



POLICY TITLE: Progressive Discipline and Dismissal

POLICY NO.: PR-2

I. PURPOSE

Employment with the Board of County Commissioners of Washington County, Maryland, is at-will, meaning that the County may terminate the employment relationship at any time, for any reason or for no reason, so long as there is no violation of applicable law. Despite the County's at-will relationship with its employees, and without altering the at-will nature of the employment relationship, the County strives to treat all of its employees fairly and equitably in all matters involving discipline and dismissal. Therefore, the purpose of this Policy is to establish guidelines under which the County may or will take disciplinary action to alert an employee of a failure to meet job performance requirements or a failure to follow proper procedures or for misconduct on the job, with the goal of ensuring that such failure or misconduct is corrected and not repeated.

II. ACTION

A. While it is not possible to list all forms of behavior which are considered unacceptable in the workplace, the following are examples of unacceptable conduct which may result in disciplinary action, up to and including dismissal from employment:

1. Conviction of a felony or a misdemeanor while in the employment of the County;
2. Knowingly or willfully violating any federal, state, or local law;
3. Violating any provisions of the Employee Handbook or any other personnel policies, procedures, or regulations;
4. Violating any lawful official regulation or order;
5. Failing to obey any proper directive made and given by a County supervisory employee or official;
6. Violating any County alcohol and drug policy;¹
7. Unsatisfactory work performance;
8. Being careless or negligent with the monies or other property of the County or taking any property of the County for personal use or for sale or gift to others;
9. Using, threatening to use, or attempting to use personal political influence in securing promotion, leave of absence, transfer, change of pay rate, or in any other matter related to an employee's work;
10. Taking for personal use, from any person, any fee, gift, or other valuable thing in the course of an employee's work or in connection

¹ See Policy No. PR-5 Alcohol Use and Substance Abuse Testing and Policy No. PR-5A Alcohol-Free and Drug-Free Workplace.

- with said work;²
11. Divulging or discussing any confidential County business not having previously been made public, disclosing confidential information to any person unless directed to do so by the employee's department head, or giving out interviews or making public speeches concerning confidential information not previously made public;³
 12. Falsely reporting injuries which were not incurred during working hours for the purpose of obtaining workers' compensation pay;
 13. Falsifying personnel and/or other official documents;
 14. Dishonesty;
 15. Unauthorized use, removal, or theft of, and/or damage to, the property of the County or a County employee;
 16. Insubordination, including improper conduct toward a supervisor or member of the public, or refusal to perform assigned tasks;
 17. More than three (3) days' unauthorized absence without proper and substantiated documentation;⁴
 18. Lying to a County official;
 19. Violating any County-established safety rules;
 20. Abuse of sick leave privileges;⁵
 21. Chronic or habitual absenteeism and/or tardiness;
 22. Harassment of or discrimination against another employee.⁶

- B. The type of discipline will depend on the seriousness of the offense and the specific facts and circumstances of the conduct. Discipline may include verbal or written warnings, suspension, or dismissal, with or without warning. The County may select the form of discipline and may use one or more of these disciplinary actions in the County's sole discretion. In general, however, all County department heads and supervisors will follow a system of progressive discipline. This means that a first offense generally will not be treated as harshly as a second or third offense of the same type. In cases of gross misconduct or serious breaches of responsibility, however, suspension or termination of employment may occur on the first offense.

III. PROGRESSIVE DISCIPLINARY ACTION

A. Verbal Reprimand

A verbal reprimand is defined as a verbal counseling session between the employee and the employee's department head or supervisor. The employee is formally advised and cautioned in reference to his or her unsatisfactory work performance or misconduct.

² See the Washington County Ethics Ordinance.

³ See Policy No. PR-35 Confidentiality.

⁴ See applicable provisions of Policy No. PR-34 Leave.

⁵ See Policy No. PR-34 Leave.

⁶ See Policy No. PR-13 Anti-Harassment and Complaint Procedure and Policy No. PR-37 Anti-Discrimination and Complaint Procedure.

Although verbal, this type of discipline should be documented, in writing, using a standard County Employee Warning form available upon request from the Department of Human Resources.

B. Written Reprimand

A written reprimand is defined as written documentation to the employee from the employee's department head or supervisor in which the employee is advised and cautioned in reference to his or her unsatisfactory work performance or misconduct.

C. Withholding of Pay Increase

The withholding of a pay increase is defined as the withholding of any increase within the pay range that may have been awarded (or, in some instances, provided upon successful completion of probation), due to an employee's unsatisfactory job performance or misconduct.

D. Suspension

A suspension is defined as the temporary prohibiting, without pay, of an employee from performing his or her assigned duties. A suspension can be of any duration, but will not normally be less than one (1) full working day or more than ten (10) full working days. Recommendation for employee suspension will originate from the employee's department head or supervisor and must be approved by the Director of Health and Human Services and/or the County Administrator, with notice to the Board of County Commissioners.

E. Demotion

A demotion is defined as a reduction in the pay range or grade of an employee in conjunction with a change in job duties and responsibilities. Recommendation for employee demotion will originate from the employee's department head or supervisor and must be approved by the Director of Health and Human Services and/or the County Administrator, with notice to the Board of County Commissioners.

F. Dismissal

A dismissal is defined as an involuntary separation from County employment approved by the Board of County Commissioners at the recommendation of the employee's department or supervisor and approved by the Director of Health and Human Services and/or the County Administrator.

IV. SUPERVISORS' RESPONSIBILITIES

Supervisors are encouraged to follow, but need not do so in every case, a progression of the disciplinary actions outlined in this Policy, before an employee will be subject to dismissal. For example, in one case, an employee may receive a verbal reprimand, then a written reprimand, and then a demotion. However, in another case, an employee's progressive discipline may begin with a written reprimand, then progress to a suspension, and finally culminate in dismissal. In some cases, suspension or dismissal may be warranted with no prior verbal or written reprimand. Each case is evaluated and decided individually, taking into consideration the seriousness of the violation, the employee's previous work performance and length of service, and other factors that impact a determination of appropriate disciplinary action to be taken.

V. EMPLOYEES' RIGHTS

Employees will have those rights set forth in the Employee Handbook, specifically those enumerated in the provisions pertaining to discipline, dismissal, and grievances.

