



EL PASO COUNTY DEPARTMENT OF HUMAN RESOURCES

Discipline/Disciplinary Action Policy

Revised Date: December 16, 2013

I. General

- A. Any covered employee may be subject to disciplinary penalties for any action that is determined to be a violation of El Paso County Civil Service Commission Rules & Regulations.
- B. Except for dismissals during the probationary period, all written reprimands, suspensions, demotions or dismissals shall be subject to the provisions of these Rules.
- C. Cause for written reprimand, suspension, demotion, or dismissal shall include:
 1. Incompetence, (i.e., non-satisfactory performance of assigned tasks).
 2. Poor Attendance, (i.e., excessive absence and/or tardiness). Policies defining absenteeism and tardiness will be promulgated by each Elected Official/Department Head for his/her department and will be filed with the Civil Service Commission.
 3. Insubordination, (i.e., failing to follow a supervisor's or higher authority's directive, or when an employee is wantonly offensive in his conduct or language towards the public, supervisor or higher authority).
 4. Dishonesty, (i.e., stealing County property or funds, wrongful appropriation of County property or funds, or any other falsifying or dishonest act detrimental to the County or its employees).
 5. Intentional, reckless or negligent damage to or destruction of County property.
 6. Conviction of any felony or Class A or B misdemeanor.
 7. Guilty plea to any felony or to Class A or B misdemeanor.
 8. Untruthfully stating a reason of sick leave.
 9. Disturbance, (i.e., fighting or otherwise disrupting the harmonious relations between employees).
 10. Violation of any policy promulgated by El Paso County Commissioners Court or by the Elected Official/Department Head. Disciplinary action will be in keeping with the specific provisions of the policy.
 11. Any violation of County Anti-Discrimination Policy or Anti-Harassment Policy.
 12. Poor job performance.
 13. Any other specifically stated offense.

I. Procedures for Disciplinary Action

- A. Any act on the part of a County employee found to be in violation of these rules may be subject to the following disciplinary actions, listed in order of severity: written reprimand, suspension without pay, demotion, or dismissal.
- B. Supervisors and Elected Officials/Department Heads may employ other corrective measures to improve performance and/or behavior, such as: warnings, counseling statements, training, performance improvement plans, and/or Employee Assistance Program referrals. These actions are not disciplinary actions appealable under the Civil Service grievance system. Employees who receive these types of corrective actions have the right to rebut them in writing within seven (7) calendar days of receipt of the corrective action.
- C. In determining the appropriate corrective or disciplinary action, the supervisor or Elected Official/Department Head shall consider the severity of the violation and the employee's employment history.
 1. In most cases, a suspension without pay shall be for a set period of time ranging from one (1) to five (5) days depending on the type of violation.
 2. During a suspension without pay, a non-exempt employee shall not be eligible to use or accrue any type of County benefits.
 3. All rules under FLSA must be followed.
 4. If a grievant's suspension/demotion/dismissal is overturned by the El Paso County Civil Service Commission, the Commission may recommend back pay and benefits, as appropriate. Suspended/demoted/dismissed employees reinstated to employment may receive back pay and benefits if approved by the El Paso County Commissioners Court.
 5. A written statement of violation shall be delivered to the employee at the time disciplinary action is administered, or at the latest, within three (3) working days. Signature of the receipt by the employee is encouraged. Signature of the department official who delivers the notice of violation is required. Department officials shall include the following in the written statement of violation: "Signature by the employee does not indicate that the employee admits to any of the allegations, but only signifies receipt of the written statement of violation."
 6. A statement of violation shall advise the employee of the following:
 - a. The alleged violation that caused the need for discipline;
 - b. The specific policy or rule violated;
 - c. Nature of discipline being enforced;
 - d. Except in the case of dismissal, a statement of disciplinary action that will be taken if any future violation of the rules occur; and a
 - e. Statement of employee's rights to appeal disciplinary action in accordance with Section VII of these Rules.
 - f. A copy of the statement of violation shall be forwarded to the Human Resources Department for inclusion in the employee's personnel file.