



## **Weber County Human Resources Policy 3-600 Discipline**

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### **I. Purpose**

This policy provides guidance and outlines the procedures to be followed when imposing discipline on merit employees.

### **II. Policy**

Merit employees are subject to discipline, up to and including termination, for violating county policy, including, but not limited to, violations of Policy 3-400: Standards of Conduct. It is the policy of Weber County to encourage a system of progressive discipline to merit employees, when warranted, with the goal of modification of behavior. It is also the policy of Weber County to protect the due process rights of merit employees.

### **III. Procedures**

#### **A. Levels of Progressive Discipline**

1. Progressive discipline is a process in which a supervisor follows steps regarding discipline instead of imposing the most severe form of disciplinary action for initial or subsequent violations. These steps may include oral warning, written warning, suspension, demotion, and ultimately termination. Progressive discipline is encouraged but not required. When it is used, not every step is required. Depending on the circumstances and the severity of the action to be disciplined, progressive discipline might not be followed in a particular situation.
2. **Oral Warning:** A record detailing the following information should be kept as evidence that an oral warning was given. The record should be forwarded to human resources to be kept in the employee's personnel file. An oral warning is not considered a disciplinary action that can be grieved.
  - a. Names of employee and supervisor
  - b. Date of oral warning
  - c. Date, time, place and type of violation
  - d. What action is required to correct the situation
  - e. Employee's response to violations communicated in the oral warning
3. **Written Warning:** A copy of the written warning, including the following information, should be given to the employee for signature and then forwarded to human resources for placement in the employee's personnel file. A written warning is not considered a disciplinary action that can be grieved.
  - a. Names of employee and supervisor
  - b. Notification that the letter is a written warning

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- c. Date of warning
  - d. Date, time, place and type of violation
  - e. Number and types of previous warnings
  - f. What action is required to correct the situation
  - g. Possible consequences of not correcting the violation
  - h. The employee's response to violations contained in the warning
  - i. A place for the employee to sign evidencing the receipt of the letter. The signature of the employee shall not be an admittance of or agreement with the contents of the warning, or an admittance of guilt, but shall only be used to document that a warning was received.
4. **Suspension, Demotion, and Termination: Before any of these disciplinary actions is decided upon, the procedures in Section B: Pre-Determination MUST be followed. Additionally, when imposing a suspension, demotion or termination, authorization from the Director of Human Resources and the Department Head must be obtained.**
- a. A suspension is a defined period without pay.
    - i. An employee may not be suspended for more than 30 calendar days for a single incident nor for more than 60 calendar days in a calendar year.
  - b. A demotion is a disciplinary action that results in a reduction in grade, pay, or both grade and pay. The salary of the demoted employee will not exceed the maximum of the pay range of the position they were moved into.
  - c. A termination, as used in this policy, is when an employee is separated from county employment for disciplinary reasons.

### **B. Pre-Determination**

1. Before a suspension, demotion, or termination is imposed against a merit employee, the supervisor or department head will provide the employee the opportunity to participate in a pre-determination meeting. The purpose of the pre-determination meeting is to give the employee an opportunity to be heard and provide new or additional information that should be considered in determining which disciplinary action, if any, to impose.
  - a. The supervisor may place the employee on paid administrative leave until the pre-determination process is complete.
  - b. The employee should be given a written notice of the claims against him or her and that notice should advise the employee of their opportunity to participate in a pre-determination meeting, along with the date, time and location of the meeting. The employee should indicate by signature that the information presented in the written notice is understood.
  - c. The employee may obtain assistance of a personal representative, at the employee's expense, to advise the employee. The representative may attend the pre-determination meeting. However, the personal representative will not be permitted to speak during the meeting. During

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the meeting, the employee may request a recess to confer with the representative in another room, except that the employee may not make such a request if the employee has not yet answered a question asked by the supervisor.

- d. At the meeting, the employee will have the opportunity to present to the supervisor any and all information or evidence, orally or in writing, which they feel may mitigate or explain their actions.
- e. After the employee and the supervisor have completed a discussion on the claims and the employee's explanation for such, the meeting shall be adjourned without any decision concerning discipline being made.
- f. An audio recording of the pre-determination meeting will be made and kept by the agency until all formal disciplinary proceedings are completed.
- g. If, after reflection upon the claims against the employee and the employee's explanation for such, the supervisor decides no discipline is warranted, or to impose discipline, this decision will be communicated either in person or in writing to the employee no later than five working days following the pre-determination meeting.
- h. If the claim is deemed unfounded or it results in non-disciplinary action no record will be kept in the offending employee's permanent personnel file.
- i. Any decision to suspend, demote, or terminate an employee will first be authorized by the Director of Human Resources or his/her designee and the department head. In such a case, the supervisor will prepare a notice of disciplinary action and submit it to the Director of Human Resources or his/her designee for review. The notice should contain, at minimum, the following information:
  - i. Name of employee
  - ii. Notification that the letter is a notice of disciplinary action
  - iii. Date of notice
  - iv. Date, time, place and type of violation(s)
  - v. Number and type(s) of previous disciplinary actions
  - vi. Effective date of disciplinary action
- j. After Human Resources approves the notice of disciplinary action, the supervisor shall meet with the employee to deliver the notice and discuss its contents. At this time the employee should be informed of their grievance rights under HR Policy 3-700 Grievance/Appeal Procedure, if applicable, and shall be given a copy of that policy.
- k. A copy of the disciplinary notice shall be given to the employee, a copy forwarded to the human resources office for placement in the employee's personnel file, and a copy retained by the supervisor.

### **C. Purging Disciplinary Records**

- 1. Copies of disciplinary action placed in personnel files are eligible for purging after three years, upon the request of the disciplined employee. Such request must be made in writing to the department head. If the department head determines that the disciplinary action can be purged from the employee's file, he/she shall

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submit a recommendation, along with the employee's letter, to the Director of Human Resources who shall decide whether to purge disciplinary action or leave documentation on file.

DATED this 26<sup>th</sup> day of April, 2022.

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY:


  
Scott K. Jenkins, Chair

ATTEST:

  
Ricky Hatch, CPA  
Weber County Clerk/Auditor

  
Sarah Swan  
Human Resources

Approved as to form and legality:

  
Courtlan Erickson  
Deputy County Attorney