



## **Progressive Discipline Policy 5.20**

Board Approval Date: 10-26-2010

Supersedes Policy Dated: 10-05-2004

### **Policy**

Disciplinary action is one dimension of performance evaluation and employee development. It is a corrective process to help employees overcome work-related shortcomings, strengthen work performance, and achieve employment success. This policy should be administered in reasonable ways that support the concept of progressive discipline while minimizing disruption to County services. Employee discipline is a standard part of Winona County Personnel Policy and should be used by all departments to enhance employee behavior and performance as well as to maintain proper workplace order and safety. This policy is not intended to modify any employee's rights under any existing collective bargaining agreement with Winona County.

### **Progressive Discipline Definition**

Winona County utilizes a system of progressive discipline to address problem performance or unacceptable behavior by employees. Progressive discipline should be applied to specific types of behaviors and offenses. Normally, this form of discipline is initiated at the lowest organizational level and the prescribed corrective action should be appropriate to the nature of the offense or behavior. Therefore, the progression of discipline should begin with a less severe response and graduate, accordingly, to more severe action, as warranted. Although initiating steps at less severe levels of the progressive discipline process is the normal response, there are times when the offense may call for more severe corrective action—up to and including termination of employment (refer to “Exceptions” below). Finally, this policy in no way limits the authority of management to take any appropriate action(s) to resolve behavioral and safety problems.

### **Positive Reinforcement**

While discipline is critical to dealing with problem performance or unacceptable behavior by employees, recognizing positive actions and rewarding superior performance are equally important. Winona County encourages supervisors and department heads to be on the lookout for employees whose behavior is above standard. Clearly, employees who are innovative, industrious, and dedicated need to be recognized and rewarded. Supervisors and department heads should strive to “observe their employees doing something good.” Hard work and diligence need recognition just as poor performance and unacceptable behavior need discipline. Quality supervision is a blend of both elements.

### **Unsatisfactory Performers Defined**

Unsatisfactory performers are those who consistently and frequently fail to meet the standards of performance established for their jobs.



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If the performance issue is deliberate and willful, and relates entirely to motivation rather than capability, appropriate progressive discipline measures should be taken.

### How Progressive Discipline Works

In a progressive discipline system, the severity of the penalty ordinarily increases with each infringement of the rules. Among the advantages of a progressive discipline system is the fact that one can work with an employee and positively correct or improve that employee's behavior or performance without immediately resorting to more severe disciplinary action.

### Progressive Discipline Process

1. Coaching and Counseling
2. Oral Warning
3. Written Warning
4. Suspension
5. Termination

### General Guidelines

The Personnel Director is to be contacted before disciplinary action is taken. If a Performance Improvement Plan (PIP) is necessary, the Personnel Director or designee will work with applicable management to complete a plan. The Personnel Director or designee will conduct and attend all PIP meetings. The Personnel Director or designee in conjunction with applicable management will conduct any necessary disciplinary meetings.

Winona County is not limited to beginning at the coaching and counseling or oral warning stage for every infraction. Movement through the progressive discipline matrix is not limited to infractions of the same rule, but rather open to any subsequent violations. For example, an employee who receives an oral warning for tardiness would not necessarily receive another oral warning for disrespectful behavior toward a fellow worker, but could receive a written warning or suspension since this is a continued occurrence of infractions. The decision rests with the Personnel Director after consultation with applicable management, to apply the appropriate discipline for a specific violation. Obviously there are many factors which may affect this decision. Generally, however, all similar violations are treated in a similar fashion, unless there are aggravating or mitigating circumstances. In every case, written documentation must be prepared by the department head or supervisor and reported to the Personnel Director.



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### Documentation

It is absolutely necessary that disciplinary action taken be documented, even oral warnings either on the Winona County Progressive Discipline form, HR Form 218 (attached) or in another fashion. All documentation must be factual and complete. Supporting letters and other documentation may accompany the Winona County Progressive Discipline form, HR Form 218. In all cases, the documentation should contain:

- A clear description of the behavior which prompted the discipline;
- A record of any action(s) taken by management;
- The required change in the employee's behavior or performance, and the possible consequences if that behavior or performance does not improve;
- The specific time frame in which the employee must effect that change.

### The Five Types of Disciplinary Action

#### **COACHING AND COUSELING**

When a department head or supervisor determines that grounds for disciplinary action may exist due to unacceptable performance or behavior, but the infraction does not necessarily warrant a more severe response and, in the opinion of the department head or supervisor, the behavior or performance of the employee would be positively influenced without any formal warning; the department head or supervisor should coach/counsel the employee orally as soon as possible. This type of disciplinary action will need to be reported to the Personnel Director. Waiting for an annual review for the discussion is not recommended. This coaching/counseling should describe the problem, why the performance/behavior is unacceptable, the required corrective action and the range of possible consequences should the unacceptable performance or behavior continue. This discussion typically is not documented on the Winona County Progressive Discipline form. The Department Head or Supervisor shall document in detail using a notepad, calendar, or another method of tracking and provide said information to the Personnel Director.

#### **ORAL WARNING**

The Personnel Director is to be contacted upon management determining that grounds for disciplinary action exist due to unacceptable performance or behavior, and the infraction does not warrant either counseling and coaching or a more severe level of



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discipline. The Personnel Director or designee in conjunction with applicable management, will communicate an oral warning with the employee as soon as possible. Oral warnings should describe the details of the offense, why it is unacceptable, the required corrective action and the range of possible consequences should the unacceptable performance or behavior continue. Each oral warning shall be signed and acknowledged by the Personnel Director or designee and employee and shall be documented in detail using HR Form 218.

### **WRITTEN WARNING**

When a department head or supervisor determines that grounds for disciplinary action exist and the employee has already received an oral warning for the same or similar behavior, or there appears to be a pattern of unacceptable behavior (although not necessarily similar), or the severity of the action precludes a lesser action, the department head or supervisor will contact the Personnel Director. The Personnel Director will issue a written warning. This step will include all information and requirements contained on an oral warning, including signatures of the Personnel Director or designee, applicable manager, and the disciplined employee. The employee may respond in writing to the corrective action and that response shall be included in the personnel file along with the original of the completed Winona County Progressive Discipline form, HR Form 218, routed as indicated on the form.

### **SUSPENSION**

When an employee's performance or behavior continues to be substandard or the employee commits a major offense, a suspension may be warranted. A suspension is a set amount of time off from work, with or without pay. The department head or supervisor will supply the Personnel Director with all applicable data regarding said matter. All of the information required for oral and written warnings shall be included on the suspension notice. In addition to the written suspension notice, the Personnel Director along with applicable management, will thoroughly discuss the matter with the employee to ensure the situation and required corrective action are clearly understood. Once again, the employee shall acknowledge the suspension, in writing, and may respond in writing to the action taken. Pertinent information shall be documented on the Winona County Progressive Discipline form, HR Form 218 and placed in the personnel file with copies routed as specified on the form.



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**Note:** One form of suspension is “decision-making leave.” This is normally one day of paid suspension during which time the employee must decide if he/she is going to change the inappropriate behavior or performance. If the employee decides to make this change, he/she would sign an agreement, indicating he/she understands the consequences of failure to live up to the standards. If the employee is unwilling to accept the required standard of performance or behavior, his/her employment with Winona County would be terminated.

### **TERMINATION**

An employee may be terminated for unacceptable performance, for repeated minor offenses, or for major offense violations. In such cases, (other than the “Exceptions” listed below), the Personnel Director in conjunction with applicable management, will provide such documentation as required to illustrate that the employee was provided ample counseling concerning performance deficiencies or violations. Records shall indicate that the employee was provided with detailed direction for improvement and warned of possible consequences if that behavior or performance did not improve or violations did not cease within a specified period of time. However, because of the serious nature of certain infractions listed in “Exceptions”, an employee may be terminated immediately for just cause without a previous series of warnings. **Note:** In all cases of termination, the employee has the right to respond in writing and appeal the action of management. All cases of termination shall be coordinated with the County Administrator before such action is taken. The requirements and process for employee termination are outlined in the Employee Separation Procedures, Section 8.20.

### **EXCEPTIONS**

(Non-exhaustive examples of just cause for possible immediate termination) In all cases, discretion is imperative. The focus should remain on safety and/or the severity of the offense. This list is simply meant to conceptualize issues that may warrant termination.

- Possessing or consuming non-prescribed narcotics or illegal substances on County property
- Reporting to work impaired
- Instigating a fight on County property
- Possessing a weapon or explosives without authorization on County property



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- Intentional harassment, including sexual harassment
- Insubordination
- Theft of County property
- Theft of personal property of other employees or of the public while on the job
- Misrepresentation of facts when seeking employment
- Violation of confidentiality regarding County information
- Extended unexcused absences
- Falsification of time records for oneself or another employee
- Rude, profane or other inappropriate conduct with members of the public

### **Veterans Preference**

Prior to dismissal, any employee that is an honorably discharged veteran shall be notified in writing of the intent to discharge him or her and of the right to request a hearing under the Veteran's Preference Act.

**WINONA COUNTY PROGRESSIVE DISCIPLINE**

**Discipline Documentation Form**

Employee Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Department: \_\_\_\_\_

**TYPE OF DISCIPLINARY ACTION**

- |  |                          |
|--|--------------------------|
| <input type="checkbox"/> Verbal Warning  | Warning #                |
| <input type="checkbox"/> Written Warning | <input type="checkbox"/> |
| <input type="checkbox"/> Suspension      |                          |
| <input type="checkbox"/> Final Warning   |                          |

**INCIDENT INFORMATION**

Date and time of Incident: \_\_\_\_\_ Location of Incident: \_\_\_\_\_

Description of Incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witnesses to Incident: \_\_\_\_\_

Was this a violation of County policy ? Yes No Which policy was violated: \_\_\_\_\_

How was the County Policy violated ? \_\_\_\_\_

Was the impropriety of these actions explained to the employee responsible? \_\_\_\_\_

**CORRECTIVE ACTION**

Specific change that is expected in employee's performance or behavior: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Time frame in which conditions are to be met: \_\_\_\_\_

**EMPLOYEE STATEMENT (optional)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee Signature\* \_\_\_\_\_

(\*Signing this form does not necessarily imply you agree, it only indicates you acknowledge receipt of this form)

**PERSONNEL DIRECTOR SUMMARY COMMENTS (after the meeting):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Personnel Director Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Department Manager Signature: \_\_\_\_\_ Date: \_\_\_\_\_