

MADISON COUNTY, VIRGINIA PERSONNEL POLICIES MANUAL

DISCIPLINE			
POLICY NO.	13.7	EFFECTIVE:	01/02/2024

- A. Disciplinary action may take the form of an informal counseling session, formal written notice, or other disciplinary action as set forth herein depending upon the severity of the situation. Counseling is not mandatory prior to taking formal disciplinary action, depending on the circumstances.
- B. The Department head shall consult with the County Administrator and Human Resource when considering disciplinary action beyond verbal reprimand in advance of taking disciplinary action.
- C. All disciplinary actions beyond suspension are initiated by the County Administrator based upon the justification(s) and recommendation(s) of the Department head.
- D. Disciplinary and termination decisions shall not be based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, disability, age (40 or older) or genetic information (including family medical history).
- E. Disciplinary and termination decisions are not based on an employee's decision to report discrimination, participate in a discrimination investigation or lawsuit, or oppose discrimination (for example, threatening to file a discrimination complaint).
- F. The Madison County Board of Supervisors is to be notified by the County Administrator when disciplinary action beyond suspension is required for any employee covered by this policy.
- G. All disciplinary actions beyond verbal reprimand shall be documented in writing to the employee with a copy to the employee's personnel file and records kept, as required, by the Equal Employment Opportunity Program H. Disciplinary action includes:
 - 1. Verbal Reprimand - A discussion between the Department head and the employee where the employee is advised and cautioned with reference to unsatisfactory work performance or misconduct.

2. The Department head shall maintain written departmental records to document that such discussion took place, when it took place, what was discussed and who was present; depending on the severity of the offense, such documentation may be placed in the employee's personnel file.
3. Written Reprimand - A reprimand reduced to writing, which documents the unsatisfactory work performance or misconduct and recommends specific guidance for corrective action.
4. Suspension - A temporary removal from duty of an employee for cause where the situation is not sufficiently grave to merit dismissal. The length of time shall depend on the seriousness of the offense.
 - a. An employee may be suspended without pay; or,
 - b. An employee may be suspended with pay for the purpose of completing investigatory and administrative processes concerning allegations against the employee.
 - c. For any suspension without pay in excess of seven calendar days, the Department head shall provide the employee with an explanation of the reason for the County's action and an opportunity to present his/her side of the story.
 - d. Where an employee is charged with a criminal act, the outcome of the criminal case shall not necessarily affect the outcome of the administrative investigation. The fact that a person is acquitted of the charge does not necessarily mean the suspension or other disciplinary action will be revoked.
5. Withholding of Merit Salary Increase - The denial or postponement of a merit increase, which is normally awarded upon the employee's completion of a prescribed period of successful job performance.
6. FLSA-docking of pay and disciplinary suspensions for exempt employees. Under the FLSA employees who are exempt from overtime pay requirements may not be docked in pay for periods of absence from work of less than one full workweek, except:
 - a. When the dock occurs during the first or last week of employment;
 - b. When accrued sick or annual leave has been exhausted;
 - c. When the employee chooses to be docked rather than use leave;
 - d. Sick or annual leave has been requested but denied; or

- e. When the dock constitutes a disciplinary suspension for an infraction of a safety rule of major significance.
- H. Non-exempt employees. Non-exempt employees may be docked in pay for actual periods of absence from work or as a form of disciplinary action (in increments of at least one hour).
- I. Administrative Decrease - A reduction in pay as a disciplinary action resulting from unsatisfactory job performance or misconduct.
- J. Disciplinary Demotion - Demotion of an employee, for disciplinary reasons, may occur when it is determined that the employee's work has not been satisfactory after providing the opportunity and guidance for improvement and the County wishes to retain the employee. The employee shall meet the qualification requirements of the new, lower pay grade position prior to appointment. If the demotion is specified as temporary, the length of the demotion shall be so stated.
- K. Dismissal - An employee may be dismissed from County service upon the recommendation of the Department head, subject to the review and approval of the County Administrator.

Before any employee may be dismissed, the Department head shall provide the employee with an explanation of the reason for the County's action and an opportunity to present his/her side of the story. If the employee is dismissed, such dismissal shall take effect immediately.

L. Causes for Disciplinary Action

The following are a partial list containing examples of unsatisfactory work performance and misconduct, which may result in disciplinary action up to and including suspension or dismissal. It is not intended to reflect all possible causes for disciplinary action.

- 1. Excessive absenteeism or excessive tardiness;
- 2. Abuse of leave;
- 3. Absent without approved leave;
- 4. Insubordination;
- 5. Insolence;
- 6. Failure to follow proper orders and work requests, including when requested, the immediate disclosure of knowledge or information relating to a matter of business interest to the County, such as, but not limited to, activities of other employees involving their work or operation of vehicles.

7. Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, during working hours, or while operating County-owned vehicles or equipment;
8. Neglect or carelessness in observance of departmental safety rules or disregard of common safety practices such as improper driving, etc.
9. Mischievous actions such as horse play, wrestling or other similar undesirable conduct.
10. Deliberate or grossly negligent or improper conduct endangering the safety of self or others, or which leads to damage of County-owned or public property;
11. Theft, unauthorized use, unauthorized removal, possession of or vandalism of County records or property or employees' property;
12. Falsification of or damage to County records (i.e., employment application and supporting documents, timekeeping records, safety records and reports, expense reports);
13. Unauthorized disclosure of County records and information;
14. Participating in a work slowdown, sit down or strike;
15. Unlawful conduct, on or off duty, when the conduct impairs the efficiency of the County service or brings it into public disrepute;
16. Willfully, wantonly, unreasonably, unnecessarily, or through culpable negligence has been guilty of brutality or cruelty to an inmate or prisoner or to a person in custody, provided the act committed was not necessarily or lawfully done in self-defense, or to protect the lives of others, or to prevent the escape of a person lawfully in custody.
17. Willfully violating safety or health rules where there is a threat to life or health;
18. Boisterous or disruptive activity, fighting or threatening violence in the workplace;
19. Smoking in prohibited areas;
20. Sexual or other unlawful harassment;
21. Possession or use of dangerous or unauthorized materials, such as firearms, weapons or explosives in the workplace;

22. Unauthorized use of telephones, the Internet, mail system or other County-owned property;
23. Violation of County rules, policies, ordinances, procedures or applicable federal/state regulations;
24. Operation of County vehicles in excess of posted speed limits except by law enforcement officers and public safety employees in proper performance of their duties.
25. Reckless driving of County vehicles or reckless operation of County equipment.
26. Operating a County vehicle or personal vehicle on County business without a valid Virginia Operator's Permit.
27. Improper use of authority or position; and,
28. Use of abusive or threatening language toward employees, supervisor(s) or the public.
29. Takes for his or her personal use from any person any fee, gift, or other valuable thing in the course of his work or in connection with it, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons, or accepts any bribe, gift, token, monies, or other things of value intended as an inducement to perform or refrain from performing any official acts, or engages in any action of extortion or other things of value through his position in the County.
30. Violates the County's risk management policy.
31. Conviction of a felony or of a misdemeanor involving moral turpitude and other criminal acts that continued performance of duties is compromised.
32. Providing false, misleading, inaccurate or incomplete information to the employee's department head, the County Administrator or any other individual or organization.

As noted, this list is not intended to be exhaustive and dismissals may be warranted for failure to follow lawful directives, or in circumstances where the employee does not meet the conditions of employment for the position, such as unsatisfactory job performance as evidenced by receiving unsatisfactory performance evaluations; failure to maintain valid licenses or other qualifications necessary to perform the job; or, inability to perform the work required, with or without reasonable accommodation.

M. Disciplinary Procedure

Disciplinary investigation of employees will be conducted and actions taken for inefficiency, insubordination, misconduct or other cause as described above.

1. Investigation. Upon receiving a report of a violation of a departmental or disciplinary regulation as set forth in these rules, from an official, an employee of the County or from any other complainant, the Department head or County Administrator will investigate. The investigation will be made for the purpose of ascertaining the true facts relative to the circumstances surrounding the alleged offense.
2. Discussion. The employee is to be advised of the rule or policy which s/he is alleged to have violated and the evidence and witnesses concerning the violation. The employee is to be given the opportunity to deny the charge and to give his own version, either orally or in writing. The employee is to be advised of what disciplinary action, if any, will be taken.
3. Report. Reports shall be prepared on violations of department or disciplinary regulations shall be shared in full upon final action with the County Administrator. The report is to include a copy of any written complaint, the facts of the investigation, the disciplinary action taken (if any) and the employee's response.

In cases of dismissal for any reason noted in these or future published regulations, a Department head contemplating dismissal of a non-probationary employee will conduct a pretermination meeting. At such meeting, the Department head will provide the employee with oral and written notice of the charges against him, an explanation of the employer's evidence, and will provide the employee with an opportunity to present his side of the story. At the conclusion of such a meeting, with the approval of the County Administrator, an employee may be dismissed. In certain circumstances, where serious misconduct is alleged and circumstances preclude holding such a hearing, the employee may be suspended with pay until a hearing can be conducted.

Once taken, all written notices of discipline shall be placed in the employee's personal file and may be accumulated into a more serious action if the employee displays a pattern of disrespect or inappropriate conduct and activity in contravention to these standards of conduct. A pattern does not imply many incidents, but could be more than a single incident, particularly if the infraction(s) is/are of a serious nature and/or show a pattern of disregard for the rules of conduct, even if not considered a serious infraction standing alone. In such cases, each incident referenced in conjunction with any future disciplinary actions may constitute a basis for suspending, transferring, demoting, or terminating an employee in light of the pattern of behavior.