

Board of County Commissioners

Escambia County, Florida

Title: Discipline Policy, Section II, Part C.2
Date Adopted: January 26, 1981
Effective Date: November 6, 2014, as amended
Reference:
Policy Amended: October 1, 2014, August 21, 2014, April 15, 2004
(Previously known as "Reprimands, Suspensions, and/or Dismissals" Policy)

A. PURPOSE

To establish employee responsibilities and identify the County's Disciplinary principles.

B. SCOPE

This policy shall apply to all employees serviced by the Escambia County BCC Human Resources Department. This includes, for example, full-time, part-time, seasonal, and relief employees. Employees contracted for work through an agency other than Escambia County, and who are paid by that agency, are not subject to the provisions of this policy. Provision of labor agreements in conflict with this policy take precedence.

C. GENERAL

1. Public employment requires public trust. This is gained by diligent honest and law abiding employees who provide respectful service for the citizens, consistent with County policies, as their primary mission. Escambia County expects all of its employees to meet reasonable expectations of employment. These expectations include, but are not limited to, being regular, reliable and punctual in attendance; being diligent and competent in the performance of their duties; and complying with rules of conduct established by the County Administrator and the laws of the various jurisdictions of the United States. When an employee fails to meet these expectations of employment, they may be subject to discipline. An employee that is arrested for a matter more serious than a minor traffic offense must notify their supervisor of such arrest prior to the start of their next scheduled work shift or 48 hours, whichever is sooner. Failure to do so is a terminable offense.
2. The Board of County Commissioners generally follows a policy of progressive discipline. The purpose of a progressive disciplinary procedure is to give the employee adequate notice and opportunity to correct any deficiencies, and its focus is on prevention of future violations rather than on punishment. The disciplinary action taken is normally to be the least serious needed to prevent future instances of inappropriate behavior. If inappropriate behavior continues, the employee can expect further, and more serious discipline. This policy does not restrict the imposition of a suspension or termination in matters that are considered gross violations; circumstances which could affect the safety or security of the workforce; or conduct that brings disrepute upon or damages the image and reputation of the County. A copy of any disciplinary action placed in a Bargaining Unit (BU) employee's permanent personnel file will be provided to the union within two working days following the imposition of discipline.

3. The types of disciplinary action, in order of their severity, are:

a. *Letter of Counseling*

A Letter of Counseling is the least severe type of disciplinary action and may be used to admonish an employee for committing a minor violation when verbal counseling, correction and/or guidance has failed to provide the necessary corrective action. Human Resources will be provided a copy of such letter for placement in the employee's file. The employee will be responsible for providing a copy of the Letter of Counseling to the union.

b. *Written Reprimand*

A Written Reprimand is admonishment given to the employee in writing, and is always placed in the official personnel file in Human Resources. This form of discipline is more serious than a Letter of Counseling, but less serious than a suspension. If a Letter of Counseling has been issued previously, a copy may be attached as supporting documentation.

c. *Suspension Without Pay*

A suspension without pay is the most severe form of discipline, short of termination. It is used when a written reprimand has not corrected the inappropriate behavior or when an offense is more serious than that warranting a reprimand. A suspension may last up to thirty (30) days depending on the seriousness of the infraction. Any suspension will be processed through the HR Director for review and then approved by the County Administrator or designee.

d. *Pre-emptive Suspension With or Without Pay*

1. If it is determined by the Department Director that an employee poses a threat, such as health and safety, to himself and/or other employees, or if it is suspected that wrong-doing of a serious nature has occurred, or that it is in the best interest of the County, an employee may be suspended with or without pay pending investigation. Pre-emptive suspensions without pay may only be imposed with the written authorization of the County Administrator.
2. If circumstances warrant immediate action, the Department Director may suspend an employee immediately if it is prudent to do so. The Human Resources Director must be notified as soon as possible.
3. The Human Resources Director may approve up to forty (40) hours of Suspension With Pay. Subsequent extensions of this time may be requested and will require approval of the County Administrator

e. *Termination*

Termination from employment is the most severe form of discipline. It is normally used when an employee has been disciplined repeatedly and commits yet another infraction. It may also be used when the employee has committed a very serious infraction, regardless of disciplinary history.

4. For purposes of progressive discipline, the BCC will not rely upon any disciplinary action in excess of two (2) years old, unless the violation is the type of conduct that is prohibited by state or federal law or is a traffic/vehicle violation or negligence.

5. Any disciplinary action placed in an employee's official personnel file shall remain a part of the official file for the minimum five (5) year statutory requirement established by the Records Retention Schedule of the State of Florida
6. An employee for whom *formal* disciplinary action (*suspension or termination*) is being considered will be afforded due process. The employee will be entitled to be aware of the conduct giving rise to the discipline and will have an opportunity to provide a response or explanation for consideration before any final determination of discipline is reached.
7. Suspension (for any reason), termination, unsatisfactory performance appraisals, and Performance Improvement Plans (PIP), are permanent actions and will be retained in the official personnel file indefinitely.
8. Any disciplinary action recommending a suspension or termination will be coordinated with the Human Resources Director prior to imposing disciplinary action. Such actions will require notification of the County Administrator or designee prior to imposition.
9. It is recognized that similar offenses may result in different disciplinary actions, depending on work history, circumstances, and the severity of the offense. For example, an employee who is charged with "absence without approved leave" for a two week absence may receive a suspension while an employee who is charged with "absence without approved leave" for a two hour absence may only receive a written reprimand. Both employees are charged with the same offense, but receive different disciplinary actions.
10. Other factors that may influence the severity of disciplinary action include, but are not limited to, the following: the length of the employee's service, the quality of the employee's service, the cost involved and the cooperation of the employee in the investigation of the specific incident. Ensuring that disciplinary actions are administered in a fair, consistent, and non-discriminatory manner is ultimately the responsibility of the County Administrator.
11. Disciplinary actions by law enforcement or any other outside agency does not prohibit the BCC from also taking disciplinary action.
12. Any employee (except corrections employees as designated by management) who possesses a firearm and/or ammunition during and in the course of official duties, or while occupying any motor vehicle owned, leased, or rented by the County, or on County property in violation of state or federal law, may be subject to discipline, up to and including termination.

Possession of unauthorized explosives or weapons, other than firearms and ammunition, on County property may also be subject to discipline, up to and including termination. Explosives or weapons are unauthorized if they are in violation of state or federal law, or are on County property without the written permission of the Department Director. If a weapon is used or presented in a manner so as to threaten or intimidate another person, termination shall result.
13. Infractions which are considered Ethics Violations may be further explained or defined by the BCC Ethics Policy. This is not intended to prohibit traditional gift-giving at times such as birthdays, holidays, retirement, etc, so long as the dollar values are within the guidelines of the Ethics Policy. Monetary gifts are not considered appropriate.

D. APPEALS

1. The employee shall have ten (10) calendar days from notification to appeal a disciplinary action that includes a demotion, suspension without pay or a termination, in accordance with applicable BCC policy.

2. Only permanent employees in the Classified Service who have completed their initial probationary period may appeal Suspensions, Demotions, and Termination actions. All other employees may appeal their discipline to the County Administrator or his/her designee.