



COUNTY OF BERGEN  
personnel policy manual

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SECTION:

EMPLOYEE RELATIONS

SUBJECT:

EMPLOYEE CONDUCT & DISCIPLINE

POLICY

It is the responsibility of every employee to insure the orderly carrying out of the County's functions and to accept and observe the County's policies and standards of conduct. Normal standards of courtesy, consideration and politeness will provide sufficient guidelines to cover most situations. Additional guidelines are set forth to enhance rather than obstruct and interfere with work.

PROCEDURE

Discipline action or measures shall include oral and written reprimands, suspension and discharge for cause.

1. Disciplinary may be imposed upon an employee for failing to fulfill his responsibilities as an employee: Where the County seeks the imposition of a suspension without pay, or dismissal from service, notice of such discipline shall be made in writing and served upon the employee. Discipline shall only be imposed for just cause. The conduct for which discipline is being imposed and the penalty proposed shall be specified in the notice. The writing shall be served on the employee at the time the discipline is imposed, and shall contain a full description of the specified acts and conduct, including reference to dates, times and places, when relevant.
2. Discipline shall be imposed in a timely fashion, usually no more than 90 days after the infraction.



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### EMPLOYEE WARNING NOTICES & PROGRESSIVE STEPS

1. MINOR INFRACTION - County policies outline certain rules. The violation of which may constitute misconduct on the part of an employee. In cases of minor unintentional or borderline infringement of regulations, it is advisable to have the Supervisor or the Department Director call in the employee to discuss the action in privacy. Discussion will, in many instances, eliminate possible misunderstandings and prevent further occurrences. Employee warning notice is not warranted in cases of such "misconduct."
2. MAJOR INFRACTIONS - An employee warning notice form should be prepared in advance, after a verbal warning may have been issued. The matter shall be reviewed with the employee both during verbal warnings and, too, after a written warning may have been generated. Where these warning notices are in effect, the supervisor or Department Director must be able to document the violation. Documentation shall be obtained either by self observation or by a thorough investigation of the occurrence. In some cases, an employee may be relocated pending the results of the investigation. It is understood that such is not a disciplinary action.
3. SUSPENSIONS - If an employee is accused of a rule violation, he may be suspended, pending the results of a formal hearing. Such action is generally taken after the issue of a written warning, though not necessarily.

### PROGRESSIVE STEPS

Disciplinary action must follow progressive steps because it is the best method of correcting unacceptable behavior and because employees deserve adequate warning of the seriousness of the problem and the consequences that might result. Generally, the progressive steps are a verbal warning, written warning, one (1) day, three (3) day suspension and termination.



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### VERBAL WARNING:

1. For most problems (attendance, work habits, etc.), the Department Director or supervisor informs the employee that he would like to discuss the particular problem. It is done in a friendly way so as to inform the employee what the problem is. Counseling and attempts to help the employee remedy the problem should be made. The employee should have the option to have a union delegate present, if represented by a collective bargaining unit. They discuss the unacceptable behavior and the necessary corrective action.
2. A memorandum is made to the employee's file in order to document the fact that an oral warning was given. The employee, the personnel service, and the union delegate do NOT receive copies. Be certain that the warning accurately expresses the suggested corrective action, and warning.

### WRITTEN WARNING:

If the employee does not heed the verbal warning, and continues with the same problem, he is spoken to in a more formal manner and is informed that he will be receiving a written notice containing the contents of the interview. The interview and the subsequent written notice should mention the rule or regulation violated, specific details, the prior verbal warning, the seriousness of the problem, the difficulty it imposes on the department what is expected of the employee to correct the problem and the consequences of not correcting the problem. Copies are sent to the Personnel Office for inclusion in the employee's permanent employment record and to the representative where appropriate.



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SUSPENSION:

1. Suspension is a serious disciplinary measure and imposes an economic penalty on the employee. It is usually the final warning and future incidents for the same offense within a period of time will result in termination. Where the warning is final, it should be expressed that termination will be the next step unless a sustained improvement is made. The value of suspension is that it forcefully notifies the employee of the seriousness of the problem.
2. After an employee fails to heed verbal and written warnings or immediately in the case of a very serious offense, the Department Director may approve the suspension of an employee. In some cases, especially absenteeism, where an employee, after being issued a written warning without suspension may be called for. Supervisors should refer recommendations for suspension to Department Director who shall consult with the Director of Personnel, regarding the merits or duration of a suspension.
3. The first suspension should usually be limited to one day. The interview and documentation should contain the violation, specific detail, prior verbal and written warnings, the seriousness of the problem, the difficulty it imposes on the department, what is expected of the employee to correct the matter, and the consequences of not correcting the problem. The Department Director has the responsibility of notifying the Personnel Director and bargaining representative if applicable, that an employee has been suspended. The second suspension should usually be limited to three days, and documentation should be as described under the first suspension.



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### DISCHARGE:

When an employee is unable or unwilling to meet the County's standards after stepped discipline, discharge is called for, the Department Director may recommend termination to the Personnel Director, who then conducts a formal hearing. The Department Director must be present at the preliminary hearing to present the charge(s), have detailed written evidence including previous warnings and suspension actions for the charge imposed, and have witnesses available if required. The bargaining representative is usually present. All details are aired at the hearing and the employee may defend his/her actions prior to any final discipline which may be engaged in.

### RESPONSIBILITY:

It is the responsibility of the supervisor/department director to provide counsel when necessary or utilize the appropriate discipline and maintain proper documentation of all problem occurrences. The Personnel Director shall be utilized as a consultant in such matters.

It is the responsibility of the Personnel Director to enforce the County's standards and terminate any employee when the steps of discipline have been fully utilized.

### CONTROLS

The process of progressive disciplinary steps provide a means of controlling any and all corrective action taken toward employee behavior. Extensive documentation of the process allows the Personnel Director to monitor all penalties imposed. In addition, the Appointing Authority/Personnel Director has the ultimate authority to terminate, and controls the disciplinary process by his decision on terminations.



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DISCIPLINARY GUIDELINES

1. ABSENTEEISM

All progressive steps are required. The definition, patterned or excessive absence, should be mentioned and detailed in the written reports. PATTERNED ABSENCE refer to unscheduled and often unverified absenteeism immediately before or after an approved day(s) off. Disciplinary action may be engaged in before the employee attains an unreasonable rate of 15 per year (8 in a half year) if the pattern is evident.

EXCESSIVE ABSENCES that consist of more than 3 to 4 days' duration should be reviewed for their consistency and reasonableness, and if unverified as to authenticity or continuous, should be disciplined. Excessive absenteeism of greater duration due to medical reasons should surely be examined to consider the employee's capability of assuming a job role without medical restriction.

2. NO CALL

It is the employee's responsibility to notify the department of the fact that he will not report when scheduled. Failure to do so under normal circumstances calls for discipline in the normal sequence.

3. INSUBORDINATION

Where an employee refuses to follow a reasonable and properly issued work order from a supervisory person. The supervisor should make certain that the employee understands the severity of his offense, repeat the request, and then if all else fails, warn the employee that a suspension would be the discipline recommended for the refusal. If the employee refuses:

- a. 1st occasion - One day suspension
- b. 2nd occasion - Three day suspension
- c. Termination



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4. WORK PERFORMANCE  
When the quantity or quality of the work is below acceptable standards due to inability or unwillingness on the part of the worker, action should be initiated. All progressive steps in the disciplinary process should be used.
5. THEFT  
Any defined and substantiated theft shall ordinarily be penalized by termination.
6. LEAVING WORK AREA WITHOUT AUTHORIZATION  
An employee who leaves the facility before the designated time or who leaves the work station without permission or sufficient reason shall be disciplined in the normal sequence. The County may seek to impose suspension action immediately dependent upon the seriousness of the offense.
8. SLEEPING ON THE JOB  
Sleeping or dozing while on paid work duty usually is subject to discipline in the normal sequence, but may require more severe discipline. The County may seek to impose suspension action immediately dependent upon the seriousness of the offense. The County may seek to impose termination action immediately dependent upon the seriousness of the offense.
8. DISRUPTIVE CONDUCT UNBECOMING AN EMPLOYEE IN THE PUBLIC SERVICE  
Fighting, abusive language, intimidation of fellow employees to commit violations shall not be permitted on County premises. Discipline depends upon the severity of the offense up to and including termination. The County may seek to impose suspension action immediately dependent upon the seriousness of the offense. The County may seek to impose termination action immediately dependent upon the seriousness of the offense.



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9. DRINKING OF ALCOHOLIC BEVERAGES ON COUNTY PROPERTY  
This may become a major problem when it is associated with disruptive behavior or unsatisfactory work performance. If such use of alcohol is quite evident, the supervisor and a reliable witness should be summoned to testify to the problem. In addition to the usual disciplinary sequence, the employee may be referred to the Bergen County Employee Assistance Program on a "Supervisory Referral" if the employees work performance is unsatisfactory.
10. FALSIFICATION OF RECORDS  
Falsification of any record including time cards, employment application form and health record is unacceptable. The County may seek to impose suspension action immediately dependent upon the seriousness of the offense. The County may seek to impose termination action immediately dependent upon the seriousness of the offense.