

ER-3: Employee Conduct and Discipline

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1. INTENT.

The method for positive discipline set forth in this policy is the preferred means to resolve problems related to conduct and performance. However, situations may occur which require a course of action different from the procedure set forth in this policy.

THIS POLICY IN NO WAY IMPLIES A CONTRACTUAL OBLIGATION TO FOLLOW ANY CERTAIN PROCEDURE. THE COUNTY RETAINS DISCRETION TO DISCIPLINE EACH EMPLOYEE AS THE COUNTY SEES FIT. THE COUNTY OF FAIRFIELD EMPHASIZES THAT THE DISCIPLINE TO BE IMPOSED FOR ANY PARTICULAR INCIDENT OF MISCONDUCT RESTS IN THE SOLE DISCRETION OF THE COUNTY.

SECTION I - POLICY

2. COUNTY POLICY.

- a. Fairfield County has adopted a policy that allows an employee opportunity to meet the requirements, policies, rules, and regulations necessary for continued employment.
- b. At the same time, the County recognizes that some violations are of such serious nature that immediate discharge is appropriate.
- c. Any action which results in loss of pay, reduction in grade, or terminations must first be reviewed and approved by the County Administrator or designee.

3. DISABILITY.

A department head and/or the County Administrator may require that any applicant for employment or any employee under the jurisdiction of the department head be examined by a physician selected by the County. If, in the case of a current employee, a disability of any kind is discovered which impairs his ability to perform his job, or makes his continuance on the job a danger to himself or others, the following action may be taken.

- a. If the disability is correctable, the employee shall be allowed a specified time to have it corrected. He must take steps to have the disability corrected within the specified time allowed by the physician.

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- b. If, in the opinion of the examining physician, the disability cannot be corrected and the County cannot reasonably accommodate the employee in his current position, the appointing authority shall attempt to place the employee in another position which he can perform satisfactorily. If that step cannot be accomplished successfully, the appointing authority shall take steps to separate the employee from the County service through disability retirement or termination.

4. LOSS OF JOB REQUIREMENTS.

Any employee who is unable to do his job adequately because of loss of a necessary license or other requirement shall be separated from the County after attempts to place the employee in another position which he can perform satisfactorily in his department have failed. Unless there is a vacancy to be filled for which he is the most suitable candidate

SECTION II - PROCEDURES

5. GUIDELINES FOR DISCIPLINARY ACTION.

- a. Offenses which will result in disciplinary action include, but are not limited to, those presented below. Note that this list is not, nor was it intended to be, an exhaustive list of offenses for which disciplinary action may be taken.

THE COUNTY RESERVES THE RIGHT TO TAKE WHATEVER ACTION IT DEEMS NECESSARY. THE COUNTY RESERVES THE RIGHT TO TREAT EACH EMPLOYEE INDIVIDUALLY WITHOUT REGARD TO THE WAY IT HAS TREATED OTHER EMPLOYEES AND WITHOUT REGARD TO THE WAY IT HAS HANDLED SIMILAR SITUATIONS. THE COUNTY RESERVES THE RIGHT TO OFFER A POLYGRAPH TEST AS A MEAN OF FINDING FACTS IN AN INVESTIGATION.

6. CONDUCT WHICH MAY RESULT IN DISCIPLINE.

Although this list is not exhaustive, the following acts or related acts will normally result in disciplinary action. Disciplinary action may include, but is not limited to, an oral warning, written warning, demotion, salary reduction, loss of leave or suspension without pay, but may result in dismissal, or any combination.

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Employees must sign counseling memoranda, policy statements, performance evaluations and other similar documents. The employee's signature does not necessarily indicate agreement with the contents of the document, only that he has been notified of the contents of the document. If an employee refuses to sign the document he will be relieved of duty without pay. If he does not sign the document by 5 p.m. at the end of his next scheduled workday, he will be presumed to have resigned.

- a. Failure or refusal to follow oral or written instructions
- b. Careless or improper use of County property or equipment
- c. Thoughtless or negligent conduct which endangers others or results in minor property damage
- d. Safety violations including but not limited to:
 1. Failure to report an injury or accident immediately
 2. Failure to wear safety equipment when required by policy or conditions
 3. Failure to follow safe working procedures or to obey safety signs or notices
- e. Misuse of government time such as but not limited to the following:
 1. not starting work on time; tardiness
 2. quitting or leaving work early
 3. unauthorized visiting in another department
 4. loitering
 5. not keeping engaged in assigned work
 6. interfering with other employee's work routine
 7. violation of County's rules on solicitation and distribution
 8. unauthorized breaks
 9. excessive absences
 10. smoking in unauthorized area
 11. giving false explanation for absences
 12. unexcused absences
 13. failure to notify your supervisor in advance when unable to report to work as scheduled
 14. inefficiency or lack of application on job
 15. trading shifts without permission
 16. sleeping or giving the appearance of sleeping while on duty
 17. conducting personal business during work time
 18. other similar unacceptable behavior

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- f. conviction of or plea of guilty or no contest to a charge of theft, violation of drug laws, sexual misconduct offense involving moral turpitude, or offenses which affects the County's reputation or which reasonably could create concern on the part of fellow employees or the community. Employees who are arrested may be relieved of duty with out pay, pending the County's determination of on continued employment.
- g. Unauthorized possession, removed, misappropriation, misuse, destruction, damage, theft or conversion of county property or the property of others
- h. Posting or removal of notices of any kind on the bulletin board or any County property without the approval of, or at the direction of the County Administrator, the Human Resource Department or Department Head's direction
- i. Parking lot misconduct, operating a personal vehicle in a careless or dangerous manner on County property, County work time or work sites
- j. Violation of confidentiality necessary for the operations of the County
- k. Insubordination
- l. Failure to maintain a regular work schedule
- m. Introduction, possession or use of illegal or unauthorized prescription drugs or intoxicating beverages on County property or while on duty anywhere; working while under the influence if illegal drugs or intoxication; off-the-job illegal use or possession of drugs. For purposes of this policy, an employee is under the influence id he has any detachable amount any such substance in his system
- n. Falsification of records or misrepresentation of material information; giving false statements to supervisors or county officials
- o. Unaccounted shortage of or proven misuse of County funds
- p. Obtaining or conveying, without proper authority, confidential information as set forth by the Freedom of Information Act
- q. Fighting while on duty; throwing objects; horseplay
- r. Unauthorized possession of fire arms or other weapons on County property
- s. Acceptance of improper gratuities
- t. Refusal to be examined by a physician when so directed

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- u. Absence of three consecutive days without notification to immediate supervisor
- v. Gambling during work hours
- w. Throwing objects, running, horseplay, or other acts endangering self or others
- x. Threatening, intimidating or coercing a fellow employee, including joking threats
- y. Offensive in manner or actions to the general public or fellow employees
- z. Excessive absenteeism/tardiness
- aa. Falsifying county records/documents, including timesheets
- bb. Operating a County vehicle in a careless or dangerous manner
- cc. Loss of license or licenses necessary for the performance of job functions
 - unsatisfactory performance
 - violation of county policies
 - lack of good judgment
 - any reason that in the County's sole discretion warrants discipline

7. APPEALS.

Any regular employee who is dismissed as a result of violation of the aforementioned rules may appeal the dismissal according to the Employee Grievance and Appeals Procedure.