

Subject: PROGRESSIVE DISCIPLINE AND PROBLEM SOLVING

Date: September 1, 2010

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Replaces Policy Dated: September 19, 2001

PURPOSE: To establish a policy providing a means for the resolution of problems related to employment with Pinal County, which have not been resolved through informal discussion, subject to exclusions included below.

STATEMENT OF POLICY: Pinal County wishes to create and maintain a work environment that promotes efficiency, productivity, and positive reinforcement of actions through which work standards are met or exceeded. Misunderstandings and lack of communication can often lead to situations, which give rise to problems that are an impediment to these objectives. The County advocates the use of progressive discipline and/or problem solving process as a means toward maintaining a positive work environment.

Progressive Discipline:

The County has adopted a process of progressive discipline to identify and address employment related problems. This process applies to any and all employee conduct that the County, in its sole discretion, determines must be addressed by discipline. Of course, no discipline policy can be expected to address each and every situation requiring corrective action that may arise in the workplace. Therefore, the County takes a comprehensive approach regarding discipline and will attempt to consider all relevant factors before making decisions regarding discipline.

Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance or violation of the County's policies, procedures or Merit Rules. A list of causes for disciplinary action is cited in Pinal County Merit Rule 12.1 (c).

Progressive discipline may be issued on employees even when the conduct that leads to more serious discipline is not the same that resulted in less severe discipline. That is, violations of different rules shall be considered the same as repeated violations of the same rule for purposes of progressive discipline.

While all County employees are to be held to the highest standards for behavior and job performance, probationary employees are considered to be in the final phase of their interview process and do not have "due process rights". If a probationary employee is not performing at a satisfactory level during the probationary period, the employee may or may not be subject to progressive discipline. A probationary employee may be discharged at any time if the employees' management determines that performance is unsatisfactory.

The County will normally adhere to the following progressive disciplinary process:

Verbal and/or Written Counseling, Verbal Reprimand, Performance Improvement Recommendation, Written Reprimand, Disciplinary Suspension, and finally termination. In some instances disciplinary demotion may also prove to be an effective alternative. More complete definitions of each level of disciplinary action are found in Pinal County Merit Rule 12. While the County will generally take disciplinary action in a progressive manner, it reserves the right, in its sole discretion, to decide whether and what level of disciplinary action will be taken in a given situation. In some cases it may be necessary and appropriate to skip steps in the progressive discipline process and render more severe discipline up to and including termination.

Human Resources is available to assist all supervisors and managers who have questions about the progressive discipline process or who need assistance preparing their documentation or writing a written reprimand.

When an employee's conduct or behavior has resulted in a decision to pursue progressive discipline beyond the level of a written reprimand, Human Resources must always be contacted.

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Merit Rule 12.2 provides detailed instructions and specific times and processes that must be followed by management when it imposes disciplinary suspensions, demotions and terminations. Because these disciplinary actions can be appealed to the Pinal County Merit System Commission, it is important that all documentation be reviewed and the disciplinary decision concurred by both Human Resources and the Pinal County Attorney's Office before that action is imposed.

Problem Solving Process

This process may be used by employees to respond to the following types of problems, which are intended as examples and not strict limitations:

- A. Misinterpretation, misapplication or unequal enforcement of County policies, or administrative procedures as they relate to the employee.
- B. Hours of work, assignment of duties, working conditions
- C. Disagreement with a letter of reprimand.

However, this procedure shall not be used for problems concerning:

- A. Compensation.
- B. Classification.
- C. Matters covered by state or federal law.
- D. Performance appraisal.

Regular full-time, part-time, and probationary employees, except for the following, may use this process:

- A. Elected Officials.
- B. County Manager.
- C. Deputy/Assistant County Managers.
- D. Members of boards, commissions, and committees appointed by the Board of Supervisors.
- E. Employees of the Superior Court, to include the Clerk of the Superior Court, Adult Probation, Conciliation Court, and Juvenile Court Services.
- F. Temporary employees.
- G. Persons providing services to the County under contracts.

PROCEDURE:

1. The employee is required to discuss the problem with the immediate supervisor prior to the formal process, which follows.
2. The employee states the problem, and the relief requested in writing in a memorandum, and presents it to the immediate supervisor. The supervisor shall respond and return the memorandum with his/her response to the employee within two (2) working days. If the employee is not satisfied with the response, he/she may submit the memorandum with all attachments to the department head within two (2) working days of receipt. The department head shall investigate and give consideration to the problem and the relief requested. The department head shall meet with the employee to discuss the matter and shall submit his/her response to the employee. A copy of all correspondence will be furnished to the employee and the original forwarded to the Human Resources Director within ten (10) working days of receipt. In departments headed by an Elected Official, the department head's decision shall be final, with no further administrative review.
3. Within five (5) working days after receiving the response of the department head, the employee may file with the Assistant County Manager for his/her department a request for review. The Assistant County Manager shall investigate and give consideration to the stated problem, the remedy requested, and the recorded action of the department head. Upon written request of the employee, the Assistant County Manager shall meet with him/her

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within five (5) working days of receipt of the request. In such meetings, a representative of his/her choosing may accompany the employee. The Assistant County Manager shall provide his/her response in writing. A copy of the final determination will be furnished to the employee and the original forwarded to the Human Resources Director within five (5) working days of the meeting.

4. Within five (5) working days after receiving the response of the Assistant County Manager, the employee may file with the County Manager a request for review of the problem. Within ten (10) working days of the filing, the County Manager, with the advice of the Human Resources Director, shall appoint an investigation committee consisting of no less than two (2) and no more than five (5) Pinal County Employees. Employees appointed to serve on an investigation committee shall be released from their regular duties in order to attend committee meetings and perform other duties in connection with service on the committee. With the administrative assistance of the Human Resources Director, this committee shall investigate the problem, may interview individuals with information related to the problem and its resolution and may request relevant documents and/or other materials from any County department. The committee is an investigative body only, and shall not conduct formal hearings, but may conduct private interviews with selected individuals. Within fifteen (15) working days after the committee is constituted, the committee shall submit a written report of its findings, with recommendations to the County Manager. If the committee is not unanimous in its recommendation, all findings, and recommendations shall be included in the report. Within ten (10) working days, the County Manager will issue a decision, which shall be final, with no further administrative review.