



RULE 7 - DISCIPLINARY ACTIONS AND ADMINISTRATIVE LEAVE

7.1 REASONS FOR DISCIPLINARY ACTION

- A. A disciplinary action may be used for serious or pervasive misconduct or repetitions of improper performance or conduct.
- B. Failure to report to work without notification to the employee's supervisor or designee concerning absence from work for one (1) day may result in disciplinary action. Absence from work for three (3) consecutive work days without notification to the employee's supervisor shall be deemed job abandonment and cause for dismissal.
- C. Reasons for which a Department Director or designee may initiate serious disciplinary action include, but are not limited to, those provided in A.R.S. § 41-770, or any of the following:
 - 1. Fraud in securing appointment including falsification or omission of employment application.
 - 2. Dishonesty.
 - 3. Commission or conviction of a felony or misdemeanor involving moral turpitude which adversely reflects on the County or affects the employee's suitability for continued employment.
 - 4. Misuse or unauthorized use of County property including vehicles and equipment.
 - 5. Misuse or unauthorized use of public funds.
 - 6. Falsification of any public document.
 - 7. Seeking to obtain financial or political benefit from another employee by wrongful use of position, force or fear.
 - 8. Discrimination.
 - 9. Sexual harassment.
 - 10. Vulgar or disrespectful conduct.
 - 11. Neglect of duty.
 - 12. Insubordination.
 - 13. Unapproved absence without leave.
 - 14. Abuse of sick leave.



15. Discourteous treatment of the public.
16. Willful disobedience.
17. Violation of the County Drug and Alcohol policy.
18. Unsatisfactory attendance, including tardiness.
19. Failure to comply with any County policy, rule or standard of conduct.
20. Habits or conduct which risks the safety or health of persons in the working environment, or risk damage to property.
21. Violation of a professional standard of conduct applicable to the employee with respect to his or her employment duties.
22. Any form of reprisal or retaliation.
23. Violation of the County Vehicle Use policy.
24. Improper political activity.
25. Loss of required qualifications, license or certification.
26. Any other improper conduct or performance which constitutes cause for disciplinary action.



7.2 TYPES OF DISCIPLINARY ACTIONS

This section describes various types of progressive disciplinary actions available to Department Directors in addressing employee performance issues. It does not set forth a mandatory sequence of actions. The Department Director may select whatever action is appropriate to the circumstances. Except for verbal counseling and written counseling statements, the Department Director shall consult with the Human Resources Department prior to issuing disciplinary action.

Action	Type of Documentation	Distribution of Documentation	Required Consultation			Employee Remedy Available
			HR	CAO	County Administrator or DCA	
Verbal Counseling	Verbal to employee; supervisor to document discussion	Supervisor's or Departmental Employee File	n/a	n/a	n/a	No appeal available
Written Counseling Statement	Written notice to employee	Original to Employee and copy to Departmental Employee File	n/a	n/a	n/a	No appeal available
Letter of Reprimand	Written notice to employee	Original to Employee, copy to Departmental Employee File and official Human Resources employee file	√	√	n/a	Employee may request review by County Administrator (or DCA). CA/DCA recommends to Elected Department Director. Elected Department Director decision is final.
Special Observation Period	Written notice to employee	Original to Employee, copy to Departmental Employee File and official Human Resources employee file	√	√	n/a	Employee may request review by County Administrator (or DCA). CA/DCA recommends to Elected Department Director. Elected Department Director decision is final.
Suspension without Pay	Written notice of Intent to employee and Notice of Action – Final Determination	Original to Employee, copy to Departmental Employee File and official Human Resources employee file	√	√	√	Employee may appeal a suspension to the Merit Commission as provided in Merit System Rule 9.2.
Involuntary Demotion	Written notice of Intent to employee and Notice of Action – Final Determination	Original to Employee, copy to Departmental Employee File and official Human Resources employee file	√	√	√	Employee may appeal an involuntary demotion to the Merit Commission as provided in Merit System Rule 9.2.
Dismissal	Written notice of Intent to employee and Notice of Action – Final Determination	Original to Employee, copy to Departmental Employee File and official Human Resources employee file	√	√	√	Employee may appeal a dismissal to the Merit Commission as provided in Merit System Rule 9.2.



A. Verbal Counseling:

Verbal Counseling may be used, at the discretion of any supervisor, to advise an employee of improper performance or conduct, and to identify the actions the employee should take to correct the situation. If a memorandum describing the counseling is generated, a copy should be placed in the employee's departmental file. Any written employee response to the verbal counseling shall be placed in the employee's departmental file. The employee cannot appeal this action.

B. Written Counseling Statement:

A Written Counseling Statement may be used, at the discretion of any supervisor, to advise an employee of improper performance or conduct, and the actions the employee must take to correct the situation. The original written counseling statement shall go to the employee and a copy placed in the employee's departmental file. Any written employee response to the Counseling Statement shall be attached to the Counseling Statement and placed in the employee's departmental file. The employee cannot appeal this action.

C. Letter of Reprimand:

A Department Director may issue a Letter of Reprimand to notify an employee of their improper performance or conduct. The Department Director shall consult with the Human Resources Director and the County Attorney's Office. The Letter of Reprimand shall identify the improper performance or conduct including the appropriate rule or policy violation. A copy of the Letter of Reprimand shall be placed in the employee's department file and the original in the official Human Resources employee file. Any written employee response to the Letter of Reprimand shall be placed in the employee's department file and the original employee written response shall be placed in the official Human Resources employee file.

The employee may request review of the Letter of Reprimand in writing to the County Administrator or Deputy County Administrator within ten (10) working days from the date of receipt. The County Administrator or Deputy County Administrator shall respond to the request for review and that decision shall be final. The County Administrator or Deputy County Administrator will make a recommendation to the Elected Department Director. The decision of the Elected Department Director shall be final.



D. Special Observation Period:

A Department Director may place an employee on a Special Observation Period for not more than 180 calendar days for the purpose of closely monitoring the employee's performance or conduct. The purpose of the Special Observation Period is to advise the employee that the conduct or performance deemed unacceptable by the Department Director shall be closely monitored for a specific period of time and can be ended at any time by the Department Director. The Department Director shall consult with the Human Resources Director and the County Attorney's Office when necessary.

1. A written notice of the Special Observation Period shall be provided to the employee and shall identify the conduct or performance of concern, including the appropriate rule or policy violation, direction regarding acceptable conduct, the purpose of the observation period and the length of the period. A copy of the written notice of the Special Observation Period shall be placed in the employee's department file and the original in the official Human Resources employee file. Any written employee response to the Special Observation Period shall be placed in the employee's department file and the original employee written response shall be placed in the official Human Resources employee file.
2. At the end of the Special Observation Period, the employee's supervisor shall prepare a special performance appraisal report detailing the employee's success or failure in completing the period. The employee shall have the opportunity to provide written feedback after receiving the special performance appraisal report. Any written employee response to the special performance appraisal report shall be placed in the employee's department file and a copy shall be placed in the official Human Resources employee file.
3. Failure of the employee to successfully complete the Special Observation Period may result in disciplinary action up to and including termination of employment.

The employee may request review of the Special Observation Period in writing to the County Administrator or Deputy County Administrator within ten (10) working days from the date of receipt. In actions involving employees of appointed Department Directors, the County Administrator or Deputy County Administrator shall respond to the request for review and their decision shall be final.

In actions involving employees of elected Department Directors, the County Administrator or Deputy County Administrator will make a recommendation to the Elected Department Director. The decision of the Elected Department Director shall be final.



E. Serious Disciplinary Actions (Suspension, Involuntary Demotion and Dismissal):

Classified, regular status employees shall not be suspended, demoted or dismissed as a means of discipline unless reasonable efforts have been made to give the employee sufficient notice of the reasons for the disciplinary action. The Department Director shall consult with the Human Resources Director, the County Attorney's Office and the County Administrator or Deputy County Administrator prior to suspending, demoting or dismissing a regular status classified employee. The employee will be given an opportunity to respond to the disciplinary action prior to it becoming effective.

1. Suspension Without Pay

An employee may be suspended without pay from their duties as a form of progressive discipline. A suspension without pay may be imposed on an employee in one (1) day increments up to a maximum of thirty (30) working days. An employee is not allowed to substitute or forfeit any form of paid time off during the suspension without pay. See Merit System Rule 7.3 "Process for Implementing Suspension without Pay, Demotion and Dismissal".

2. Involuntary Demotion

An employee may be involuntarily demoted into a lower job classification as a form of progressive discipline. The employee must meet the minimum qualifications for the lower position. See Merit System Rule 7.3 "Process for Implementing Suspension without Pay, Demotion and Dismissal".

3. Dismissal

An employee may be involuntarily terminated from employment as a result of the most serious performance infractions. See Merit System Rule 7.3 "Process for Implementing Suspension without Pay, Demotion and Dismissal".

7.3 PROCESS FOR IMPLEMENTING SUSPENSION WITHOUT PAY, DEMOTION AND DISMISSAL

A. Notice of Intent:

The Department Director, or a designee, shall provide an employee written Notice of Intent in person or by certified mail of the intent to suspend, demote or dismiss. The written notice of intent shall contain:

1. The nature of proposed disciplinary action.
2. The specific Merit System Rule, statute, policy or regulation allegedly violated.
3. The specific acts or omissions of employee giving rise to proposed disciplinary action.
4. The identification of all evidence which the Department Director believes justifies the proposed disciplinary action. If additional evidence is discovered after notice has been given, the Department Director may amend the written notice accordingly.



5. The effective date and, where appropriate, term of the proposed disciplinary action.
6. Notice that any response to the allegations must be submitted in writing to the Department Director within five (5) working days of receipt of the Notice of Intent, unless an extension is agreed upon by both parties in writing or granted for good cause.
7. A copy of Merit System Rule 7 (Disciplinary Actions and Administrative Leave) and Merit System Rule 9 (Appeal from Disciplinary Actions).

B. Employee Response:

The employee may respond, in writing, to the Department Director or designee within five (5) working days of the notice of intent.

C. Department Director Review Notice of Action – Final Department Determination:

1. Following the employee response or expiration of the period specified for response, the Department Director or designee shall review all evidence including any employee response. Based upon that review and within ten (10) working days, the Department Director or designee shall determine if and what disciplinary action may be appropriate and issue a notice of action.
2. The Department Director or designee shall provide written notice to the employee personally or by certified mail to the last known address of the employee of the determination to proceed or not to proceed with disciplinary action. Service shall be considered complete when the notice is delivered personally, transmitted by email or fax or placed in first class mail addressed to the appellant's last known address. The notice shall state the date on which disciplinary action, if any, is to become effective. The original of the notice shall be placed in the Human Resources employee's official file. Any written employee response to the notice shall be attached to the notice and a copy shall be placed in the employee's department file and the original in the official Human Resources employee file.
3. Any classified, regular status employee may be suspended, demoted or dismissed by the Department Director as per Section 7.2 E, by providing a written statement specifying the reason for the action. The written statement shall be furnished to the employee and to the Human Resources Department and a copy shall be placed in the employee's department file and the original in the official Human Resources employee file.

D. Appeal:

An employee may appeal a suspension, demotion or dismissal as provided in Merit System Rule 9.2. However, in the event an action other than a dismissal is deemed appropriate by the parties, the employee agrees to voluntarily forfeit his/her appeal rights.



7.4 ADMINISTRATIVE LEAVE

- A. An appointed Department Director, Elected Department Director or designee may determine that it is in the best interest of the County that an employee be removed from the workplace immediately.

Employees of appointed Department Directors will be placed on administrative leave with pay only with the concurrence of the Human Resources Director and County Administrator or Deputy County Administrator.

Employees of elected Department Directors will be placed on administrative leave with pay at the discretion of the Elected Department Director.

- B. The Department Director or designee may give the affected employee verbal notice of leave with pay to be followed by written notice within 24 hours or as soon as practicable thereafter. A copy of the written notice that places the employee on administrative leave shall be placed in the employee's department file and the original in the official Human Resources employee file.
- C. The Department Director or designee shall return the employee to work, or initiate dismissal, or other disciplinary proceedings as soon as practicable thereafter or, in any event, within three (3) working days of the following:
 - 1. The Department Director or designee's receipt of the results of an investigation; or
 - 2. The Department Director or designee's determination that the hazard requiring the administrative leave with pay no longer exists; or
 - 3. The Department Director or designee's determination that the interests of the County are best served by concluding the leave.
- D. The Department Director or designee shall provide written notice to the employee. A copy of this written notice that removes the employee from administrative leave shall be placed in the employee's department file and the original in the official Human Resources employee file.