

	<p style="text-align: center;">Progressive Discipline</p> <p style="text-align: right;"><i>Adopted 5/18/1988</i></p>
<p style="text-align: center;">Last Revision Date: 05/05/2021</p>	<p style="text-align: center;">Policy No. 4.501</p>
<p style="text-align: center;">Last Enabling Resolution: 112-2021/903-2021</p>	<p style="text-align: center;">Developer/Reviewer: Human Resources</p>

1. Purpose

Sedgwick County is committed to being an effective government organization. The progressive discipline policy is designed to provide a structured corrective action process and to prevent recurrence of performance or behavioral issues. Progressive discipline should be administered in a fair and impartial manner with proper documentation of events and circumstances leading up to the action taken.

2. Scope

This policy applies to all Sedgwick County employees, with the exception of independently elected officials, employees in the Sheriff’s Office, the District Attorney’s Office, Election Office poll or board workers, the Election Commissioner, County Engineer, County Manager, County Counselor, and County Appraiser.

3. Policy Statement

Sedgwick County employees are expected to exemplify the Sedgwick County values, support the mission and vision of the organization and to be governed by the principles of good behavior and judgment. Employees should be just and honorable in their relations with each other and shall refrain from conduct tending to discredit or injure other employees or engage in conduct unbecoming their status as a County employee.

This policy does not in any way constitute an employment contract. Sedgwick County reserves the right to amend this policy at any time subject only to approval by the Board of County Commissioners (BoCC).

Outlined below are the steps of Sedgwick County’s progressive discipline policy and procedures. Sedgwick County reserves the right to combine or skip steps depending on the facts of each situation. Disciplinary action placed in an employee’s personnel file cannot be purged from the file without the approval of the Chief Human Resources Officer. The hiring authority is not required to go through the progressive step procedure before termination may occur. Departments and Divisions within the Sedgwick County government structure are expected to address disciplinary matters with the exception of allegations of discrimination, harassment, retaliation or workplace violence which should be referred to the Division of Human Resources for investigation.

4. Definitions

- A. Review Period – The period of time during which an employee is expected to have a record free of the performance issue or policy violation. The review periods shall be computed from the date of each incident. Each Division/Department will be responsible for establishing disciplinary levels for infractions and time frames for review. Violations of Policies 4.506 *Discrimination and Harassment* and 4.505 *Violence in the Workplace* shall have no review periods.
- B. Disciplinary Guidelines–Divisions/Departments should establish standards outlining what level of discipline is assigned to a certain action.
- C. Performance Improvement Plan (PIP) – A document outlining specific measurable actions that must be taken to improve performance and/or behaviors within a determined timeframe.
- D. Personnel File – Official Sedgwick County personnel file stored electronically in Human Resources OnBase as a permanent file.
- E. Supervisor File – The file in which supervisors store performance and disciplinary documents that assist the supervisor in properly evaluating an employee annually. This file is viewed as a temporary file and should be purged on an annual basis after evaluations are completed.

5. Procedures

- A. Exemption to Progressive Discipline
Upon verification from a licensed health care provider, an employee returning from an approved continuous leave may be exempt from progressive discipline based on attendance for no more than thirty (30) days after the date of return under all of the following conditions. The employee:
 - 1. Has been approved to return to work from the leave per policy requirements;
 - 2. Has exhausted all paid leave; and
 - 3. Continues to address health issues related to the initial illness (provider appointments, treatments, temporary flare-ups, etc.). Verification from a licensed health care provider should be submitted to the FML Specialist and the exemption approved by the Chief Human Resources Officer.
- B. Addressing Performance Issues with a Performance Improvement Plan
 - 1. Supervisors are encouraged to regularly communicate with each employee they supervise and provide feedback on performance. When performance problems exist, they should be addressed immediately in order to provide the employee with the opportunity to correct issues before they require a higher level of discipline.
 - 2. Implementation of a Performance Improvement Plan may occur at any time.
 - 3. A PIP should outline specific measurable action that must be taken to improve performance and/or behaviors within a determined timeframe. The PIP should be reviewed periodically.
 - 4. At the conclusion of the time period it should be designated as having been successfully completed or not. The time period of the PIP does not constitute a term of

continued employment. Successful completion of a PIP does not insulate an employee from disciplinary action. Failure to demonstrate improvement or to successfully complete the PIP will result in disciplinary action up to and including termination.

5. A PIP is retained in the Division/Department unless the employee receives discipline that is required to be sent to HR. If an employee receives a written reprimand, suspension, demotion, or final written reprimand, a copy of an active or closed PIP should be sent with the disciplinary action to HR for inclusion in the official personnel file. Use form 4.501P-Performance Improvement Plan.

C. Probation Extension

1. Initial probation can be extended up to sixty (60) calendar days if an employee has been placed on a Performance Improvement Plan (PIP) prior to the end of initial probation. This action must be approved by the appropriate Division/Department Director or Elected/Appointed Official.
2. The employee will be notified of the initial probation extension by his/her supervisor. The notification will also be sent to the Division of Human Resources.

D. Progressive Discipline Step Process

1. Verbal On the Spot Corrections
 - a. On the spot corrections are part of the coaching and mentoring strategy employed in the Sedgwick County organization. Any supervisor can issue these types of adjustments. These corrections are verbal but should be documented in the employee file kept by the supervisor.
2. Written Counseling – Form 4.501A/B
 - a. In the event on the spot corrections are not successful, written counseling creates an opportunity for the immediate supervisor to bring attention to the existing performance, conduct, behavior, or attendance issue. Authority to issue written counseling rests with the employee's immediate supervisor.
 - b. A written counseling should clearly describe expectations and steps the employee must take to improve the performance or resolve the problem during a determined timeframe. It is important for the supervisor to connect the written counseling directly to the employee's job description, performance goals or other performance expectations that have been communicated.
 - c. The employee will be asked to sign this document and will receive the original form. Written counseling documents are maintained in the Division/Department and are not submitted to Human Resources.
3. Written Reprimand – Form 4.501A/B
 - a. A written reprimand involves formal documentation of performance, conduct, behavior, or attendance issues and consequences. A written reprimand shall be authorized by a Division/Department Director or Elected/Appointed Official who oversees the employee.
 - b. The immediate supervisor and the Division/Department Director, or their designee, will meet with the employee to review incidents or information about performance, conduct, behavior, or attendance issues as well as any prior relevant corrective action plan.

- i. The supervisor should connect the written reprimand directly to the employee's job descriptions, performance goals or other performance expectations that have been communicated.
 - ii. Management will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations.
 - iii. The employee may be subject to additional discipline (up to and including termination) if immediate and sustained corrective action is not taken.
 - c. The employee will be asked to sign the document and will receive the original form. A copy of the written reprimand will be forwarded to Human Resources for inclusion in the employee's personnel file.
- 4. Unpaid Suspension, Demotion or Final Written Reprimand – Form 4.501D
 - a. An unpaid suspension, demotion in job classification, or a final written reprimand represent a final step in the disciplinary progression before employee termination.
 - i. Unpaid suspension (maximum five (5) work days), demotion, or a final written reprimand can only be authorized by the appropriate Division Director, Assistant County Manager, Deputy County Manager or Elected/Appointed Official after review by the Chief Human Resources Officer and a representative of the County Counselor's Office.
 - b. Discipline of this sort is the result of a serious infraction of County policy, a repetitive and chronic violation of lesser rules, or continued failure of performance goals.
 - c. Disciplinary demotions shall be only within the employee's current Division/Department or Elected/Appointed Office.
 - d. Employees may not substitute or use any accrued paid vacation or sick leave in lieu of the unpaid suspension.
 - e. In matters of unpaid suspension or final written reprimand the employee will be subject to termination if immediate and sustained improvement does not occur.
 - f. When an employee is demoted the employee will serve a transfer probation period for the first six months in the new assignment. The purpose of this period is to ensure the employee is successful in the new position.
 - g. The employee will be asked to sign the unpaid suspension, demotion, or final written reprimand document and will receive the original document while a copy of the form will be sent to Human Resources for inclusion in the employee's personnel file.
 - h. An employee's County ID badge, keys, electronic access, and other County property should be removed while an employee is serving a suspension without pay.
 - i. To suspend County ID badge access, email the Courthouse Police Chief. If unavailable or the need to suspend access is immediate, contact the Courthouse Police Control Center at 660-7777.
 - ii. To suspend electronic access email the Sedgwick County Helpdesk at helpdesk@sedgwick.gov.
 - iii. To request confidential access suspension, contact the Chief Information Officer via email or telephone.

5. Termination

- a. When termination appears to be the best course of action, the Division/Department Director will consult with their next level of management, the Chief Human Resources Officer and a representative of the County Counselor's Office.
- b. If the decision is to proceed with termination, the Division/Department Director shall follow the steps outlined in Policy 4.608 *Separation from Employment*.
- c. All progressive discipline issued to the employee shall be submitted for review prior to termination.

E. Relief of Duty Tools

1. Relief of Duty With Pay –Form 4.501C

- a. This provision governs all situations involving relief of duty with pay, including those which are part of an investigative process.
- b. A Division/Department Director or Elected/Appointed Official, in consultation with the Chief Human Resources Officer, may relieve an employee of his/her duties while maintaining the employee's paid status for a reasonable period. Such action shall not be construed to be a suspension, demotion, or termination.
- c. Employees who are relieved of duty with pay must be available to Sedgwick County by phone between the hours of 8:00 a.m. to 5:00 p.m., Monday-Friday, except for a noon to 1:00 p.m. lunch period. Employees do not have to be available on Sedgwick County recognized holidays.

2. Relief of Duty Without Pay – Form 4.501E

- a. There may be circumstances that warrant relieving an employee of duty without pay. A Division/Department Director or Elected/Appointed Official, in consultation with the Chief Human Resources Officer, will make the determination. Such action shall not be construed to be a suspension, demotion, or termination.

3. Relief of Duty Process

- a. Prior to relieving an employee of duty with or without pay the Division/Department Director shall inform the Division Director, Assistant County Manager, Deputy County Manager or Elected/Appointed Official.
- b. Form 4.501C shall be used as the template for relieving an employee of duty with pay and 4.501E for relieving an employee of duty without pay. The appropriate form should be administered before the employee leaves the premises.
- c. The employee will be asked to sign the document and will receive the original while a copy of the form will be forwarded to the Division of Human Resources.
- d. An employee's County ID badge, keys, electronic access, and other County property should be removed by the Division/Department Director or Elected/Appointed Official while an employee is on relief of duty.
 - i. To suspend County ID badge access, email the Courthouse Police Chief. If unavailable, or the need to suspend access is immediate, contact the Courthouse Police Control Center at 660-7777.

- ii. To suspend electronic access email the Sedgwick County Helpdesk at helpdesk@sedgwick.gov.
- iii. To request confidential access suspension, contact the Chief Information Officer via email or telephone.

F. Criminal Offenses Committed by Employees

1. Sedgwick County employees are expected to abide by all municipal, county, state, and federal laws. In the event an employee is arrested or charged with any criminal offense, they must notify their supervisor within two business days. Failure to do so may result in termination.
2. The supervisor shall notify the Chief Human Resource Officer on the day he/she is notified by the employee. After the employee report, the following protocol should be adhered to unless modified by the County Manager or the Elected/Appointed Official in charge of the employee:
 - a. Misdemeanor crime arrest/charge – employee continues working unless such arrest directly affects the employee’s ability to properly perform their duty.
 - b. Misdemeanor crime conviction – employee continues working unless such conviction directly affects the employee’s ability to properly perform their duty. The employee may be subject to administrative discipline up to termination.
 - c. Felony crime arrest – employee may be suspended from duty, with or without pay depending on circumstance.
 - d. Felony crime charge – employee may be suspended without pay.
 - e. Felony crime conviction – employee terminated from County employment and will be ineligible for rehire.
 - f. Acquittal - Upon acquittal the employee may be reinstated.