

**SECTION 10
DISCIPLINE**

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Original Adoption Date <u>7/31/96</u>	Revision Number <u>4</u>	Date <u>10/16/13</u>	Approved <u>10/16/13</u>
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Employees may be reduced in pay or position, suspended, fined, terminated, or otherwise disciplined by the County, for just cause, neglect of duty, violation of departmental/agency regulations, conviction of a "felony" as defined in RC 124.34, or any other failure of good behavior.

For the purpose of disciplinary action, a "fine" shall mean when vacation time is deducted from the employee's balance or the employee's hourly rate of pay is temporarily reduced as a form of discipline. The employee's hourly rate of pay must not be reduced lower than the federal or state minimum wage, whichever is greater.

The only form of a "fine" that may be applied to an employee who is exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act is the loss of accrued vacation time.

Fines of more than twenty-four (24) working hours pay may be appealed to the State Personnel Board of Review (SPBR).

The employee's Appointing Authority is obliged to investigate the nature of alleged infractions to determine if a violation of law or policy has occurred. Employees must provide complete and accurate information to supervisors investigating infractions.

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- A. Employees are hereby advised of expected job behavior, the types of conduct that are unacceptable, and the penalties for unacceptable behavior. Employees are also responsible for following any rules, regulations, or directives established by the individual Appointing Authority, whether written or unwritten.

- B. Supervisors are to follow an established system of progressive discipline when correcting job behavior. Each offense is to be documented and dealt with objectively, taking into account the nature of the violation, the employee's record of discipline, and the employee's record of performance and conduct.

- C. The progressive discipline policy is established as a guide for management employees to use in administering discipline in a uniform manner. It is not a limitation upon the statutory rights stated in the Ohio Revised Code.

- D. This policy provides standard penalties for specific offenses; however, the examples of specific offenses given in any grouping are not all-inclusive, and merely serve as a guide.

- E. The standard penalties provided in this policy do not prevent the application of a greater or less severe penalty for a given infraction when circumstances warrant. In instances where a penalty deviates from the recommended standard penalty, the reason for deviation should be noted.

- F. Both written disciplinary action and documentation of instruction and cautioning will be logged by the employee's supervisor and placed in the employee's personnel file.

However, all records and disciplinary proceedings involving incidents of moral turpitude will remain in effect during the entire period of an employee's employment with the County.

All records and disciplinary proceedings will remain in an employee's personnel file.

**PROGRESSIVE DISCIPLINE
(CONTINUED)**

- G. Different offenses within the same group and related offenses within different groups are to be disciplined progressively (that is, each incident is disciplined at the next higher level).

- H. Unrelated offenses in different groups are to be considered individually.

- I. Working suspensions with pay have the same effect as suspensions from work without pay for purposes of recording disciplinary actions and demonstrating progressive discipline.

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This policy is applicable to all employees, including those who are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). The decision to dock an exempt employee's pay in increments of one (1) or more full day has been made to ensure compliance with public accountability requirements. It shall be the responsibility of each appointing authority to determine the extent this policy will be applied to unclassified employees.

The examples of Group I, II, and III Offenses, set forth below, are characteristic of those offenses which the State Personnel Board of Review has historically judged to be of such a nature as to warrant those penalties established for the group.

Some examples appear in more than one group. Because the seriousness of the offense will vary, the resulting disciplinary action may vary as well. The following lists are meant to be used as a guide or reference only. **This is not a complete list of all possible offenses.**

In general, Group I Offenses may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to the organization in terms of a slight yet significant decrease in organizational productivity, efficiency, and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a temporary or minor impact against the organization unless such acts are compounded over time.

Group II Offenses may be defined as those infractions which are of a more serious nature than the Group I Offenses and which, in turn, cause a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency, and/or morale. Group II Offenses, if left undisciplined by proper authority, can cause a serious and longer lasting minor impact against the organization than the Group I Offenses.

Group III Offenses may be defined as those infractions which are of a very serious or possibly a criminal nature, and which cause a critical disruption to the organization in terms of decreased productivity, efficiency, and/or morale. Group III Offenses, if left undisciplined by proper authority, may cause long lasting and serious impact against the organization.

**GROUND FORS FOR DISCIPLINARY ACTION
(CONTINUED)**

GROUP I OFFENSES

First Offense	Instruction and Cautioning
Second Offense	Written Warning
Third Offense	One (1) to three (3) day suspension or fine*
Fourth Offense	Five (5) to fifteen (15) day suspension or fine*
Fifth Offense	Up to termination

1. Discourteous treatment of the public.
2. Failure to commence duties at the beginning of the work period, or leaving work prior to the end of the work period.
3. Leaving the job or work area during the regular working hours without authorization.
4. Making preparations to leave work without specific prior authorization before the lunch period, or for any official break time, or before the specified quitting time.
5. Neglect or carelessness in signing in or out.
6. Creating or contributing to unsanitary or unsafe conditions.
7. Distracting the attention of others, unnecessary shouting or demonstrations, or otherwise causing disruption on the job.
8. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
9. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
10. Failure to cooperate with other employees as required by job duties.
11. Failure to exercise reasonable care in the use of department/agency property or equipment.
12. Use or possession of another employee's working equipment without authorization.
14. Failure to observe department/agency rules.
15. Obligating the County or department/agency for any expense, service, or performance without authorization.
17. Disregarding job duties by neglect of work, e.g., reading for pleasure.
18. Unsatisfactory work or failure to maintain required standard of performance.
19. Unauthorized use of county equipment for other than business purposes. This includes, but is not limited to computers, telephones, fax machines, etc.
20. Excessive garnishments.
21. Smoking in non-designated areas and at non-designated times.
22. Changing work schedule without prior consent.
23. Failure to adhere to departmental/agency rules regarding personal grooming, appearance, dress codes, etc.
24. Unauthorized posting, removal, or changing of notices or signs from bulletin boards.
25. Failure to attend a mandatory meeting.

* This may be a working suspension of record or a non-working suspension without pay.

**GROUND FOR DISCIPLINARY ACTION
(CONTINUED)**

26. Or other offenses of similar nature.

GROUP II OFFENSES

First Offense	Written warning or up to three (3) day suspension or fine*
Second Offense	Five (5) to fifteen (15) day suspension or fine*
Third Offense	Up to termination

1. Sleeping during working hours (may be a Group III Offense if the employee is in a safety sensitive position or if they are responsible for the care of others).
2. Reporting for work or working while unfit for duty (may be a Group III Offense for CDL holders, if the employee is in a safety sensitive position or if they are responsible for the care of others).
3. Being in possession of, being under the influence of, or drinking alcoholic beverages during working time (may be a Group III Offense for CDL holders, if the employee is in a safety sensitive position or if they are responsible for the care of others).
4. Conduct violating morality or common decency (examples can be found in Section 8.01: Code of Ethics).
5. A serious misuse or abuse of department/agency property or equipment.
6. Performing non-work related activities on department/agency time, and/or County property.
7. Willful failure to sign in or out when required.
8. Willful failure to make required reports.
9. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
10. Solicitation on department/agency premises without authorization.
11. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the department/agency, the public, the County, or its operations.
12. Refusing to give testimony when accidents are being investigated.
13. Giving false testimony during a complaint or grievance investigation or hearing.
14. Gambling during working hours or illegal gambling on County property, including the Fairgrounds.
15. Distributing or posting written or printed matter of any description on department/agency premises unless authorized.
16. Unauthorized presence on department/agency property.
17. Willful disregard of department/agency rules.
18. Use of abusive or threatening language or inappropriate behavior toward supervisors, co-workers, or clients.
19. Removal of case files (records) without permission.

* This may be a working suspension of record or a non-working suspension without pay.

**GROUND FORS DISCIPLINARY ACTION
(CONTINUED)**

20. Lying to co-workers, supervisors or clients.
21. Revealing confidential information to families, friends, or other unauthorized persons.
22. Failure to report off work for any absence.
23. Unauthorized absence from work (except job abandonment, which will either be treated as a resignation or will constitute grounds for removal).
24. Refusal to work with or provide services to a disabled individual or an individual known or suspected to have a contagious disease.
25. Willful disregard of OSHA Safety and Health provisions.
26. Failure to remain on-duty when requested by Supervisor until sufficient staffing is met in resident care areas.
27. Willful failure to perform assigned duties.
28. Obligating the County for any expense or service without authorization.
29. Neglect or carelessness in observance of official safety rules, or disregard of common safety practices.
30. Failure to report accidents, injury or equipment damage.
31. Or other offenses of similar nature.

GROUP III OFFENSES

First Offense Discipline—Up To and Including Termination

1. Wanton or willful neglect in the performance of assigned duties or in the care, use, or custody of any County or department/agency property or equipment, including cash and other assets. Abuse or deliberate destruction in any manner of County or department/agency property, tools, equipment, or the property of employees.
2. Signing or altering other employee's time cards, or unauthorized altering of own time card.
3. Falsifying testimony when accident or complaints are being investigated; falsifying or assisting in falsifying or destroying any department/agency records, including work performance reports; or giving false information or withholding pertinent information called for in making application for employment.
4. Making false claims or misrepresentation in an attempt to obtain any Employer-provided benefit.
5. Stealing or similar conduct, including destroying, damaging, or concealment of any property of the department/agency or of other employees.
6. The illegal use, possession, or sale of narcotics and other controlled substances.
7. Fighting or attempting to injure other employees, supervisors, other persons, or the public.
8. Carrying or possession of firearms, explosives, or weapons on department/agency property at any time without proper authorization.
9. Knowingly concealing a communicable disease which may endanger other employees.
10. Misuse or removal of department/agency records or information without prior authorization.

**GROUNDS FOR DISCIPLINARY ACTION
(CONTINUED)**

11. Reviewing, copying or removing public records for personal use without prior approval.
12. Instigating, leading, or participating in any walkout, strike, sit down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the department's/agency's work stations.
13. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are: theft; pilfering; opening desks assigned to other employees without authorization; theft and pilfering through lunch boxes, tool kits, or other property of the department/agency or other employees without authorization; inserting slugs in vending machines; making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made inaccurate or false reports concerning any absence from work. The foregoing are examples only and do not limit the terms "dishonest" or "dishonest action."
14. Giving false information or withholding pertinent information in an employment application or process; insubordination by refusing to perform assigned work to comply with written or verbal instruction of the supervisors and/or Appointing Authority.
15. Discriminatory harassment, including harassment of a sexual nature.
16. Sleeping on the job and such action creates a life threatening situation for a co-worker, resident and/or member of the general public.17. Being convicted of a felony within the meaning of RC 124.34, even if prior discipline has been issued for the underlying conduct.
18. Unauthorized political activity (see Section 8.05).
19. Verbal, mental, or physical abuse toward co-workers, residents and/or clients. Including, but not limited to: argumentative behavior toward a resident, resident neglect, and/or derogatory statements or actions toward a resident.
20. Leaving an area of continuous operations position prior to being relieved by an incoming staff member.
21. Jeopardizing the security of the facility and residents. (i.e.: by allowing unauthorized visitors into the facility after visiting hours.)
22. Absence from work for three (3) or more consecutive work days without calling off or reporting to work as scheduled.
24. Or other offenses of similar nature.

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- A. An Appointing Authority may place an employee on administrative leave with pay in those circumstances where the health and safety of an employee or of any person or property entrusted to the employee's care could be adversely affected. The length of the leave should not exceed the length of the situation for which the leave is granted. For example, in a disciplinary situation, such leave might extend until the Appointing Authority completes the pre-disciplinary process and takes action or decides no action is warranted. Compensation for administrative leave shall be equal to the employee's base rate of pay.

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When an Employee commits an offense that could result in a suspension, reduction or removal, the following procedure will be followed:

1. The Employee will be provided by his/her Supervisor with a written notice advising him/her of the charges and possible discipline.
2. The Employee will be given an opportunity to give his/her version of events leading to the inquiry at a pre-disciplinary conference. The Employee will be advised of the pre-disciplinary conference time at least 24 hours in advance of the conference. The Employee may bring representation to the conference.
3. Should the Appointing Authority decide that a disciplinary suspension, demotion or discharge is warranted, the Employee will be provided with a written statement affirming the charges and imposing discipline.
4. When an Employee's behavior requires immediate removal from the premises, the Employee may be suspended with pay until the close of business for the remainder of the work day. The Employee is to be accompanied by a Supervisor to his/her workstation to retrieve personal belongings. The Employee must report to work the next workday, or at a time established by the Appointing Authority, and the established disciplinary procedure will be followed.
5. For Classified Employees, if a suspension, demotion or discharge is warranted, the Appointing Authority shall prepare and date three (3) original copies of ADM Form 4055, which shall be distributed as follows: (1) to the Employee; (2) to the State Personnel Board of Review; and (3) to the Employee's file. The Employee must be served with a copy of the ADM 4055 prior to the effective date contained herein. See both Appendix T and <http://pbr.ohio.gov/resources.stm>.

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