

**BELMONT COUNTY BOARD OF COMMISSIONERS  
PERSONNEL POLICY MANUAL**

**SECTION 8  
DISCIPLINE, APPEALS, AND GRIEVANCES**

- 8.1 Discipline
- 8.2 Grounds for Disciplinary Action and Penalties
- 8.3 Predisciplinary Conference
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**DISCIPLINE**

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A. Disciplinary Principles:

1. The appointing authority believes that a clearly written discipline policy will serve to promote fairness and equality in the workplace, and will minimize potential misunderstandings among employees in disciplinary matters. Furthermore, the appointing authority believes that certain basic principles, set forth below must consistently be applied in order to effectively and fairly correct unsatisfactory job behavior.
  - a. Employee shall be advised of expected job behavior, the types of conduct that the appointing authority has determined to be unacceptable, and the penalties for such unacceptable behavior.
  - b. Immediate attention shall be given to policy infractions.
  - c. Discipline shall be applied uniformly and consistently, and any deviations from standard procedure must be well documented.
  - d. Each offense shall be dealt with as objectively as possible.
  - e. Discipline shall usually be progressive, but depending on the severity of the offense, may proceed immediately to termination.
  - f. An employee's immediate supervisor and/or his or her appointing authority shall be responsible for administering discipline.

B. The Employer, administrative, and supervisory personnel generally follow a system of progressive discipline when correcting job behavior. Typical disciplinary action may include reprimands, suspensions, demotions (reductions), fines, and removals. Working suspensions have the same effect as suspensions from work without pay for purposes of recording disciplinary actions and demonstrating progressive discipline.

C. The Employer has adopted this discipline policy as a guideline for the administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon, the Employer's right to impose a different level of discipline, when circumstances warrant.

D. This discipline policy provides standard penalties for specific offenses; however, the examples of specific offenses given in any grouping are not all inclusive, and, as noted, merely serve as a guideline.

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- E. The purpose of disciplinary action is to encourage corrected performance or behavior, except where the employee is removed. To that end, an employee may request, and the Employer may agree, to remove disciplinary action from an employee's general personnel file after two (2) years, where the employee shows marked improvement. (The Employer is required to maintain such records by the Ohio Civil Rights Commission and in compliance with the County's Records Retention Commission.)
  
- F. The Employer may place an employee on administrative leave with pay, but only in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected. The length of the leave shall not exceed the length of the situation for which the leave is guaranteed, for example, in a disciplinary situation such leave might extend until the Employer completes the predisciplinary process and takes action or decides not to do so. Compensation for administrative leave shall be equal to the employee's base rate of pay.

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This policy is applicable to all classified employees, including those who are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). Under the FLSA an employer may dock an exempt employee's salary in increments of one (1) or more full days as part of a disciplinary suspension for violating safety rules of major significance or for violation of workplace conduct rules.

The examples of Group I, II, and III Offenses, set forth below, are characteristic of those offenses which the State Personnel Board of Review has historically judged to be of such a nature as to warrant those penalties established for the group.

In general, Group I Offenses may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to the organization in terms of a slight yet significant decrease in organization productivity, efficiency, and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a temporary minor adverse impact against the organization unless such acts are compounded over time.

Group II Offenses may be defined as those infractions which are of a more serious nature than Group I Offenses and which, in turn, cause a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency, and/or morale. Group II Offenses, if left undisciplined by proper authority, can cause a serious and longer lasting adverse impact against the organization than the Group I Offenses.

Group III Offenses may be defined as those infractions which are of a very serious or possibly a criminal nature, and which cause a critical disruption to the organization in terms of decreased productivity, efficiency, and/or morale. Group III Offenses, if left undisciplined by proper authority, may cause long-lasting and critically serious adverse impact against the organization.

**GROUP I OFFENSES**

First Offense	Instruction and Cautioning
Second Offense	Written Reprimand
Third Offense	Up to three (3) day suspension or fine*
Fourth Offense	Up to fifteen (15) day suspension or fine*
Fifth Offense	Up to termination

\* This may be a working suspension of record or a non-working suspension without pay.

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Examples of Group I Offenses:

1. failure to "report off" work for any absence;
2. failure to commence duties at the beginning of the work period, or leaving work prior to the end of the work period;
3. leaving the job or work area during the regular working hours without authorization;
4. making preparations to leave work without specific prior authorization before the lunch period, or for any official break time, or before the specified quitting time;
5. leaving post of continuous operations position prior to being relieved by employee of incoming shift;
6. neglect or carelessness in signing in or out;
7. unauthorized absence from work (except job abandonment, which is a constructive resignation and/or grounds for removal);
8. creating or contributing to less than serious unsanitary or unsafe conditions or poor housekeeping. More serious violations carry more severe penalties;
9. distracting the attention of others, unnecessary shouting demonstration, or otherwise causing disruption on the job;
10. malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language;
11. use of abusive language toward other employees;
12. failure to cooperate with other employees as required by job duties;
13. failure to use reasonable care of County property or equipment;
14. use or possession of another employee's working equipment without authorization;
15. neglect or carelessness in observance of official safety rules, or disregard of common safety practices. Wanton or willful neglect carries more severe penalties. See Group III;

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16. failure to observe department rules;
17. obligating the County for any expense, service, or performance without authorization;
18. failure to report minor accidents, injury, or equipment damage;
19. disregarding job duties by neglect of work or reading for pleasure during working hours;
20. unsatisfactory work or failure to maintain required standard of performance;
21. unauthorized use of telephone or personal computer for other than County business purposes;
22. excessive garnishments.

**GROUP II OFFENSES**

First Offense	Up to three (3) day suspension or fine*
Second Offense	Up to fifteen (15) day suspension or fine*
Third Offense	Up to termination

\* This may be a working suspension of record or a non-working suspension without pay.

Examples of Group II Offenses:

1. sleeping during working hours;
2. reporting for work or working while unfit for duty (may be a Group III Offense for CDL holders);
3. conduct violating morality or common decency;
4. unauthorized use of County property or equipment;
5. willful failure to sign in or out when required;
6. willful failure to make required reports;

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7. failure to report for overtime work without good reason after being scheduled to work according to overtime policy;
8. solicitation on County premises without authorization;
9. the making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the County, or its operations;
10. refusing to give testimony when accidents are being investigated;
11. giving false testimony during a complaint or grievance investigation or hearing;
12. unauthorized posting or removal of notices or signs from official bulletin boards;
13. distributing or posting written or printed matter of any description on County premises unless authorized;
14. unauthorized presence on County property;
15. willful disregard of department rules;
16. use of abusive language toward supervisors;
17. discourteous treatment of the public;
18. misuse of two-way radio or related equipment, abusive language over the airways, or interference with business-related transmission.

**GROUP III OFFENSES**

First Offense

Up to and including termination

Examples of Group III Offenses:

1. wanton or willful neglect in the performance of assigned duties or in the care, use, or custody of any County property or equipment;
2. abuse, or deliberate destruction in any manner, of County property, tools, or equipment, or the property of employees, in any manner;

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3. without authorization, possession of any equipment, tools, implements, or other property belonging to the County;
4. signing or altering other employees' time cards, tampering with other employees' time cards, or unauthorized altering of own time card;
5. falsifying testimony when accidents are being investigated, falsifying or assisting in falsifying or destroying any County records including work performance reports, or giving false information or withholding pertinent information called for in making application for employment;
6. making false claims or misrepresentation in an attempt to obtain any County benefit;
7. performing private work on County time or using County property or equipment for private gain;
8. gambling during working hours;
9. stealing or similar misconduct, including destroying, damaging, or concealing of any property of the County or of other employees;
10. the manufacturing, distributing, possessing, or using alcohol or controlled substances (without a properly reported prescription) in the workplace;
11. fighting or attempting to injure other employee, supervisors, or persons;
12. carrying or possession of firearms, explosives, or weapons on County property at any time without prior authorization;
13. knowingly concealing a communicable disease such as TB which may endanger other employees;
14. misusing or removing County records of information without prior authorization;
15. instigating, leading, or participating in any walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the County's work stations;

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16. dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are: theft, pilfering, opening desks assigned to other employees without authorization, making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made inaccurate or false reports concerning any absence from work. The foregoing are examples only and do not limit the terms "dishonesty" or "dishonest action";
17. insubordination, e.g., refusing to perform assigned work or to comply with written or verbal instruction of the supervisors;
18. committing safety violations;
19. threatening, intimidating, or coercing employees or supervisors;
20. engaging in unauthorized political activity;
21. engaging in discriminatory harassment;
22. being convicted of a "felony" within the meaning of R.C. 124.34, even if prior discipline has been issued for the underlying conduct.
23. failure to report a workplace accident or illness;
24. committing a breach of confidentiality;
25. failure to report violation of the computer/internet/electronic mail policy.

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**PREDISCIPLINARY CONFERENCE**

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- A. Whenever the Employer or his/her designee determines that a classified employee may be disciplined for cause (suspensions, fines, reductions, or terminations), a predisciplinary conference will be scheduled to give the employee an opportunity to offer an explanation for the alleged misconduct.
- B. Predisciplinary conferences will be conducted by the Employer or his/her designee.
- C. Not less than twenty-four (24) hours prior to the scheduled starting time of the conference, the Employer will provide to the employee a written outline of the charges which may be the basis for disciplinary action. The employee must choose to: (1) appear at the conference to present an oral or written statement in his or her defense; or (2) elect in writing to waive the opportunity to have a predisciplinary conference.
- D. At the predisciplinary conference the Employer or designee will ask the employee to respond to the allegations of misconduct which were outlined to the employee. The employee must answer all questions truthfully. If it is proven in a subsequent hearing that the employee's responses to questions were not truthful, such dishonesty may result in disciplinary action. Employees refusing to answer direct questions may be subject to additional disciplinary action for insubordination.
- E. At the conference the employee may speak on his/her own behalf in order to explain whether or not the alleged misconduct occurred. The employee may, if he requests, be accompanied, represented, and advised by an attorney, whose participation is limited to protecting the rights of the employee.
- F. The Employer will decide what discipline, if any, is appropriate.
- G. Predisciplinary conference procedures for bargaining unit employees are governed by the applicable collective bargaining agreement.

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**APPEALS**

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- A. Personnel actions such as dismissals, suspensions of three (3) days or more, fines of three (3) days' pay or more, demotions, and layoffs may be appealed by classified employees to the State Personnel Board of Review. Suspensions of less than three (3) days and fines of less than three (3) days' pay may be appealed to the Employer through the internal complaint procedure. Disciplinary action based on conviction of a "felony" within the meaning of R.C. 124.34 may not be appealed to the State Personnel Board of Review.
  
- B. Appeals to the State Personnel Board of Review from removal, demotion, fines, or suspension must be filed within ten (10) calendar days of the date the employee is served with the order. Appeals from layoffs must be made within ten (10) calendar days of the receipt of the notice of the layoff.
  
- C. The State Personnel Board of Review maintains authority to decide whether an appeal warrants a hearing. When an appeal is heard, the Board may affirm, disaffirm, or modify personnel decisions made by the Employer.
  
- D. Bargaining unit employees shall have the right to appeal disciplinary action or layoff through the grievance procedure set forth in the applicable collective bargaining agreement.

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**COMPLAINT PROCEDURE**

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When people work together, there are bound to be occasional differences arising out of interpretations of rules or other problems stemming from conditions of employment.

In order to afford employees an orderly process by which to seek resolution of such differences, the Employer has established the following system:

Complaint Procedure

Step 1. Any employee having a complaint may file his or her complaint verbally with the immediate supervisor. In order for the complaint to be recognized, it must be filed within five (5) working days after the date the alleged complaint occurred. Within five (5) working days from the date the complainant first presented his/her complaint, the supervisor will attempt to resolve the matter.

Step 2. If the complaint is not resolved in Step 1, the complainant may pursue the matter by reducing the complaint to writing and presenting such to the department head within five (5) working days after the reply received in Step 1. The department head shall, if it is deemed necessary, meet with those concerned and otherwise attempt to resolve the matter.

Step 3. If the complaint is not resolved in Step 2, the complainant may pursue the matter by submitting the complaint in writing to the Appointing Authority, or designee, within five (5) working days after the reply received in Step 2. The Appointing Authority or designee shall, within ten (10) working days, meet with and/or conduct the necessary investigations to resolve the matter.

The Appointing Authority shall respond in writing to the complainant within three (3) working days following the conclusion of the investigation. The decision rendered in this step is final.

In the event of extenuating circumstances, a time limit may be extended by mutual agreement, in writing, by the parties.

Complaints not processed to the next step of the procedure within the specified time limits or any written extension thereof shall be considered to have been resolved on the basis of the decision at the previous step.

Any complaint not answered by management within the prescribed time limit or extension thereof shall be considered to have been answered in the negative and may be advanced to the next step.

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Any complaint by a bargaining unit member that alleges a breach, misinterpretation, or improper application of the collective bargaining agreement must be processed in accordance with the contractual grievance procedure.

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