

# Salt Lake County Human Resources Policy 3-400: Discipline

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## **Purpose**

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

## **I. Policy**

It is the policy of Salt Lake County to provide and enforce a system of progressive discipline to merit employees. Progressive discipline is not required for severe violations. Discipline for Sheriff's Office sworn employees is covered under the [Deputy Sheriff's Merit Commission Policy and Procedures](#) (Written Charges).

## **II. Procedures**

- A. Supervisors will make every effort to discuss expectations and provide performance improvement opportunities for employees before beginning the progressive discipline process. Any written notice, information or instructional guidance provided before the progressive disciplinary process will not become part of the employee's personnel file (official).
- B. Levels of Progressive Discipline
  1. A written warning is a written statement given to an employee that includes notice of the policy violation. Written warnings will be discussed with employees and may not be appealed beyond the Department Director or Elected Official. Written warnings will be acknowledged by the employee and placed in the employee's personnel file (official).
  2. A suspension is a defined period without pay.
    - a. 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. An employee designated as exempt from the Fair Labor Standards Act (FLSA) may not be suspended for less than one full day.
  3. 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.
  4. A termination, as used in this policy, is when an employee is separated from county employment for disciplinary reasons.
- C. Progressive Discipline
  1. The usual sequence of progressive discipline is written warning, suspension and termination.
  2. Demotion may also be used in the progressive discipline process.
  3. Deviation from the usual sequence of discipline may be justified depending on the severity of the circumstances of an employee's job performance or behavior.
- D. When imposing a suspension, demotion or termination, the Administrator may place the employee on paid administrative leave between the date of the notice of intent to discipline and the proposed effective date of the disciplinary action. An employee on paid administrative leave will remain available to the agency during normal work hours.
- E. Disciplinary notices

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1. Disciplinary notices will include:
    - a. the date of the notice
    - b. the level of discipline issued
    - c. an explanation of the violation including the factual circumstances and applicable policy reference(s)
    - d. the date the disciplinary action will be imposed
    - e. previous discipline issued including dates and level of discipline
    - f. grievance rights
  2. Disciplinary notices may include:
    - a. expectations or actions to correct the violation
    - b. consequences of failing to correct the violation
    - c. aggravating and mitigating factors
  3. Within fourteen calendar days from receipt of the disciplinary notice and if an employee does not file a grievance, the employee may include a written statement responding to the disciplinary notice which will be included in the employee's personnel file. The employee's supervisor may respond to the written statement which will also be included in the employee personnel file.
  4. The employee will be provided with a copy of the notice of intent to discipline and [HR Policy 3-500 Grievance Procedure](#).
  5. The employee will be notified in writing at least fourteen calendar days prior to the effective date of a suspension, demotion or termination. The notice will be delivered to the employee in person or by certified mail. A written warning will not involve a pre-determination meeting.
  6. A copy of all progressive disciplinary notices, written warnings, suspensions, demotions or terminations, will be forwarded to the Human Resources Division within seven calendar days for inclusion in the employee's personnel file (official).
- F. Final disciplinary notices will be classified in accordance with [Governmental Records Access and Management Act \(GRAMA\)](#). Pre-determination Meeting
1. The employee will be notified in writing of the intent to impose a suspension, demotion or termination. The notice will include the date of the pre-determination meeting, with the person imposing discipline, scheduled at least fourteen calendar days prior to the proposed discipline date.
    - a. The meeting must neither be scheduled sooner than four calendar days nor later than fourteen calendar days after the discipline notice is issued.
      - i. The pre-determination meeting is held between the employee and the person imposing discipline.
      - ii. The purpose of the pre-determination meeting is to give the employee an opportunity to be heard and to provide new or additional information that might be cause to overturn the disciplinary decision.
      - iii. The employee may obtain assistance of a personal representative, at the employee's expense, to act as the employee's advocate during the pre-determination meeting.

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- iv. An audio recording of the pre-determination meeting will be made and kept by the agency until all formal disciplinary proceedings are completed.
  - v. Witnesses will not be called. However, written witness statements and other documentary evidence may be presented by either party.
  - vi. An employee may waive the pre-determination meeting by notifying the person imposing discipline in writing.
  - vii. The employee will be provided with a written decision and a copy of and [HR Policy 3-500 Grievance Procedure](#) in person or by certified mail within seven calendar days after the pre-determination meeting.
  - viii. If the pre-determination meeting validates the discipline, then the discipline will be imposed. The employee's appeal rights through [HR Policy 3-500 Grievance Procedure](#) can be initiated.
- G. If the employee does not file a grievance with the Department Director or Elected Official, he/she may respond to the discipline by submitting written comments to his/her supervisor. The supervisor may provide the employee with a written response to the employee's comments. No further comments may be made and no grievance may be filed.
1. A copy of the employee's comments and supervisor's response, if any, will be sent to Human Resources for inclusion in the employee's personnel file (official).

### III. References

- A. Governmental Records Access and Management Act (GRAMA), UCA 63G-2
- B. Salt Lake County Countywide Policy:
  1. Accident Reporting Procedures – No. 1011
  2. Employee Use of Cellular Phones – No. 1035
  3. Information Technology Security: Acceptable Use Policy – No. 1400-1
  4. Information Technology Security – Social Media Use Policy – No. 1400-6
  5. Professional Ethics and Conflict of Interest – No. 1430
  6. Purchasing Cards Authorization and Use – No. 7035
- C. Human Resources Policy:
  1. 1-200, General Definitions
  2. 3-300, Standards of Conduct
  3. 3-500, Grievance Procedure
  4. 3-600, Alcohol and Drug Screening, Testing and Treatment
  5. 6-100, Performance, Development and Improvement Plans