

**DENTON COUNTY  
SHERIFF'S OFFICE  
CIVIL SERVICE COMMISSION**

**PROGRESSIVE DISCIPLINE**

**CHAPTER IV**

## **DISCIPLINARY ACTION/TERMINATION**

### **4.1 Policy**

The purpose of this Progressive Discipline Process is to ensure that discipline is imposed consistently and equitably, with the intention of correcting deficient performance and securing compliance with the working rules. Except for dismissals during the probationary period all disciplinary actions taken will be taken in compliance with and under the provisions of this policy.

### **4.2 Corrective/Developmental Measures**

Counseling or training (written/oral) is the preferred means of correcting and developing behavior, and is used when a supervisor believes such action is adequate to fulfill the goals of the Department.

### **4.3 General**

- A. Any employee may be subject to disciplinary penalties for any action that is determined not to be in the interest of or benefit to the Denton County Sheriff's Office. The Commission recognizes the rules of conduct, regulations, general orders, policies and procedures as set forth in the Denton County Personnel Policy, as well as the Denton County Sheriff's Office Policy Manual. Discipline is intended to be corrective in nature. In general, it may be progressive and administered with the intent of assisting the employee. However, certain rule violations or degrees of transgression may require that the maximum penalty up to and including termination be assessed without first resorting to progressive disciplinary actions.
- B. The procedures related to this policy are provided to guide supervisors in determining if a violation has occurred, and in the recommendation or selection of disciplinary action necessary to deter repeated violations and maintain the integrity and community's respect for the Office.

### **4.4 Determination of Violations**

Violations include any action or inaction which violates the rules of conduct, regulations, general orders, policies and procedures as set forth in the Denton County Personnel Policy, as well as the Denton County Sheriff's Office Policy Manual. The determination of a violation is usually made by an employee's immediate supervisor. Prior to making such determination, the supervisor shall be careful to consider all reasonably attainable information.

## **SUSPECTED CRIMINAL ACTS**

- 4.5 An employee who is arrested or involved in a situation requiring inquiry from law enforcement authorities for alleged criminal activity shall notify his/her immediate supervisor within 24 hours of the incident and provide the facts related to the incident.
- 4.6 Once notified, the supervisor shall immediately notify the Sheriff or his/her designee, and is governed by his/her instructions.
- 4.7 Acquittal or dismissal of criminal charges does not mean that an employee has not violated Denton County Sheriff's Office policies and procedures or rules of conduct. Acquittal or dismissal of criminal charges does not detract from the internal disciplinary charges brought by the department against the employee.
- 4.8 Arrest or indictment for a felony, indictment for a Class A or B Misdemeanor, or filing by a prosecuting attorney of a Misdemeanor Complaint and Information for a Class A or B Misdemeanor or a conviction of an employee for a felony or a Class A or B misdemeanor shall be cause for termination without further investigation or charges.

## **EMPLOYEE DISCIPLINE**

### **4.9 Procedures.**

- A. Causes Justifying Discipline. An employee may be reprimanded, suspended, demoted or removed for any violation of law or policy as set forth in 4.07 as well as for insubordination, unsatisfactory performance, and/or failure to call in or report to work for three straight working days.
- B. Additional causes for discipline may exist that are not set forth in this list, which is not intended to be either all-inclusive or exhaustive.

## **CORRECTIVE DEVELOPMENT AND DISCIPLINARY ACTIONS**

- 4.10 Include:
  - 1. Counseling or training
  - 2. Oral reprimand
  - 3. Written reprimand
  - 4. Relief from duty (pending other recommendation)
  - 5. Reassignment
  - 6. Suspension with or without pay
  - 7. Demotion

8. Termination

9. Criminal charges

4.11 Once a supervisor has determined that his/her subordinate is responsible for a violation, and recommends action other than counseling or training, oral reprimand or coaching report, he/she reports the violation and recommendation to the Sheriff or his/her designee orally or in writing. The Sheriff or his/her designee reviews all recommendations and decides what disciplinary action, if any, shall be taken.

4.12 **Emergency Actions.** A supervisor may relieve a subordinate from duty, when he/she believes that employee's continued presence is dangerous to himself/herself, or others, or that his/her presence constitutes interference with the effective operations of the organization, or in order to complete an appropriate investigation of an alleged violation.

### **PROGRESSIVE DISCIPLINARY ACTION**

4.13 **Verbal Warning, Level One Reprimand, and Level Two Reprimand.** Prior to a suspension, demotion, or termination, the approving authority, depending on the severity of the employee's actions, may use lesser forms of disciplinary action. However, nothing in this policy shall prohibit the Sheriff or the Sheriff's designee from proceeding directly to the third levels of discipline which includes suspension, termination or demotion, if the employee commits a major offense that warrants such discipline.

A. Lesser forms of action that may be taken against the employee include:

1. **Verbal Warning**-The least severe form of disciplinary action, which is designed to advise the employee of the problem that has resulted in unsatisfactory behavior or performance. This is appropriately used as a response to initial and minor offenses. The supervisor should retain documentation of the verbal warning, which is signed by the employee; no copy should be placed in the employee's personnel file.
2. **Level One Reprimand**-The first formal step in progressive discipline. This level deals with continuation of minor offenses, when verbal warnings have not resulted in the correction of the problem by the employee. This Level One Reprimand should be documented in writing and signed by both the supervisor and employee. The employee should be permitted to make a written response to a Level One Reprimand.
3. **Level Two Reprimand**-This level of discipline deals with serious offenses or minor offenses that have continued after the administration of a Level One Reprimand. A Level Two Reprimand may be given in the absence of a prior Level One Reprimand or prior verbal warning when the cause is serious enough to warrant it. A Level Two Reprimand should be documented in writing and signed by both the supervisor and employee. The employee should be permitted to make a written response to a Level Two Reprimand.

4.14 **Level Three Discipline.** This level of discipline deals with major offenses or a continuation of serious or minor offenses that have not been corrected despite the issuance of prior verbal or written warnings. Level Three Discipline requires an opportunity for the employee to respond to the Notice of Findings and Intent. The employee may make a written request to the Sheriff for review within five days. If the Sheriff does not respond within five days or returns an unfavorable response, the employee has five days after receiving the Notice of Disciplinary Action to appeal to the Commission before the disciplinary action occurs. Discipline that may be administered at this level includes:

- A. Demotion. The movement of the employee from his present position to one with a lower starting salary. A demotion also results in a salary reduction as outlined in the Salary Administration Guidelines. Demotion is only available as an option to address willful misconduct when the Sheriff's Office has a vacancy in a position with a lower grade for which the employee meets the requirements. If the demotion is due to performance issues and not to willful misconduct, and the Sheriff's Office does not have an appropriate vacancy as determined by the Human Resources Department, the Sheriff's Office will provide the Human Resources Department with written notice of the proposed demotion. The Human Resources Department shall post the position to be vacated internally so that applicants from Sheriff's Office can be considered for promotion to the position to be vacated. The Sheriff's Office will select from the internal applicants and the employees will be reassigned to replace each other. A demotion will only be considered to be final, when no appeal has been received prior to the civil service appeal deadline, or when the Sheriff's Office Civil Service Commission has ruled on the appeal, whichever comes first. Demoted employees will be replaced prior to final resolution only at the discretion of the Commissioners Court.
- B. Suspension without Pay. This is an ordered absence from duty without pay for a prescribed period of time. Employees who are exempt from the regulations of the Fair Labor Standards Act may not be suspended without pay for periods of less than one (1) work week unless the offense precipitating the suspension involves a serious safety violation.
- C. Termination. This is the most severe disciplinary action-removal from the public service for misconduct or unsatisfactory job performance. A termination will only be considered to be final when no appeal to the Sheriff's Office Civil Service Commission has been received prior to the civil service appeal deadline, or when the Sheriff's Office Civil Service Commission has ruled on the appeal.

Terminated employees will be replaced prior to final resolution only at the discretion of the Commissioners Court.

### **ADMINISTRATIVE LEAVE**

- 4.15 This is an ordered absence from duty while in full pay status for a prescribed period of time. It allows for immediate response to a suspected but not fully substantiated offense as well as a period in which an investigation can be thoroughly pursued. The employee is to remain at home and be available to the Sheriff's Office until the investigation is completed. The employee will participate in the investigation as directed by the department.

### **DOCUMENTATION OF DISCIPLINARY ACTION**

- 4.16 A. All disciplinary actions shall be documented on a Notice of Disciplinary Action form and such documentation shall include:
1. The cause for the discipline.
  2. The specific reason supporting the cause.
  3. The discipline to be imposed.
  4. The effective date.
- B. All or copies of all Notices of Disciplinary Action shall be provided to the Civil Service Director when they are provided to the employee.
- 4.17 A. Prior to termination, a non-probationary employee must be given an opportunity to respond to the Notice of Findings and Intent. The employee may make a written request to the Sheriff for review within five days. If the Sheriff does not respond within five days or returns an unfavorable response, the employee has five days after receiving the Notice of Disciplinary Action to appeal to the Commission before the disciplinary action occurs.
- B. Exceptions will occur when the employee's termination occurs as a result of the circumstances set forth in Paragraph 4.07 above or exhaustion of available leave without pay, or when termination occurs as a result of the employee's failure to report to work for three (3) days without notification to the supervisor.