

**MONTGOMERY COUNTY, TEXAS
EMPLOYEE POLICY MANUAL
2. EMPLOYMENT PRACTICES**

2.9 DISCIPLINE

DISCIPLINARY PROCEDURES 2.9-1 Montgomery County expects employees to follow departmental and County policies and to perform their jobs to the best of their abilities. In most cases we follow a system of progressive discipline and counseling geared to correct problems rather than penalize employees. This policy applies to both exempt and non-exempt employees, however in some cases it may not apply to employees not covered by Civil Service.

STEPS 2.9-2 The steps of progressive discipline will normally include, but may not in some cases, the following:

- A. **Verbal counseling or oral warnings:** Normally the first indication of a performance problem or a violation of policy, consisting of a verbal conference with the employee. This is designed to advise the employee of the problem which has resulted in unsatisfactory behavior or performance. An informal note, including the date of the discussion and what was said, should be placed in the employee's file.
- B. **First Level Discipline:** For dealing with the continuation of minor offenses, when two or more previous verbal warnings or reprimands do not result in the correction of the problem by the employee. The action should be documented on form HR-10, First Level Discipline, be signed by the supervisor and employee, and should also allow for the employee to respond. Copies should be distributed to the employee and the Human Resources Department and a copy retained by the supervisor.
- C. **Second Level Discipline:** For dealing with serious offenses or a continuation of minor offenses that were not corrected in the first level of discipline. This level may be used without using the first when the offense is serious enough to warrant such action. The action should be documented on form HR-11, Second Level Discipline, be signed by the supervisor and employee and should also allow for the employee to respond in writing. Copies should be distributed to the employee and the Human Resources Department and a copy retained by the supervisor. Second level discipline could include:
 - 1. Placing the employee on **probation**; or
 - 2. Placing the employee on an **unpaid suspension** for three days or less.

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D. **Third Level Discipline:** This level of discipline deals with major offenses or a continuation of minor offenses which were not corrected in the first or second levels of progressive discipline. This level may be used without the use of the first or second levels when the severity of the offense makes this level of discipline appropriate. All cases of third level discipline should be recorded on form HR-12, Third Level Discipline, and be specific enough that the employee understands the severity of the action. Third level discipline could include:

1. **Unpaid suspension** for more than three days
2. **Demotion** to a position with a lower salary grade and/or pay rate
3. **Discharge**

2.9-3 For employees covered by Civil Service, all cases of third level discipline must be recorded on form HR-12, Third Level Discipline, and must be properly documented so that the employee understands the severity of the action and is given the opportunity to respond in writing to the department head before formal action is taken by the department. Once the employee has responded or declined to respond, any action taken should be documented by the elected official/department head or his/her designee using form HR-13, Notification of Disciplinary Action. Copies should be given to the employee and the Human Resources Department and a copy retained by the department.

2.9-4 There are some infractions which are so serious as to constitute a basis for immediate discharge without going through the steps listed above. Examples include but are not limited to theft, fraud, insubordination, being on duty under the influence of alcohol or illegal drugs, fighting, and/or willful property abuse.

2.9-5 Although supervisors are encouraged to follow the above disciplinary procedures, all employees are employed "at will" during their first six months of employment and may be terminated at any time, with or without reason or notice. Even those in positions covered by Civil Service are not guaranteed that each step of progressive discipline will be followed.

2.9-6 Employees in positions covered by the Montgomery County Civil Service Regulations have the right to grieve suspensions of more than three days, demotions, and discharges to the Montgomery County Civil Service Commission.

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- EXEMPT EMPLOYEES** 2.9-7 Exempt employees who violate workplace conduct rules (defined by the FLSA as behavior such as sexual harassment, violence, drug or alcohol use, or violation of state or federal laws) may be suspended for one or more full days.
- SAFETY RULES** 2.9-8 As allowed under the FLSA, deductions may be made from the pay of exempt employees for penalties imposed in good faith for infractions of safety rules of major significance, defined by the FLSA to include “those relating to the prevention of serious danger in the workplace or to other employees.” The deduction does not have to be proportional to the time for which the employee is suspended. Deductions from the pay of non-exempt employees will be based on the number of hours of unpaid suspension.
- RECORDS RETENTION AND DESTRUCTION** **2.9-9** Records created by or for the Montgomery County Civil Service Commission or by or for personnel or supervisory officers in considering, or reconsidering on appeal, a disciplinary action (i.e., a Verbal Reprimand, Counseling or Warning, a First Level Discipline, a Second Level Discipline or a Third Level Discipline) against an employee, including, but not limited to, witness and employee statements, interview reports, exhibits, reports of findings, and decisions and judgments must be retained for two years after the civil service case is closed or the action is taken, as applicable. Upon the expiration of that time, the Montgomery County Civil Service Commission may, at its discretion, order that such records in its custody be removed from its files and destroyed. Likewise, upon the expiration of that time, such records contained in the employee’s departmental personnel file and such records in the employee’s personnel file in Human Resources may, at the discretion of the elected official or department head for whom the employee then works or last worked, be removed from the files and destroyed; provided, however, that nothing in this sentence shall prohibit the Human Resources Director from removing documents from an employee’s personnel file and destroying same in accordance with a uniformly applied document retention and destruction schedule.