

NORTH GEORGIA HEALTH DISTRICT
County Board of Health Personnel Policy #1601
Cherokee, Fannin, Gilmer, Murray, Pickens, Whitfield

DISCIPLINARY / DISMISSAL ACTIONS - CLASSIFIED EMPLOYEES

EFFECTIVE DATE: August 1, 2010

RELEASE DATE: August 1, 2010

REFERENCES: State Law (O.C.G.A. 47-2-2 and 47-2-123 - Involuntary Separation Retirement Law)
Rules of the State Personnel Board

The intent of this policy is to establish a disciplinary procedure for classified employees that are fair, prompt, and complies with the requirements of laws, Rules of the State Personnel Board and County Board of Health (CBH) policies. This policy is directed toward correcting inappropriate behavior or performance deficiencies unless the offense committed is one for which dismissal is the appropriate penalty. It is further designed to establish guidelines and procedures for managing discipline that are clear and understandable to both classified employees and supervisors.

**GENERAL
GUIDELINES**

1. Supervisors have a responsibility to inform employees about job expectations and any relevant information (i.e., rules, policies, standards, etc.) that will assist employees in carrying out job duties. Employees have a responsibility to satisfactorily perform job duties and be familiar with the rules, policies and standards of the work place. At a minimum, this should include an initial orientation and review of assignments at frequent intervals. It is especially important that changes in duties or standards be communicated as soon as practicable.
2. All rules, policies and standards should be consistently enforced. Consistency in enforcement does not mean that the penalty for violation must be precisely the same in every instance. The penalty may vary because of the severity of the offense, presence or absence of intent, the previous work record of the employee or other relevant factors. Similar situations should be handled in a similar manner.
3. Supervisors and employees should be aware that it is not necessary or required that every disciplinary action be followed in every situation (i.e., oral reprimand, written reprimand, adverse action). Over a period of time, it may be appropriate to use several approaches, including disciplinary action, to address an employee's problem(s). Some situations, on the other hand, require immediate dismissal. The basic guideline in each situation should

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always be to use the form of discipline that is most appropriate for the inappropriate behavior or performance deficiency.

4. Discipline should not be administered with the purpose of punishing the employee. The purpose of each action, with the exception of dismissal, should be to immediately correct the inappropriate behavior or performance deficiency.
5. Employees are responsible for reporting suspected criminal or administrative misconduct including fraud, waste and abuse relating to any State program or operation. Employees who make false allegations and/or disclose information with willful disregard for its truth may be disciplined.
6. Employees are required to cooperate fully and truthfully and provide assistance, when appropriate, with any type of investigation regarding alleged criminal or administrative misconduct. This includes activities such as cooperating in interviews, answering questions related to the performance of official duties, producing requested documents and polygraph or voice analysis examinations.

**PRELIMINARY
CONSIDERA-
TIONS**

When a violation of a rule, policy or standard occurs, supervisors should:

1. Research the facts and circumstances before deciding on the appropriate disciplinary action.
 - 1.1 In a minor case, a one-time observation may be a sufficient basis for determining the type of disciplinary action that should be taken.
 - 1.2 In a serious case, an extensive investigation may be necessary to determine the full extent of the offense before deciding on the type of disciplinary action.
2. Determine the appropriate disciplinary action to recommend by considering several factors including but not limited to:
 - 2.1 The seriousness of the offense;
 - 2.2 Whether it was deliberate or unintentional;

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2.3 The employee's work record of behavior and performance; and,

2.4 Applicable rules, policies and standards.

3. Contact the District Personnel Office for assistance in beginning progressive discipline.

CORRECTIVE MEASURES

In addition or prior to taking disciplinary action against an employee, other corrective measures such as Attendance Plans, Unauthorized Leaves Without Pay, Work Plans, Letters of Concern and Expectations, Written Warnings or Denials of Salary Increases may be appropriate to emphasize inappropriate behavior or performance deficiencies.

1. **Attendance Plan** - In cases where an employee does not meet attendance requirements (e.g., chronic tardiness, absenteeism or abuse of leave), a formal Attendance Plan may be implemented. An Attendance Plan outlines specific expectations required of the employee. Medical or other supporting documentation may be required if an employee has demonstrated excessive or abusive use of accrued leave or leave without pay. If attendance standards are not met, disciplinary action may be recommended.

2. **Unauthorized Leave Without Pay** - An employee who is absent without approval of the supervisor may be placed on Unauthorized Leave Without Pay for the period of absence, up to a maximum of fifteen (15) calendar days. This unauthorized absence may be used as a basis for disciplinary action.

3. **Work Plan** - A Work Plan (frequently called a "Corrective Action Plan") is a written statement of specific work expectations. The plan is designed to give the employee the opportunity to raise performance to an acceptable level. If performance standards are not met, disciplinary action may be recommended.

4. **Letter of Concern and Expectations** - A Letter of Concern and Expectations may be issued to an employee to outline concerns with the employee's current behavior and/or performance. Supervisors should contact the District Personnel Office for assistance prior to issuing the letter to the employee.

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5. **Written Warning** - A Written Warning may be issued putting an employee on notice that the employee's current behavior and/or performance is not acceptable. Supervisors should contact the District Personnel Office for assistance prior to issuing the letter to the employee.

**SUSPENSIONS
WITH PAY**

While it is not a disciplinary action, a Suspension with Pay may often precede or accompany a disciplinary action. If it is deemed in the best interest of the Board, an employee may be suspended with pay as follows:

1. During an investigation of alleged misconduct.
2. During the period of notice of separation while on working test, reduction in force, or proposed adverse action.
3. During the period between the arrest or indictment of the employee on a criminal charge and the disposition of the charge.
4. For alleged unfitness to perform assigned duties where the alleged unfitness creates the potential for harm to the employee, co-workers, or others. The following requirements pertain to alleged unfitness to perform assigned duties:
 - 4.1 During a period of Suspension with Pay for alleged unfitness to perform assigned duties, the employee may be directed under limited circumstances to undergo a medical (physical and/or psychiatric) examination at the expense of the CBH.
 - 4.2 The supervisor or other authorized official must discuss the circumstances with the District Health Director or District Personnel Office.
 - 4.3 The employee will be required to authorize the release of the results of the medical examination to an authorized official. The results must be considered confidential and are to be shared with individuals only on a "need to know" basis.
 - 4.4 Upon receipt of the results, a determination will be made regarding appropriate action.
 - 4.5 This type of Suspension with Pay cannot exceed

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forty-five (45) calendar days.

**WRITTEN
REPRIMANDS**

1. Upon approval of the District Health Director, a Written Reprimand may be issued to an employee due to significant or continuing inappropriate behavior or performance deficiencies. The Written Reprimand should contain similar information to the following:
 - 1.1 The date, time and/or place of the inappropriate behavior or performance deficiency;
 - 1.2 Future expectations of the employee; and,
 - 1.3 The consequences should the inappropriate behavior or performance deficiency continues.
2. A written document that contains similar information as listed above may be considered a Written Reprimand regardless of the title of the document.
3. In appropriate cases, a reprimand may be accompanied by a Work Plan or Attendance Plan in an effort to clearly inform the employee of how further disciplinary action or adverse action may be avoided.

**ADVERSE
ACTIONS**

Adverse Actions are Suspension without Pay, Disciplinary Salary Reduction, Demotion and Dismissal.

1. The Rules of the State Personnel Board outline specific procedural requirements for Adverse Actions.
2. Except in cases that warrant immediate dismissal, the supervisor should review the circumstances of the incident or offense, history of corrective measures and/or disciplinary actions previously taken against the employee **PRIOR** to proposing an Adverse Action.
3. The District Health Director **must** be consulted in advance to discuss and determine the appropriate Adverse Action.
4. In accordance with the Rules of the State Personnel Board, an Adverse Action may be taken against an employee for the following reasons:
 - 4.1 Negligence or inefficiency in performing assigned duties;

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- 4.2 Inability or unfitness to perform assigned duties;
- 4.3 Insubordination;
- 4.4 Misconduct;
- 4.5 Conduct reflecting discredit on the department;
- 4.6 Commission of a felony or other crime involving moral turpitude;
- 4.7 Chronic tardiness or absenteeism;
- 4.8 Failure to report for or remain at work without justifiable cause;
- 4.9 Failure to process performance appraisals in a timely manner; or
- 4.10 Political activity in violation of the Rules of the State Personnel Board.

**SUSPENSION
WITHOUT PAY**

- 1. Employees may be suspended without pay for disciplinary purposes. The timeframe for a Suspension without Pay for disciplinary purposes should be appropriate for the offense and cannot exceed thirty (30) calendar days.
- 2. Permanent or working test employees may be suspended without pay for failure to secure or maintain a license or certificate required by law, regulatory authority or the Board. Employees may be maintained in Suspension without Pay status during a period of notice of proposed forfeiture of position provided that the total period of suspension shall not exceed thirty (30) calendar days.
- 3. Employees may be suspended without pay pending criminal court action until disposition of the action.
 - 3.1 At the end of a Suspension without Pay for pending criminal court action, the employee will be returned to duty or terminated in accordance with the Rules of the State Personnel Board.
 - 3.2 If the disposition of the criminal court action does not include any penalty to the employee, the employee will be reinstated in accordance with the

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Rules of the State Personnel Board.

4. For FLSA exempt employees, Suspensions without Pay must be administered in full FLSA work periods and cannot cover parts of two (2) FLSA work periods.

**SALARY
REDUCTION**

1. Salaries of FLSA non-exempt employees may be reduced for disciplinary purposes.

NOTE: Disciplinary Salary Reductions cannot be taken against FLSA exempt employees due to provisions of the Fair Labor Standards Act.

2. Salary as a result of Disciplinary Salary Reduction should be reduced by an amount equal to at least five percent (5%), and should normally be reduced by an amount equal to increments of 5% (e.g., 5%, 10%, 15%, etc.)
3. A Disciplinary Salary Reduction may be permanent, indefinite or for a specified period of time conditional upon the employee's achievement of fully satisfactory performance and appropriate/acceptable behavior.
4. Employees retain eligibility for the salary received prior to the Disciplinary Salary Reduction. Salary may be restored on the first day of any pay period following the Disciplinary Salary Reduction provided:
 - 4.1 the employee's behavior is fully satisfactory;
 - 4.2 the employee's performance is fully satisfactory; and
 - 4.3 the employee has remained in the same position.

DEMOTION

1. Employees may be involuntarily demoted to a lower job for disciplinary reasons.
2. The salary of a classified employee with permanent status who is involuntarily demoted is to be reduced by an amount equal to at least five percent (5%). The salary cannot be less than the job minimum or exceed the pay grade maximum for the job to which the employee is demoted.

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DISMISSAL

1. Employees may be dismissed when all other courses of action have been unsuccessful or when the situation is so serious that termination is necessary.
2. Dismissal is required in certain situations, including but not limited to, drug or alcohol testing violations, criminal history records, criminal drug offenses, etc.

**RECOMMEN-
DATION FOR
RE-EMPLOY-
MENT**

Circumstances surrounding dismissal should be reviewed to determine whether it is appropriate to enter a recommendation that employees not be re-employed by the CBH in the future.

1. In some circumstances, employees who are dismissed from employment are not to be re-employed. (See CBH/ Personnel Policies #504 - Criminal History Record Checks, #1301 - Drug-Free Work Place and #1302 - Alcohol and Drug Testing Programs for mandatory disqualifications from re-employment.)
2. Each circumstance, other than those requiring mandatory disqualification from re-employment, is to be reviewed on a case-by-case basis.
3. If it is determined appropriate to enter a recommendation that an employee not be re-employed, “No Rehire” is to be made in the comments on the *REQUEST FOR PERSONNEL/PAYROLL ACTION* Form.
4. Documentation of the reason(s) supporting the request for “No Rehire” must be sent with the Personnel Action Request.

NOTE: Questions regarding the reasons for entering a “No Rehire” code should be discussed with the District Personnel Office.

**INVOLUNTARY
SEPARATION
BASED ON
RETIREMENT
LAW**

1. Employees, who **first established** membership in the Employees’ Retirement System (ERS) prior to **April 1, 1972**, and who have a minimum of **eighteen (18) years** of service with the State, have involuntary separation rights under the Retirement System Law.
2. Specific procedures provided in law must be followed in

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order to separate an employee with involuntary separation rights.

3. Because of the legal requirements associated with separations under this law, any time a long-term (18 years or more) employee is being considered for separation, a thorough review should be conducted to determine if the employee first established membership in ERS prior to April 1, 1972.
4. When possible, prior to separating an employee under this law, the employee should be warned, in writing, that further inappropriate behavior or performance deficiencies could result in separation and possible loss of retirement benefits.
5. In all cases, employees who meet or who may meet the qualifying requirements listed above must not be separated without prior consultation with the District Health Director.

APPEALS

The Rules of the State Personnel Board outline the basis on which an employee may file an appeal to the Board.

**DISMISSAL/
TERMINATION
SETTLEMENT
AGREEMENT**

If an employee is dismissed/terminated and, as a condition of a settlement agreement, the personnel file is to be partially purged, the following procedures must be followed:

1. The District Personnel Office will ensure that the employee's personnel file and any associated work history records are clearly designated with a notation that the file and records have been purged as a condition of a settlement agreement.
2. Such notation shall be disclosed to any subsequent governmental entity seeking information on the former employee's work history for the sole purpose of making a hiring decision.

For additional information or assistance, please contact the District Personnel Office at 706/272-2342.
