

Buffalo County Resolution



Drafted By:
Sonya J. Hansen
Presented Month/Year:
January 2020
Involved Committees:
Human Resources

County Department:
Administration
Fiscal Impact: YES / NO
AC Approved: YES / NO

RESOLUTION # 21-01-03

A RESOLUTION TO AMEND POLICY NO. 503 OF THE BUFFALO COUNTY EMPLOYEE HANDBOOK – DISCIPLINARY ACTIONS

WHEREAS, the current Buffalo County Handbook requires the Buffalo County Board of Supervisors to authorize by resolution any amendments to the Employee Handbook; and,

WHEREAS, the Human Resource Committee has recommended changes to the disciplinary actions section of the Buffalo County Employee Handbook that includes language for unsatisfactory work performance and adverse employment action due to non-performance, a copy of which is attached as Exhibit A and to be incorporated herein and to become a part of this resolution.

NOW, THEREFORE BE IT RESOLVED, that the Buffalo County Board of Supervisors hereby amends POLICY 503 DISCIPLINARY ACTIONS of the Buffalo County Handbook effective upon adoption. A copy of the amended policy is attached as Exhibit A and to be incorporated herein and to become a part of this resolution.

Adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on the 25th day of January, 2021.


County Clerk

ATTEST:


County Board Chairperson

Respectfully Submitted:

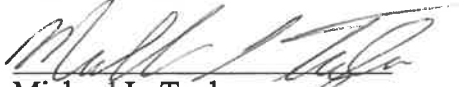
Human Resources Committee


Larry Grisen


Mary Anne McMillan Urell


Donald A. Hillert


Nathan Nelson


Michael L. Taylor

ANTICIPATED FINANCIAL IMPACT STATEMENT

2021 Budget

None

POLICY 503. DISCIPLINARY ACTIONS

1. **Purpose:** The purpose of discipline is to correct job behavior and performance problems of employees.
 - 1.1 Disciplinary rules and regulations shall be applied in an equitable and consistent manner, commensurate with the employee infraction.
 - 1.2 Employees shall be informed of departmental standards of conduct and performance, and shall have access to all disciplinary actions recorded in their personnel files.

2. **Policy:**
 - 2.1 Disciplinary action against employees may be taken for violations of standards of conduct, violations of policies and procedures, or for unsatisfactory work performance.
 - 2.2 Disciplinary action will typically be taken after an investigation and after giving the employee an opportunity to respond to any and all allegations.

3. **Disciplinary Procedure:**
 - 3.1 Whenever an employee commits an offense warranting disciplinary action, the Department Manger or designee, may take such action in accord with the following procedures, depending upon the seriousness of the offense committed, the surrounding circumstances and the employee's performance record:
 - 3.1.1 For minor first offenses, the employee shall typically be given a verbal warning, advising that another offense may result in a written reprimand or suspension. If a verbal warning is issued and this does not correct the situation within a reasonable length of time, the Department Manager or designee shall typically then utilize either the second or third procedure for further discipline.
 - 3.1.2 The employee may be given a written reprimand, informing them of the nature of the offense committed and advising them that failure to correct such defect will likely result in a suspension.

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- 3.2 For a subsequent related offense, after the employee has received a verbal or written warning, or in the event of an initial offense which justifies such action, the employee may be suspended from work without pay for a period of time to be determined upon the basis of the seriousness of the offense committed, the surrounding circumstances and the employee's performance record.
- 3.3 The employee shall be informed that any additional infractions may result in discipline, up to and including discharge from employment.
- 3.4 All demotion, suspension, and termination actions shall be discussed and approved by the County Administrative Coordinator and/or designee. The County Administrative Coordinator and/or designee will request input from the appropriate Home Committee Chair and the Human Resources Chair before such actions being taken.
- 3.5 In cases involving serious or repetitive misconduct, as determined by the Department Manager and the County Administrative Coordinator, the procedures above, may be disregarded.
- 3.6 If a Department Manager recommends to the County Administrative Coordinator and/or designee that an employee be terminated, the County Administrative Coordinator and/or designee will conduct a complete investigation of the situation. The employee may be allowed a meeting with the County Administrative Coordinator before a decision is reached.
- 3.7 Employees suspended from work may not receive pay or accrue any employee benefits during the suspension.
- 3.8 Employees who believe they have been disciplined too severely or without good reason may utilize the Buffalo County Grievance Policy and Procedure.
- 3.9 The County Administrative Coordinator and/or designee may initiate the discipline process, at his/her discretion, at any step of the process.

4. Level of Discipline:

- 4.1 The level of discipline imposed will take into consideration the seriousness of the infraction as well as the employee's performance record.

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- 4.2 When appropriate, discipline should be corrective in nature.
- 4.3 At the County's sole discretion, various types of employee discipline or corrective action may be imposed which include, but are not limited to, the following: verbal warning, written warning, suspension or termination.
- 4.4 Employee discipline for purposes of access to the grievance procedure is defined to include only termination, disciplinary suspensions and disciplinary demotions. None of these disciplinary measures are required to be used before termination from employment occurs nor are the listed disciplinary actions required to be used in any specific order.
- 4.5 The County may repeat disciplinary action.
- 4.6 Employees are expected to work in a competent and conscientious manner which reflects favorably upon the employee and the County.
- 4.7 Each instance of employee performance and/or misconduct must be viewed based on its individual circumstances. Action by the County on an individual case does not establish a precedent in other circumstances. The County reserves the right to take any disciplinary or corrective action it deems appropriate under the circumstances of each individual case.

5. Grounds for Disciplinary Action:

- 5.1 Grounds for disciplinary action include, but are not limited to the following:
 - 5.1.1 Such actions will adversely affect ability to perform on behalf of the County, such as (but not limited to) fraud in securing employment, falsification of county records, theft or destruction of county equipment or property, negligence or dishonesty.
 - 5.1.2 Being insubordinate, threatening, intimidating, disrespectful or assaulting a manager/supervisor, co-worker, customer or vendor.
 - 5.1.3 Neglecting of duties, incompetence, inefficiency or discourteous treatment of the public.
 - 5.1.4 Willful misconduct, or inclusive of, but not limited to, a willful refusal to obey lawful and reasonable directives, order, policies or work rules.

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- 5.1.5 The possession or use of controlled substances or intoxicants while on duty, or while operating county owned or leased vehicles is strictly prohibited.
- 5.1.6 Fighting with or provoking a disturbance among fellow employees, general public or actions adversely and substantially affecting morale, production, or efficiency.
- 5.1.7 Immoral or otherwise improper conduct which adversely and substantially injures or brings the County into disrepute; conviction of a felony or misdemeanor which is substantially related to the job which the person was hired to perform, or unavailability for work due to incarceration or loss of driver's license, if required for the job.
- 5.1.8 Absences without leave, when the person in question was supposed to be on duty, or a leave of absence taken for other than the reason for which it was granted.
- 5.1.9 Repeated absence or tardiness or improper use of leave.
- 5.1.10 Harassment and discrimination against others because of political preference, race, religion, color, sex, age, national origin or ancestry, handicap, physical condition, developmental disability, arrest or conviction record, sexual orientation, marital status, military participation, or any other legally protected class status, and with proper regard to their rights as citizens.
- 5.1.11 Failure to comply with health or safety rules and regulations.
- 5.1.12 Violations of provisions of Personnel Policy or the Employee Handbook, state or federal law, administrative rules, or departmental rules promulgated pursuant to this section.
- 5.1.13 Dishonesty including failure to provide accurate and complete information when requested by an authorized person.
- 5.1.14 Negligent or willful damage to property.
- 5.1.15 Sexual or other unlawful harassment, discrimination or retaliation.
- 5.1.16 Workplace violence including using threatening or abusive language towards others.

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5.1.17 Unlawful possession of weapons.

5.1.18 Unauthorized entry or use of facilities and property.

5.1.19 Failure to maintain a professional or occupational license, certificate, permit, or driver's license if it is a requirement of the position

5.2 The offenses listed above are not intended to be all-inclusive, and discipline, including termination, may occur for any other reason depending upon the seriousness of the offense, the particular facts and circumstances surrounding the incident(s), and the employee's record of prior disciplinary actions.

6. Adverse Employment Action Due to Nonperformance.

6.1 **Notice and Documentation.** If an employee's performance in one or more job duties becomes unacceptable, the Employee's Department Manager and/or supervisor are expected to place the employee on notice of the performance issue in a timely manner. Management shall document all performance deficiencies in an employee's personnel file. The documentation should include the date or dates the performance deficiency was observed, a detailed description of the performance deficiency, future expectations and any action taken against the employee including, without limitation, any discipline or the implementation of a Performance Improvement Plan (PIP).

6.2 **Disciplinary Action.** An employee's supervisor and/or Department Manager may impose discipline as necessary to address performance concerns.

In addition to the disciplinary action levels noted in Section 4.0 above and depending upon the circumstances, the employee may be given an opportunity to improve performance by placing the employee on a PIP. Management is not obligated in any way to institute a PIP and may proceed with any disciplinary action, up to an including discharge, in the event that an employee is not meeting performance expectations.

6.3 **Performance Improvement Plan (PIP).** Any PIP should advise the employee of the performance standards of the position for which his or per performance is unsatisfactory and be given a reasonable opportunity to demonstrate improvement. The employee should also be advised of the consequences of failing to improve and the type of assistance to be provide by the supervisor during the PIP. If the employee fails to meet minimally acceptable standards by the end of the PIP, action should be taken to separate the employee from employment unless another less adverse employment action is deemed advisable at the discretion of the Department Manager and the Administrative Coordinator and/or designee.

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6.4 **Administration Department Review.** The Administrative Coordinator and/or designee shall review any proposed disciplinary action for poor work performance and assist the Department Manager and/or Supervisor in the preparation of a PIP.

7. Documentation:

7.1 Persons administering discipline shall systematically document each incident in writing.

7.2 The documentation shall include the employee's name, date, and type of infraction, names and statements of witnesses, description of action taken, and any other relevant details.

7.3 Copies of all written disciplinary actions shall be maintained in departmental files, filed in the employee's personnel file in the County Administration Office, and shall be provided to the employee.

8. Department Manager:

8.1 If a Department Manager commits an offense warranting disciplinary action, the County Administrative Coordinator and/or designee in consultation with and approval from the oversight (Standing) Committee, shall follow the procedures outlined in the above policy.

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