

Issue Analysis Form



Date: April 28, 2020
Item: Personnel Policy Revision
Lead Department(s): Human Resources
Contact Person(s): Corrie Hurt

Description and Current Status

Staff has revised the personnel policy entitled Discipline of Employees for the Board's consideration at the April 28, 2020 meeting.

Discipline of Employees – The Human Resources Director has revised the Discipline of Employees policy with one minor change for the Board's consideration. Section 29.2 – changed the period from 6 mos. To 12 mos. To keep records of counseling on file. This allows us to maintain the record of counseling on file in the event that the employee doesn't correct a certain behavior, it can be reflected on their annual evaluation if necessary.

Government Path

- | | | |
|--|---|--|
| Does this require IDA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require BZA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does This require Planning Commission Action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require Board of Supervisors action? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does this require a public hearing? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If so, before what date? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Fiscal Impact Statement

None.

County Impact

By revising the County Employee Discipline Policy, we are able to keep the records of counseling on file for an additional six months.

Notes

Board of Supervisors
County of Prince George, Virginia

Resolution

At a special meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia, this 28th day of April, 2020:

Present:

Donald Hunter, Chairman
Alan R. Carmichael, Vice-Chair
Floyd M. Brown, Jr.
Marlene J. Waymack
T. J. Webb

Vote:

A-1

On motion of _____, seconded by _____, which carried unanimously, the following Resolution was adopted:

RESOLUTION; PROPOSED REVISIONS; PRINCE GEORGE
COUNTY PERSONNEL POLICY; SECTION 29.1 THROUGH
29.8 ENTITLED *DISCIPLINE OF EMPLOYEES*

WHEREAS the Prince George County Personnel Policy Manual has been reviewed by staff and it has been recommended that the policy entitled *Discipline of Employees* be reviewed and considered for revision in the County's Personnel Policies;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Prince George, this 28th day of April, 2020 does hereby amend the Prince George County Personnel Policies by approving a revision to the policies entitled *Discipline of Employees* as requested.

A Copy Teste:

Percy C. Ashcraft
County Administrator

COUNTY OF PRINCE GEORGE PERSONNEL POLICIES Prince George, Virginia	POLICY NUMBER: 29.1 through 29.8	Page 1 of 4
	SUPERSEDES: July January 10, 2018 2006	DATE ISSUED: July 10, 2018
SUBJECT: Discipline of Employees	AUTHORIZATION: Adopted by the Board of Supervisors July 10, 2018 ; to become effective July 10, 2018	

29.1 Discipline of Employees

All employees shall comply with county and departmental policies, procedures, and expectations of behavior and performance. Non-compliance with these expectations must be remedied and will subject the non-complying employee to disciplinary action, which may include dismissal. Failure to perform job requirements in a satisfactory manner, offenses or misconduct which violate policies of behavior or are specifically prohibited by law, and acts involving moral turpitude, such as lying, cheating, or stealing, will also subject the employee to disciplinary action.

29.2 Counseling

It is the goal of Prince George County to educate and motivate employees to exhibit behavior which will contribute to individual growth and development and to the successful operation of County government. Department Directors are encouraged to meet with their employees to discuss the circumstances, and counsel the employees, if appropriate, about suitable performance, behavior, and expectations. Whenever an employee is counseled, a record of employee counseling shall be completed and placed in the employee's personnel file in the Human Resources Department. A record of employee counseling is not grievable and shall be removed from the employee's personnel file in six months after a twelve month period, provided that the employee's performance has improved.

29.3 Situationally Appropriate Discipline

The following guidelines for disciplinary actions will be applied to all employees equitably, without bias or prejudice. Discipline should be characterized as corrective and constructive, and should be utilized as an element to contribute to the employee meeting performance and behavior expectations. Disciplinary action will be taken to remedy, punish, or discourage unsatisfactory behavior, performance, or non-compliance with county or departmental policies and procedures.

The need for disciplinary action may arise as a result of different kinds of actions on the part of the employee. The following principles will be observed when considering disciplinary action:

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1. The disciplinary action shall be situationally appropriate and shall be consistent with the special needs of the department, the seriousness of the employee's behavior and performance, and the repetition of the behavior or performance.
2. The disciplinary action taken must be consistent (similar penalties for similar circumstances).
3. Supervisors, managers, and professionals, as defined by FLSA, because of their positions, shall be held to a higher standard of performance and behavior than other employees.
4. Employees are responsible for knowing the county and departmental policies and procedures and the performance or behavioral expectations of their department; disciplinary action shall assume that knowledge.
5. In determining the severity of the disciplinary action, the supervisor shall take into consideration prior violations of policy, prior problems of performance or behavior, and prior disciplinary actions.
6. The disciplinary action taken shall not be influenced by the employee's race, color, religion, gender, national origin, age, or disability.

29.4 Disciplinary Options

Prior to initiating formal disciplinary action, verbal counseling and discussions and performance guidance sessions may be used to inform an employee that performance correction is needed and to discuss expected corrective actions. These verbal notices, discussions and performance guidance sessions are not grievable actions.

When an employee is not meeting behavior or performance expectations or is non-compliant with county or departmental policies and procedures, situationally appropriate discipline may involve one or more of the following responses by the employee's supervisor, and such response is not required to be progressive or sequential:

1. Written Reprimand.
2. Suspension without pay.
3. Demotion.

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4. Reinstate the employee's probationary period when such employee's performance or ethical standards are not consistent with county requirements. This discipline is only appropriate under circumstances which could support termination but there is reason to believe that the employee's performance or standards may improve.
5. Dismissal.

Most disciplinary actions are initiated by the immediate supervisor. However, prior to administering a disciplinary action, the supervisor and Department Director should verify that the type of action is appropriate by notifying the County Administrator's Office, as the final authority to approve a disciplinary action belongs to the County Administrator. In the event of disciplinary actions, the employee shall be notified of the violation and afforded the opportunity to meet with the supervisor or Department Head and offered an explanation. At the conclusion of the meeting, appropriate action will be determined with proper approvals, and the employee so notified. All disciplinary actions shall be documented in the employee's Personnel File in the Human Resources Department.

29.5 Suspension Pending an Independent Administrative Investigation

Employees may be suspended with or without pay, pending the results of an administrative investigation. Employees suspended without pay may request in writing to the County Administrator to use accumulated annual and/or compensatory leave during the suspension period. If suspended without pay or use of accumulated leave, employees who are reinstated to their former positions may be granted back pay. The County Administrator, Constitutional Officer, or Department Director may take whatever personnel actions are deemed necessary to protect the county and promote the objectives of the department even if there is a finding made of not guilty in a criminal case or the case is otherwise dismissed or nolle prossed.

29.6 Section Grievances

Grievances will be conducted as outlined in Employee Grievance Procedure. Employees will be informed of the county Grievance Procedure during employee orientation.

In all cases of discipline, the employee should be notified that such actions may be grieved as outlined in the Employee Grievance Procedure. Proper forms and a copy of the grievance procedure are available to the employee in the Department of Human Resources.

29.7 Disciplinary Action Authority

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Most disciplinary actions are initiated by the immediate supervisor. In general, the final authority to approve a disciplinary action is related to the type of action taken. However, prior to administering a disciplinary action, the supervisor or Department Director should verify that the type of action is appropriate by notifying the County Administrator's Office. In the event of disciplinary actions, the employee shall be notified as to the violation and afforded the opportunity to meet with the supervisor or Department Director and offer an explanation. At the conclusion of the meeting, appropriate action will be determined with proper approvals, and the employee so notified.

Type of Action	Final Authority to Approve
Written Reprimand	Department Director
Suspension	County Administrator
Demotion	County Administrator
Reinstatement of Probationary Period	County Administrator
Dismissal	County Administrator

29.8 Exception to Provisions of this Section

Probationary and temporary employees may be terminated at any time by the Department Director with the permission of the County Administrator. Such decision shall be final with no right to appeal by any type.

It is the intent of this policy, whenever possible, to ensure that Department Directors have sufficient authority to make responsible reviews and investigations of situations involving possible disciplinary action. This does not preclude the right of the County Administrator to specifically investigate, on his/her own prerogative, any situation within any department.