

County of Cumberland Board of Chosen Freeholders	Policy Number: 3.02	Pages: 1 of 5
Chapter: Personnel Actions		Effective Date: March 12, 1998
Subject: Discipline/Disciplinary Action		

I. POLICY:

Cumberland County Government shall ensure that each employee conducts himself/herself in such a fashion as to promote a constructive working environment, which protects the health and welfare of employees and which enables the County to achieve its' established public service goals and objectives. When conduct is inconsistent with these goals, employees shall be uniformly disciplined in a constructive/corrective manner. County Government shall comply with NJAC 4A:2-2.1 - 2-3.7.

II. DEFINITIONS: NONE

III. PROCEDURE:

- A. Constructive discipline hinges upon supervisory leadership. Supervisors must be aware of the dual objectives of preserving the interests of the organization and protecting the rights of the employee. It is the responsibility of the department head to ensure that employees know the requirements of their jobs and that supervisors communicate, interpret, reinforce and monitor compliance.
- B. The County Department of Personnel and Human Resources shall establish and enforce a system of progressive disciplinary action when an employees behavior is inconsistent with established policies and procedures. To that end, department heads shall refer recommendations of major discipline to the Personnel Director for review and approval prior to issuing the "Preliminary Notice of Disciplinary Action", (Form 31-A). Progressive discipline shall consist of the following steps:

1. Oral Reprimand:

Supervisors shall:

- a. Explain the nature of the problem and how to avoid future problems
- b. Consequences of future violations

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c. Maintain a written record of the oral reprimand noting the date and circumstances

2. Written Reprimand:

Supervisors shall detail nature of the violation in a clear and concise fashion and indicate further discipline to be taken should another violation occur. The reprimand shall be given to the employee with a copy forwarded to the County Personnel Office.

3. Suspension:

Length of suspensions will vary depending on the nature and circumstances of the violation.

4. Removal:

Necessary when violations continually occur despite progressive disciplinary actions. It is recommended that department heads seek advice and/or counsel from the Director of Human Resources prior to notifying the employee. The Director of the Human Resources shall respond within 24 hours.

C. Types of Discipline:

1. Minor discipline is a formal written reprimand or a suspension or fine of five working days or less.
2. Major discipline includes:
  - a. Removal
  - b. Disciplinary demotion
  - c. Suspension or fine for more than five working days at any one time
  - d. Suspension or fine for five working days or less where the aggregate number of days suspended or fined in one calendar year is 15 working days or more

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- e. The last suspension or fine where an employee receives more than three suspensions or fines of five working days or less in a calendar year

D. General Causes:

An employee may be subject to discipline for:

1. Incompetency, inefficiency or failure to perform duties
2. Insubordination
3. Inability to perform duties
4. Chronic or excessive absenteeism or lateness
5. Conviction of a crime
6. Conduct unbecoming a public employee
7. Neglect of duty
8. Misuse of public property, including motor vehicles
9. Discrimination that affects equal employment opportunity including sexual harassment
10. Violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles
11. Other sufficient cause

E. Limitations of Suspensions and Fines:

1. No suspension or fine shall exceed six months except for suspensions pending criminal complaint or indictment.
2. Suspensions may be with or without pay.

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3. A fine may be imposed as follows:

- a. In a form of restitution
- b. In lieu of suspension when the department head establishes that a suspension of the employee would be detrimental to the public health, safety or welfare
- c. Where employee has agreed to a fine as disciplinary action

4. An employee may pay a fine of more than five days salary in a lump sum or through installments. Unless otherwise agreed to by the employee, an installment may not be more than 5% of the gross salary per pay for a fine under \$500.00; 10% of gross salary per pay period for a fine of between \$500.00 and \$1000.00; or 15% of gross salary per pay period for a fine over \$1000.00.

F. Opportunity For Hearing:

1. An employee receiving major discipline must be served with a Preliminary Notice of Disciplinary Action, (31-A) setting forth the charges and statement of facts supporting the charges, and afforded the opportunity for a hearing prior to imposition of the discipline, except:
  - a. An employee may be suspended immediately and prior to the hearing where it is determined that employee is unfit for duty or is a hazard to any person if permitted to remain on the job, or that an immediate suspension is necessary to maintain safety, health and order or effective delivery of services.
  - b. An employee may be suspended immediately when the employee is formally charged with a crime of the first, second or third degree, or a crime of the fourth degree on the job or directly related to the job.
2. Where an immediate suspension without pay is necessary, department heads shall first appraise the employee either orally or in writing, of why an immediate suspension is sought, the charges and general evidence in support of the charges.

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3. Department heads shall serve the employee with a "Preliminary Notice of Disciplinary Action" either in person or by certified mail within five days following the immediate suspension.
4. The employee shall be given five days upon receipt of the Preliminary Notice to request a departmental hearing. If no request is received then the departmental hearing shall be considered to have been waived and a "Final Notice of Disciplinary Action" (31-B) may be issued.
5. If requested, the departmental hearing shall be held within 30 days of the Preliminary Notice unless waived by the employee or a later date as agreed to by the parties.

G. Departmental Hearings:

1. The employee may be represented by an attorney and/or authorized union representative.
2. The parties shall have the opportunity to review the evidence supporting the charges and present and examine witnesses.
3. The employee shall not be required to testify, but an employee who does testify is subject to cross examination.
4. Within 20 days of the hearing the employee shall be served by personal service or certified mail with a "Final Notice of Disciplinary Action".

H. Department heads shall forward paperwork involving disciplinary action to the Personnel and Human Resources Office within three working days.

I. Employees may be represented by an authorized union representative at any step in the progressive discipline process. Those employees who do not want said union representation shall sign a form stating same.