



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 3/15/2022

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

Proposed revisions to Merit System Rules

***Introduction/Background:**

Proposed revisions to Merit System Rule 1, Definitions

Proposed revisions to Merit System Rule 12, Disciplinary and Other Personnel Actions

***Discussion:**

Merit System Rule 1 – Definitions

1.02 ALLOCATION - Modified definition to align with Personnel Policy 8-120 revision adopted on 2/01/22

1.09 AUDIT (DESK) - Modified definition to align with Personnel Policy 8-120 revision adopted on 2/01/22

1.51 REALLOCATION - Modified definition to align with Personnel Policy 8-120 revision adopted on 2/01/22

1.75 WORK SCHEDULE – Modified definition to align with alternative work schedules as adopted on 2/15/22

1.76 WORK WEEK – Modified definition to align with alternative work schedules as adopted on 2/15/22

Merit System Rule 12 – Disciplinary and Other Personnel Actions

12.1(C)(7) Modified definition of "under the influence of alcohol" by deleting the requirement of a blood alcohol content of .04 or greater. Rule reads: "Under the influence of alcohol means either obvious impairment due to alcohol or a test result reflecting a blood alcohol content." Modified definition has been approved by the Pima County Employee Merit System Commission.

***Conclusion:**

The revisions are required to align policy with procedure/practice and provide clarification

***Recommendation:**

That the Board of Supervisors approve the Merit System Rule modifications as outlined above to become effective upon approval.

***Fiscal Impact:**

None

***Board of Supervisor District:**

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

Department: Human Resources

Telephone: 724-8028

Contact: Cathy Bohland

Telephone: 724-8672

Department Director Signature: _____

Date: 02/24/2022

Deputy County Administrator Signature: _____

Date: _____

County Administrator Signature: _____

Date: 2/24/2022

09The following words and terms as used in the Merit System Rules and Personnel Policies shall have the meanings set forth below unless the context requires otherwise:

- 1.01 ADMINISTRATIVE SUSPENSION: A non-disciplinary suspension without pay or with reduced pay in the best interest of the County imposed upon an employee who is under investigatory or judicial proceedings.
- 1.02 ALLOCATION: The assignment of a **POSITION TO A** classification ~~to a position on the basis of the duties and responsibilities assigned to the position.~~
- 1.03 APPEAL: A request for the Merit System Commission to hear a complaint alleging improper suspension, demotion for disciplinary reasons, reduction in pay for disciplinary reasons, dismissal, or termination under Rule 11.5 B. through D.
- 1.04 APPELLANT: A permanent employee who files an appeal with the Merit System Commission.
- 1.05 APPLICANT: A person seeking County employment or an employee seeking reappointment, promotion, or demotion within County employment, who has completed and returned, on a timely basis, an official Pima County Application according to instructions.
- 1.06 APPOINTING AUTHORITY: For the purpose of these Rules, Appointing Authorities include the Sheriff, Recorder, Treasurer, Superintendent of Schools, County Attorney, Assessor and others designated by the County Administrator, who have authority to take official personnel actions in accordance with these Rules.
- 1.07 APPOINTMENT: The official offer of employment and acceptance by an applicant in accordance with these Rules. The effective date for initial appointments shall be the first actual day of work.
- 1.08 ARS: Arizona Revised Statutes.
- 1.09 AUDIT (DESK): ~~A review of t~~ The **EXAMINATION OF THE REQUIRED** duties and responsibilities of a position in order to determine proper allocation.
- 1.10 BOARD: The Pima County Board of Supervisors.
- 1.11 BUSINESS DAYS: Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding holidays, as provided by law.
- 1.12 CERTIFICATION: The process in which Human Resources identifies/certifies eligible applicants to continue in the selection process for a particular position.

- 1.13 CLASS SPECIFICATION: The official document defining the type and level of duties and responsibilities and the minimum qualifications of positions assigned to a particular classification.
- 1.14 CLASSIFICATION: A title and code assigned to a grouping of similar positions as described in the appropriate class specification.
- 1.15 CLASSIFICATION SYSTEM: The orderly arrangement of positions under separate and distinct classifications on the basis of current duties and responsibilities.
- 1.16 CLASSIFIED SERVICE: County positions included in the Merit System and not exempt from the Merit System as provided in Pima County Code, Chapter 2.24.
- 1.17 COMMISSION: The Pima County Merit System Commission.
- 1.18 COMMISSIONER: A member of the Pima County Merit System Commission.
- 1.19 COMPENSATION: The salary, wage, allowances and all other forms of valuable consideration earned by or paid to an employee, except reimbursement for necessary expenses which have been authorized and incurred.
- 1.20 COUNTY: Pima County Government.
- 1.21 COUNTY ADMINISTRATOR: Highest ranking administrator for the Board of Supervisors.
- 1.22 COUNTY EMPLOYEE: A person appointed to and currently filling a paid position within the County.
- 1.23 COUNTY-FUNDED POSITION: A position funded by legally established recurring revenue to the County.
- 1.24 COUNTY-WIDE ANNOUNCEMENT: The official notice posted on the County's website of employment opportunities limited to County employees.
- 1.25 DEMOTION: A change in the assignment of an employee from a position in one classification to a position in another classification having a lower starting salary.
- 1.26 DEPARTMENT: A County governmental unit which has a separate operating budget approved by the Board.
- 1.27 DETAIL: The assignment of an employee to temporary duty which exceeds fifteen (15) work days to a position other than the position to which regularly assigned.

- 1.28 DISCIPLINARY ACTION: An action taken only for cause to correct inappropriate performance or other work-related behavior.
- 1.29 DISMISSAL: The involuntary termination of a person from County employment for a disciplinary reason. For the purposes of employee appeals pursuant to these Rules, a resignation in lieu of dismissal shall be deemed to be a dismissal.
- 1.30 ELIGIBLE APPLICANT: An applicant who has applied for a specific employment opportunity posted on the County's website, and whose previous work experience and/or education meet the eligibility requirements for the classification as determined by the Human Resources Department.
- 1.31 EXEMPT EMPLOYEE: An employee who is not required to receive overtime compensation under the Fair Labor Standards Act and who is not eligible for overtime compensation pursuant to Personnel Policy 8-102.
- 1.32 FULL-TIME POSITION: A position which provides employment for eighty (80) hours per pay period.
- 1.33 GRIEVANCE: A complaint alleging misinterpretation, misapplication, or unequal enforcement of Personnel Policies, Merit System Rules, or Administrative Procedures, or alleging unlawful discrimination under County Personnel Policies, Merit System Rules, or Administrative Procedures.
- 1.34 INTERMITTENT EMPLOYEE: A person who has been hired into a non-exempt classification for seasonal, on-call, or as-needed employment that does not exceed one thousand forty (1040) paid hours per fiscal year. Intermittent employees include Adult Work Experience Program workers, law clerks, youth workers, summer youth, paid interns, and employees with the employment type of intermittent.
- 1.35 INTRADEPARTMENTAL ANNOUNCEMENT: The official notice posted on the County's website of employment opportunities limited to employees in a specific department.
- 1.36 LAYOFF: The conditional termination of a permanent employee due to lack of funds, reduced demand for services, functions or programs, elimination of position, for inability to perform the essential functions of the employee's position with or without reasonable accommodation, or failure to successfully complete promotion, demotion or reappointment probation.
- 1.37 MERIT SYSTEM: The uniform and equitable system of personnel administration under federal guidelines and rules.
- 1.38 NON-EXEMPT EMPLOYEE: An employee who is eligible for overtime compensation under the Fair Labor Standards Act and Personnel Policy 8-102.

- 1.39 OPEN RANGE REAPPOINTMENT: A competitive or non-competitive change in the assignment of an employee in the classified service from or to a position in a numeric grade to or from a position with an open salary range.
- 1.40 OPEN RANGE CLASSIFICATION: A classification in the classified service assigned an alpha-numeric salary grade. The level of compensation is determined by a Salary Administration Plan/Salary Matrix approved by the County Administrator.
- 1.41 OPEN SALARY RANGE: An alpha-numeric salary grade assigned to a classification in the classified service with an approved Salary Administration Plan/Salary Matrix.
- 1.42 PART-TIME POSITION: A position which provides employment for less than eighty (80) hours per pay period.
- 1.43 PAY PERIOD: A two (2) week period established by the Finance and Risk Management Department that shall begin at 12:01 a.m. Sunday and end at 12:00 midnight the second (2nd) Saturday thereafter.
- 1.44 PAY STATUS: An employee who is receiving pay based on hours worked, use of annual or sick leave or compensatory time, or paid leaves of absence is considered in pay status.
- 1.45 PERMANENT EMPLOYEE: A regular employee who has successfully completed initial probation.
- 1.46 PRE-LAYOFF REAPPOINTMENT: The appointment of a County employee who has been notified of layoff, prior to the effective date of layoff, to a classification of the same or lower salary.
- 1.47 PROBATION: A specified period of employment following initial appointment, reemployment, reinstatement, reappointment, promotion, or demotion, which is the final step in the examining process during which an employee is evaluated.
- 1.48 PROBATIONARY EMPLOYEE: A regular employee serving initial probation who may be terminated without cause and with no right of appeal.
- 1.49 PROMOTION: A change in the assignment of an employee from one classification to another classification having a higher starting salary.
- 1.50 PUBLIC ANNOUNCEMENT: The official notice posted on the County's website of employment opportunities with the County open to the public.
- 1.51 REALLOCATION: A change in the ~~classification~~ **ASSIGNMENT OF AN** ~~existing~~ **TO A DIFFERENT CLASSIFICATION.**

- 1.52 REAPPOINTMENT: A competitive or non-competitive change in the assignment of an employee from one position to another of any classification having the same or lower starting salary.
- 1.53 REASSIGNMENT: A competitive or non-competitive change in the assignment of an employee from one position to another of the same classification and salary within the employee's department.
- 1.54 RECLASSIFICATION: A change in the classification of an employee when his/her position has been reallocated.
- 1.55 REEMPLOYMENT: The appointment of a laid-off employee to a classification, other than the classification from which laid off, in any department, or to the same classification in a department other than the department from which laid off, or an appointment following Uniformed Service leave under Personnel Policy 8-103.
- 1.56 REGULAR EMPLOYEE: An employee who is employed full-time, part-time, or variable-time on a continuous and continuing basis.
- 1.57 REGULAR CLASSIFIED EMPLOYEE: An employee in the classified service who is employed full-time, part-time, or variable-time on a continuous and continuing basis.
- 1.58 REINSTATEMENT: The appointment of a laid-off employee to a position of the same classification in the same department from which laid off, or the returning of an employee as ordered by the Merit System Commission.
- 1.59 RESIGNATION IN LIEU OF DISMISSAL: An employee has been officially dismissed from the County via a formal and final notice of dismissal and the employee requests in writing and is approved to resign instead of being dismissed.
- 1.60 RESPONDENT: The department or individuals named by the Appellant, whose interests are adverse to those of the Appellant, who will be directly affected by the Commission's decision in an appeal.
- 1.61 SALARY GRADE: Either a numeric grade (e.g., 22, 32, 64 etc.) or alpha-numeric grade (e.g., M1, A2, P1 etc.) with an established salary range minimum and salary range maximum.
- 1.62 SELECTIVE CRITERIA: Key position-specific factors within a classification, such as specialized knowledge and/or experience, or special background or qualifications, or particular geographic area, used to identify/certify eligible applicants.

- 1.63 SENIORITY: The number of hours of continuous employment with the County.
- 1.64 SUSPENSION: An involuntarily imposed leave without pay or with reduced pay.
- 1.65 TEMPORARY EMPLOYEE: An employee who has been appointed on a full-time, part-time, or variable-time basis for a limited period not exceeding eighteen (18) months.
- 1.66 TERMINATION: Separation of an employee from County employment.
- 1.67 TERMINATION DATE: Day following the last day of County employment.
- 1.68 TRAINEE: A new hire or regular employee serving in a trainee program pre-approved by Human Resources for such length of time necessary to meet the minimum qualifications or selective criteria for the training classification within six to twenty-four months from the commencement of the program. Employees who fail to successfully complete an approved trainee program have no right of appeal.
- 1.69 UNAUTHORIZED ABSENCE: Any absence or unscheduled time off from work where established notification requirements are disregarded by the employee or authorization was sought and reasonably denied. The exception would be if the employee retroactively applies sick leave to the absence.
- 1.70 VACANT POSITION: A position currently under recruitment or available to be filled as determined by an Appointing Authority.
- 1.71 VARIABLE-TIME POSITION: A position which provides employment for an as-needed number of hours per work week.
- 1.72 WORK DAY: Any designated hours within a twenty-four (24) hour period during which an employee is scheduled to work at a prescribed work place or on duty. Holidays are not work days unless the employee is scheduled to work.
- 1.73 WORK PERIOD: Any established and regularly recurring period of work which cannot be less than seven (7) consecutive days nor more than twenty-eight (28) consecutive days.
- 1.74 WORK RELEASE TIME: Time off work with pay.
- 1.75 WORK SCHEDULE: Time(s) an employee is scheduled to work within the work week and ~~pay period consisting of five (5) eight (8) hour shifts, Monday through Friday, 8:00 a.m. to 5:00 p.m.,~~ excluding holidays, as provided by law.

- 1.76 WORK WEEK: ~~All time within a seven (7) day period~~ **A FIXED AND REGULARLY RECURRING PERIOD WHICH IS SEVEN (7) CONSECUTIVE 24-HOUR PERIODS** during which an employee is required to be on the employer's premises for the performance of prescribed duties, at a prescribed work place, or on duty. ~~Work weeks shall begin at 12:01 a.m. Sunday and end at 12:00 midnight the following Saturday.~~

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- 1.76 WORK WEEK: A fixed and regularly recurring period which is seven (7) consecutive 24-hour periods during which an employee is required to be on the employer's premises for the performance of prescribed duties, at a prescribed work place, or on duty.

12.1 GENERAL PROVISIONS

A. Disciplinary Action

A disciplinary action is an action taken only for cause to correct inappropriate performance or other work-related behavior. The degree of disciplinary action shall relate to the gravity of the improper performance or conduct and the past performance and conduct of the employee. Progressive discipline, including counseling and other supervisory actions to improve conduct and performance, should be used whenever possible before taking formal disciplinary action.

Within six (6) months of taking disciplinary action, the supervisor shall conduct at least one (1) follow-up meeting with the employee to review progress on expectations set forth during the initial disciplinary discussion.

B. Pre-action Meetings

Before a permanent employee is suspended, demoted for disciplinary reasons, reduced in pay for disciplinary reasons, dismissed, placed on administrative suspension without pay or with reduced pay, or involuntarily terminated under Rule 11.5 B. through D., a pre-action meeting shall be held. The affected employee shall receive written notice of the charges, an explanation of the department's evidence and an opportunity to address a department representative concerning the charges.

1. The pre-action meeting shall be held at a time when the employee is reasonably able to attend, with due notice, and prior to the effective date of the action.
2. Any relevant information presented by the employee regarding the proposed action shall be considered. The department representative will make a recommendation to the Appointing Authority to support, modify, or revoke the proposed action. If the recommendation and final action are adverse to the employee, the employee may appeal the action using the appeals procedure specified in Merit System Rule 14.
3. When a department determines that an employee should be out of the workplace while a pre-action investigation is conducted, the employee may be placed on administrative leave with pay pursuant to Personnel Policy 8-107.

12.1 C. Any of the Following Constitute Cause for Discipline:

1. Fraud in securing appointment or securing or attempting to secure workers' compensation benefits;
2. Incompetence;
3. Inefficiency;
4. Neglect of duty;
5. Insubordination, including, but not limited to, conduct which is unruly;
6. Dishonesty;
7. Possessing, dispensing, or being under the influence of alcohol, or any unlawful controlled substance such as a narcotic, barbiturate, marijuana, methamphetamine, or a tranquilizing or hallucinogenic drug, while on duty, except in accordance with medical authorization, or in the lawful performance of the employee's regular assigned duties. Under the influence of alcohol means either obvious impairment due to alcohol or a test result reflecting a blood alcohol content ~~of .04 or greater~~;
8. Absence without leave without reasonable cause;
9. Commission or conviction of a felony or of a misdemeanor involving moral turpitude, either of which would affect the employee's suitability for continued employment;
10. Discourteous treatment of the public;
11. Willful disobedience, i.e. a specific violation of a command or prohibition;
12. Engaging in prohibited political activity;
13. Misuse of County computers, County internet access, County email systems, or any other County electronic communication devices;
14. Misuse of any County property and/or systems;

15. Seeking to obtain financial, sexual, or political benefit from another employee with or without his/her consent, induced by wrongful use of force or fear, or under color of official right;
16. Violation of the Rules of Conduct, Personnel Policy 8-119;
17. Failure to satisfactorily perform job duties and responsibilities;
18. Failure to maintain minimum qualifications for the position;
19. Any other improper conduct or performance, which constitutes cause for disciplinary action.

12.2 TYPES OF DISCIPLINARY ACTIONS

A. Informal Discipline

1. Verbal Counseling

A supervisor may engage in verbal counseling with a permanent employee at any time for problem resolution. If the verbal counseling is documented, a copy of the documentation, with the employee's acknowledgment of receipt and any written response, shall be placed in the employee's department personnel file. Verbal counseling is neither grievable nor appealable.

2. Letter of Counseling

An Appointing Authority or designee may issue a Letter of Counseling to a permanent employee at any time to correct or improve improper performance or conduct. The letter shall contain the specifics of the improper performance or conduct and shall be identified as a Letter of Counseling. A copy of the Letter of Counseling, with the employee's acknowledgment of receipt and any written response, shall be placed in the employee's department personnel file. A Letter of Counseling is neither grievable nor appealable.

Informal discipline documentation shall be removed from the employee's department personnel file twelve (12) months following the date of issuance. The department shall place the disciplinary document(s) in a separate file and retain them for the same period of time specified for the retention of department personnel files in state records retention requirements.

Should the employee accept a position in another department, informal disciplinary documents previously removed from the employee's department personnel file shall be transferred to the new department in a file separate from the employee's department personnel file.

Informal discipline that is more than twelve (12) months beyond issuance shall not be cited in, or considered a part of, further discipline.

12.2 B. Formal Discipline

1. Letter of Reprimand

An Appointing Authority or designee may issue a Letter of Reprimand to a permanent employee to admonish the employee for serious or repetitive improper performance or conduct. The letter shall contain the specifics of the improper performance or conduct and shall be identified as a Letter of Reprimand. The Letter of Reprimand shall advise the permanent employee of the right to grieve the disciplinary action within ten (10) business days of receipt. Copies of the Letter of Reprimand, with the employee's acknowledgement of receipt, shall be placed in the employee's department personnel file and filed with Human Resources.

2. Suspension

- a. Suspension is considered to be a significant disciplinary action and may be used for more serious incidents or repetitions of improper performance or conduct. An Appointing Authority or designee may suspend without pay a permanent employee for a disciplinary reason. Permanent employees may be suspended for any appropriate length of time in full day increments.
- b. The Notice of Suspension shall contain the specific reason(s) for the suspension in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the suspension to the Merit System Commission within ten (10) calendar days of receipt of notice.
- c. The Notice of Suspension must be delivered to the employee prior to or no later than the effective date of the suspension. The date of receipt must be documented. Copies of the Notice of Suspension shall be filed with Human Resources and the Clerk of the Board.

12.2 B. 3. Demotion

- a. Demotion for a disciplinary reason is considered to be a significant disciplinary action and may be used for more serious incidents or repetitions of improper performance or conduct. An Appointing Authority or designee may demote a permanent employee for a disciplinary reason provided the employee meets the minimum qualifications of the demoted classification.
- b. The Notice of Demotion shall contain the specific reason(s) for the demotion in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the demotion to the Merit System Commission within ten (10) calendar days of receipt of notice.
- c. The Notice of Demotion must be delivered to the employee prior to or no later than the effective date of the demotion. The date of receipt must be documented. Copies of the Notice of Demotion shall be filed with Human Resources and the Clerk of the Board.

B. 4. Dismissal

- a. Dismissal for a disciplinary reason is the most significant disciplinary action and may be used for the most serious incidents or repetitions of improper performance or conduct. An Appointing Authority may dismiss a permanent employee for a disciplinary reason.
- b. The Notice of Dismissal shall contain the specific reason(s) for the dismissal in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the dismissal to the Merit System Commission within ten (10) calendar days of receipt of notice.
- c. The Notice of Dismissal must be delivered to the employee prior to or no later than the effective date of the dismissal. The date of receipt must be documented. Copies of the Notice of Dismissal shall be filed with Human Resources and the Clerk of the Board.

12.3 ADMINISTRATIVE SUSPENSION

An Appointing Authority may impose a non-disciplinary suspension without pay or with reduced pay when a permanent employee is charged with a felony or other crime involving moral turpitude, or when it is deemed to be in the best interest of the County while an inquiry is being made into the conduct of the employee.

- A. Permanent employees may be placed on administrative suspension for any appropriate length of time in full day increments. Exempt permanent employees may be placed on administrative suspension only without pay.
- B. The Notice of Administrative Suspension shall contain the specific reason(s) for the administrative suspension in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the administrative suspension to the Merit System Commission within ten (10) calendar days of receipt of notice.
- C. The Notice of Administrative Suspension must be delivered to the employee prior to or no later than the effective date of the Administrative Suspension. The date of receipt must be documented. Copies of the Notice of Administrative Suspension shall be filed with the Clerk of the Board and Human Resources for placement in the employee's official personnel file.
- D. The pre-action meeting shall be held upon reasonable notice to the employee and at a time when the employee is reasonably able to attend.
- E. Administrative suspensions that exceed thirty (30) business days must be approved by the County Administrator.
- F. At the conclusion of the administrative suspension, the employee shall be returned to work with or without back pay, or advised of disciplinary or other action.

12.4 SPECIAL OBSERVATION PERIOD

An Appointing Authority or designee may place a permanent employee on a Special Observation Period for the purpose of closely monitoring the employee's performance or conduct during the specified period of time. A Special Observation Period is a non-disciplinary action and may or may not be issued in conjunction with a disciplinary action. The Notice of Special Observation Period shall be separate from any accompanying disciplinary action documentation.

- A. The Notice of Special Observation Period shall be provided to the employee in writing upon the effective date, and shall specify the conduct involved, the purpose of the observation period and the length of the period. Copies

of the Notice of Special Observation Period shall be placed in the employee's department personnel file and filed with Human Resources for placement in the employee's official personnel file.

- B. At the end of the Special Observation Period, the employee's supervisor shall prepare a special performance evaluation report specific to the performance issue(s) being monitored. Copies of the report shall be placed in the employee's department personnel file and filed with Human Resources.
- C. Unsatisfactory performance or conduct during the Special Observation Period may result in disciplinary action taken during the Special Observation Period. Unsuccessful completion of the Special Observation Period may result in disciplinary action taken at the end of the Special Observation Period.

12.5 EFFECTIVE DATE

The demotion, administrative suspension, suspension, or dismissal for a disciplinary reason shall be effective on the date stated in the notice. The effective date of the action shall not be altered by the employee exercising the right of appeal.

12.6 RIGHT TO REPRESENTATION

The affected employee is entitled to be assisted by a willing person of the employee's choosing in a meeting where a Letter of Reprimand is being issued to the employee and at pre-action meetings held prior to issuance of disciplinary actions. The employee's assistant may speak on behalf of the employee and participate in the discussions with the employee during such meetings. The employee shall be given at least three (3) full work days notice of the pre-action meeting or a meeting where a Letter of Reprimand is being issued. If the employee has not obtained an assistant within that period of time, management may proceed without further delay.

12.1 GENERAL PROVISIONS

A. Disciplinary Action

A disciplinary action is an action taken only for cause to correct inappropriate performance or other work-related behavior. The degree of disciplinary action shall relate to the gravity of the improper performance or conduct and the past performance and conduct of the employee. Progressive discipline, including counseling and other supervisory actions to improve conduct and performance, should be used whenever possible before taking formal disciplinary action.

Within six (6) months of taking disciplinary action, the supervisor shall conduct at least one (1) follow-up meeting with the employee to review progress on expectations set forth during the initial disciplinary discussion.

B. Pre-action Meetings

Before a permanent employee is suspended, demoted for disciplinary reasons, reduced in pay for disciplinary reasons, dismissed, placed on administrative suspension without pay or with reduced pay, or involuntarily terminated under Rule 11.5 B. through D., a pre-action meeting shall be held. The affected employee shall receive written notice of the charges, an explanation of the department's evidence and an opportunity to address a department representative concerning the charges.

1. The pre-action meeting shall be held at a time when the employee is reasonably able to attend, with due notice, and prior to the effective date of the action.
2. Any relevant information presented by the employee regarding the proposed action shall be considered. The department representative will make a recommendation to the Appointing Authority to support, modify, or revoke the proposed action. If the recommendation and final action are adverse to the employee, the employee may appeal the action using the appeals procedure specified in Merit System Rule 14.
3. When a department determines that an employee should be out of the workplace while a pre-action investigation is conducted, the employee may be placed on administrative leave with pay pursuant to Personnel Policy 8-107.

12.1 C. Any of the Following Constitute Cause for Discipline:

1. Fraud in securing appointment or securing or attempting to secure workers' compensation benefits;
2. Incompetence;
3. Inefficiency;
4. Neglect of duty;
5. Insubordination, including, but not limited to, conduct which is unruly;
6. Dishonesty;
7. Possessing, dispensing, or being under the influence of alcohol, or any unlawful controlled substance such as a narcotic, barbiturate, marijuana, methamphetamine, or a tranquilizing or hallucinogenic drug, while on duty, except in accordance with medical authorization, or in the lawful performance of the employee's regular assigned duties. Under the influence of alcohol means either obvious signs of impairment due to alcohol or a test result reflecting a blood alcohol content;
8. Absence without leave without reasonable cause;
9. Commission or conviction of a felony or of a misdemeanor involving moral turpitude, either of which would affect the employee's suitability for continued employment;
10. Discourteous treatment of the public;
11. Willful disobedience, i.e. a specific violation of a command or prohibition;
12. Engaging in prohibited political activity;
13. Misuse of County computers, County internet access, County email systems, or any other County electronic communication devices;
14. Misuse of any County property and/or systems;

15. Seeking to obtain financial, sexual, or political benefit from another employee with or without his/her consent, induced by wrongful use of force or fear, or under color of official right;
16. Violation of the Rules of Conduct, Personnel Policy 8-119;
17. Failure to satisfactorily perform job duties and responsibilities;
18. Failure to maintain minimum qualifications for the position;
19. Any other improper conduct or performance, which constitutes cause for disciplinary action.

12.2 TYPES OF DISCIPLINARY ACTIONS

A. Informal Discipline

1. Verbal Counseling

A supervisor may engage in verbal counseling with a permanent employee at any time for problem resolution. If the verbal counseling is documented, a copy of the documentation, with the employee's acknowledgment of receipt and any written response, shall be placed in the employee's department personnel file. Verbal counseling is neither grievable nor appealable.

2. Letter of Counseling

An Appointing Authority or designee may issue a Letter of Counseling to a permanent employee at any time to correct or improve improper performance or conduct. The letter shall contain the specifics of the improper performance or conduct and shall be identified as a Letter of Counseling. A copy of the Letter of Counseling, with the employee's acknowledgment of receipt and any written response, shall be placed in the employee's department personnel file. A Letter of Counseling is neither grievable nor appealable.

Informal discipline documentation shall be removed from the employee's department personnel file twelve (12) months following the date of issuance. The department shall place the disciplinary document(s) in a separate file and retain them for the same period of time specified for the retention of department personnel files in state records retention requirements.

Should the employee accept a position in another department, informal disciplinary documents previously removed from the employee's department personnel file shall be transferred to the new department in a file separate from the employee's department personnel file.

Informal discipline that is more than twelve (12) months beyond issuance shall not be cited in, or considered a part of, further discipline.

12.2 B. Formal Discipline

1. Letter of Reprimand

An Appointing Authority or designee may issue a Letter of Reprimand to a permanent employee to admonish the employee for serious or repetitive improper performance or conduct. The letter shall contain the specifics of the improper performance or conduct and shall be identified as a Letter of Reprimand. The Letter of Reprimand shall advise the permanent employee of the right to grieve the disciplinary action within ten (10) business days of receipt. Copies of the Letter of Reprimand, with the employee's acknowledgement of receipt, shall be placed in the employee's department personnel file and filed with Human Resources.

2. Suspension

- a. Suspension is considered to be a significant disciplinary action and may be used for more serious incidents or repetitions of improper performance or conduct. An Appointing Authority or designee may suspend without pay a permanent employee for a disciplinary reason. Permanent employees may be suspended for any appropriate length of time in full day increments.
- b. The Notice of Suspension shall contain the specific reason(s) for the suspension in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the suspension to the Merit System Commission within ten (10) calendar days of receipt of notice.
- c. The Notice of Suspension must be delivered to the employee prior to or no later than the effective date of the suspension. The date of receipt must be documented. Copies of the Notice of Suspension shall be filed with Human Resources and the Clerk of the Board.

12.2 B. 3. Demotion

- a. Demotion for a disciplinary reason is considered to be a significant disciplinary action and may be used for more serious incidents or repetitions of improper performance or conduct. An Appointing Authority or designee may demote a permanent employee for a disciplinary reason provided the employee meets the minimum qualifications of the demoted classification.
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- b. The Notice of Dismissal shall contain the specific reason(s) for the dismissal in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the dismissal to the Merit System Commission within ten (10) calendar days of receipt of notice.
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