychological – in the workplace is the responsibility of management, not the individual supervisor.



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Any employee who thinks he or she has been bullied is asked to report the matter to his or her supervisor or to Human Resources immediately.

3. Hazing is often used to initiate someone into a group. Unlike bullying or harassment, it is intended as a bonding mechanism. Where bullying and harassment are intended to exclude people, hazing is intended to include them. But hazing, like bullying, is usually hurtful and sometimes dangerous. It has no place at the Board and, if discovered or reported, will result in discipline, up to and/or including immediate termination.

4. The following factors will be considered in all applications of disciplinary action:

- a. The seriousness of the offense
- b. The employee's past record and length of service.
- c. The circumstances surrounding the particular case.