

**DENTON COUNTY CIVIL
SERVICE RULES**

**CHAPTER III
PROGRESSIVE DISCIPLINE**

EMPLOYEE DISCIPLINE - DISCIPLINARY ACTION/TERMINATION PROCEDURES

3.1 Policy

The purpose of this Progressive Discipline Process is to ensure that discipline is imposed consistently and equitably, with the intention of correcting deficient performance enforcing Denton County and Departmental policies and procedures and securing compliance with the rules. Except for terminations during the probationary period, all disciplinary actions taken will be taken in compliance with and under the provisions of this policy.

Disciplinary actions are described in Section 3.3 of this Chapter. Termination under Human Resources Policy 5.03 (Reduction in Force, Incapacity) are not disciplinary action. Terminations resulting from the loss of a license or certification that is required to perform the duties of the position are not disciplinary actions.

3.2 Causes

A. Causes justifying disciplinary action under this chapter include:

1. incompetency
2. insubordination
3. violation of any applicable policy, rule or regulation of Denton County or the applicable department
4. Inability to perform job duties properly.
5. failure or refusal to comply with instructions of the applicable official, department head or supervisor
6. conduct unbecoming an officer or employee of the County while performing job duties
7. causing, through negligence or willful misconduct, damage to public property or excessive waste of public supplies
8. conviction for a capital felony, a first degree felony, or a felony related to serious bodily injury, indecency with a child or arson; or when the nature of the felony is directly related to the job
9. failure to report to work for three (3) working days without notification to the supervisor; or failure to report for three (3) working days after the leave of absence has expired
10. misuse of sick leave privileges
11. serious and/or consistent negligent performance of job duties;
12. seriously and/or consistently failed to meet the written standards of job performance
13. lying about or concealing a material fact:
 - a. concerning a matter under internal or criminal investigation
 - b. for the purpose of obtaining a benefit for himself/herself or another
14. making a false statement of or misrepresenting a material fact in the employee's application for employment, or on other work records

15. seriously and/or consistently endangering the health or safety of employees or the general public
16. failure to submit requested documentation to the elected official/department head concerning a medical condition of the employee which may present contradiction to continued employment
17. unauthorized removal of County property, misuse or damage resulting from neglect of County owned property
18. violation of the privacy regulations of the Health Insurance Portability and Accountability Act

Additional causes for discipline may exist that are not set forth in this list, which is not intended to be either all-inclusive or exhaustive.

PROGRESSIVE DISCIPLINARY ACTION

3.3 Verbal Warning, Level One Reprimand and Level Two Reprimand.

Prior to a suspension, demotion, or termination, the approving authority, depending on the severity of the employee's actions, may use lesser forms of disciplinary action. However, nothing in this policy shall prohibit the elected official/department head from proceeding directly to the third levels of discipline which includes suspension, termination or demotion, if the employee commits a major offense that warrants such discipline.

A. Lesser forms of action that may be taken against the employee include:

- a. Verbal Warning-The least severe form of disciplinary action, which is designed to advise the employee of the problem that has resulted in unsatisfactory behavior or performance. This is appropriately used as a response to initial and minor offenses. The supervisor should retain documentation of the verbal warning, which is signed by the employee; no copy should be placed in the employee's personnel file. A copy should also be given to the employee.
- b. Level One Reprimand-The first formal step in progressive discipline. This level deals with continuation of minor offenses, when verbal warnings have not resulted in the correction of the problem by the employee. This Level One Reprimand should be documented in writing and signed by both the supervisor and employee. The employee should be permitted to make a written response to a Level One Reprimand. A Level One Reprimand and, if applicable, the employee's written response to it will be placed in the employee's personnel file at the Human Resources Department. Copies of the Reprimand should be distributed to the employee, the Human Resources Department and the immediate supervisor.
- c. Level Two Reprimand - This level of discipline deals with serious offenses or minor offenses that have continued after the administration of a Level One Reprimand. A Level Two Reprimand

may be given in the absence of a prior Level One Reprimand or prior verbal warning when the cause is serious enough to warrant it. A Level Two Reprimand should be documented in writing and signed by both the supervisor and employee. The employee should be permitted to make a written response to a Level Two Reprimand. A Level Two Reprimand and, if applicable, the employee's written response to it will be placed in the employee's personnel file at the Human Resources Department. Copies of the Reprimand and any response should be distributed to the employee, the supervisor, and the Human Resources Department.

Nothing in this subsection A or these Rules shall prohibit the Appointing Authority from proceeding directly to level Three Discipline (see subsection B), if the employee commits a major offense that warrants such discipline. Unless the applicable Appointing Authority directs otherwise, the disciplinary actions described in this section 3.3A may be administered by the employee's supervisor. All documentation of disciplinary actions under this subsection A shall include:

- the action taken;
- the date of the action;
- the cause(s) justifying the action; and
- a description of the acts/omissions that constitute the identified cause(s).

3.4 Level Three Discipline.

This level of discipline deals with major offenses or a continuation of serious or minor offenses that have not been corrected despite the issuance of prior verbal or written warnings. Level Three Discipline may be used without prior issuance of warnings or reprimands when the severity of the cause warrants it. Level Three Discipline requires a written notice and opportunity for the employee to respond before the disciplinary action occurs. Discipline that may be administered at this level includes:

1. **Uses.** This level of discipline deals with major offenses or a continuation of serious or minor offenses that have not been corrected despite the issuance of prior verbal or written warnings. Level Three Discipline may be used without prior issuance of warnings or reprimands when the severity of the cause warrants it.
2. **Prior Notice.** Prior to any Level Three action, notice of intent must be provided to the employee. This notice of intent must:
 - a. Identify the intended Level III action and the date upon which it is intended to occur;
 - b. Identify the cause or causes justifying the intended action;
 - c. Describe the specific acts or omissions that constitute the identified cause(s);
 - d. Inform the employee that he/she may respond in writing to the notice no later than 48 hours from the date the notice is provided to the employee. If the 48 hour period expires while the workplace is closed, then the response is due when the workplace reopens.

3. **Types.** Discipline that may be administered at this level includes:
 - a. **Demotion.** The movement of the employee from his present position to one with a lower starting salary. A demotion also results in a salary reduction as outlined in the Salary Administration Guidelines. Demotion is only available as an option to address willful misconduct when a department has a vacancy in a position with a lower starting salary for which the employee meets the requirements. If the demotion is due to performance issues and not to willful misconduct, and the department taking action does not have an appropriate vacancy as determined by the Human Resources Department, the department taking action will provide the Human Resources Department with written notice of the proposed demotion. The Human Resources Department shall post the position to be vacated internally so that applicants from the department taking action can be considered for promotion to the position to be vacated. The department taking action will select from the internal applicants and the employees will be reassigned to replace each other. An Appointing Authority cannot fill a resulting vacancy until the employee's right to file an appeal has expired. Commissioners Court may make exceptions to this provision at its discretion.
 - b. **Suspension without Pay.** This is an ordered absence from duty without pay for a prescribed period of time. Employees who are exempt from the regulations of the Fair Labor Standards Act may not be suspended without pay for periods of less than one (1) work week unless the offense precipitating the suspension involves a serious safety violation.
 - c. **Termination.** This is the most severe discipline action - removal from the public service for misconduct or unsatisfactory job performance. An Appointing Authority cannot fill a resulting vacancy until the employee's right to file an appeal has expired.
4. **Action/Notification of Action.** Disciplinary action may take place on or after the date identified in section 3.4 (2) (a). Written notification of the action shall be provided to the employee. This notice must:
 - a. Identify the Level III action taken;
 - b. Identify the cause or causes justifying the action taken;
 - c. Describe the specific acts or omissions that constitute the identified cause(s);
 - d. Inform the employee that he/she has a right to appeal the action in accordance with these Rules.
5. **Effective Date.** The effective date of disciplinary action is the date upon which written notification of the action is either:
 - a. given to the employee in person; or
 - b. sent, by email or certified mail to the employee's last provided home address

ADMINISTRATIVE LEAVE

3.5 Administrative Leave Procedure

An Appointing Authority may place an employee on involuntary paid leave for a prescribed period of time:

- A. Pending an investigation into the employee's conduct or job performance; or
- B. Upon delivery of notice of intent under 3.4 (2)

An employee placed on Administrative Leave shall not report to work and be available to the applicable department/office until the investigation is completed. The employee shall also participate in the investigation as directed by the department/office. Placement on administrative leave is not a disciplinary action.