



## DISCIPLINARY PROCEDURE

### 4.02

Effective Date: 07/18

**Purpose:** The purpose of the procedure is to describe the employment relationship and the disciplinary process to be followed by Barren River District Health Department (BRDHD) and employees at anytime that a situation calls for such action.

**Failure to Comply:** Employees who fail to comply with this policy will be subject to disciplinary procedures. Agency failure to comply could result in violation of regulations.

**Procedure:** BRDHD has no contractual relationships between the health department and an employee. Letters, benefits, policy statements, procedures, etc., are not to be interpreted as a contract. No one can enter into any oral or written employment contract without the signature of the appointing authority or his/her assigned designee.

#### **Employee Responsibility**

It is the duty and the responsibility of every employee to be aware of and abide by existing rules and regulations. It is also the responsibility of the employee to perform their duties to the best of their ability and to the standards as set forth in their job description or as otherwise established.

#### **Supervisors' Responsibility**

If the employee's performance of assigned task is the issue, the supervisor should generally look to see that proper instructions, appropriate orientation and training have been given, and that the employee is aware of the job expectations. Single incidents and patterns of poor performance should be of concern as it is indicative of overall performance. If misconduct is the issue, the supervisor should take steps to make sure that the employee has been made aware of the agency's policies, procedures and regulations regarding the infraction. If in either case appropriate instruction or information was not communicated, a plan for such should be immediately developed and reviewed with the employee.

Whenever an employee has demonstrated an inability to perform assigned work responsibilities efficiently or when they have been involved in a disciplinary situation that has not been readily resolved, the supervisor, in consultation with the Human Resources Manager, may implement a P-26 Performance

Improvement Plan. This status will last for a predetermined amount of time not to exceed ninety (90) days, and within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor and the agency in the performance improvement plan. At the end of the performance improvement period, if established goals are not met, disciplinary action up to and including suspension and/or dismissal may occur.

### **Employee Conduct**

BRDHD follows “progressive discipline” (per Administrative Regulation 902 KAR 8:100) to address conduct issues such as poor work performance or misconduct and to encourage employees to become more productive workers and conform their behavior to the agency’s standards and expectations. Generally, employees are counseled to explain what behavior has been unacceptable.

Generally progressive discipline is applied in a progressive manner, with each disciplinary action more severe, in an effort to correct an employee’s performance or behavior problem. Progressive discipline consists of the following actions:

- 1) Verbal Warning
- 2) Written Warning
- 3) Demotion or Suspension
- 4) Dismissal

One or more of these disciplinary steps may be bypassed based on the severity of the performance or behavior problem.

A verbal warning occurs when a supervisor provides a written verbal warning to an employee about an issue of concern. A written record of the discussion noting the date, event, and recommended action is placed in the employee's file for future reference. P-27 Verbal Warning Form

Written warnings are used for behavior or violations which a supervisor considers serious or where a verbal warning has not helped to change unacceptable behavior. An employee should recognize the grave nature of the written warning. P-28 Written Warning Form

In circumstances where either the verbal warning or the written warning has not brought about the desired improvements, a supervisor can submit a P-29 Request to Suspend-Demote-Dismiss Form to the Human Resources Manager. This request will be reviewed by the appointing authority with the Human Resources Manager and the appropriate supervisor to determine the next step in the disciplinary process.

A demotion will be in the form of a letter from the appointing authority to the employee documenting the behavior or performance issue and previous steps taken to correct the issue. A demotion will consist of the employee changing to a lower classification and their rate of pay will be reduced to the lesser of ten (10) percent or to the minimum of the new grade, in accordance with 902 KAR 8:060.

A suspension will be in the form of a letter from the appointing authority to the employee documenting the behavior or performance issue and previous steps taken to correct the issue. A suspension will

consist of a number of days that the employee will not report to work and will not receive any form of pay. The number of days and specific dates will be determined by the appointing authority.

Termination is the final step in the disciplinary process and will be in the form of a letter from the appointing authority.

Demotions, suspensions and terminations can be appealed to the Local Health Department Employment Personnel Council. All requests for appeal to Frankfort must be submitted on the [CH-41 Request for Appeal Form](#). This form may be requested from the Human Resources department or located on the KY Department for Public Health Personnel Branch website.

Barren River District Health Department will follow the disciplinary procedures applicable for local health department employees as established by [902 KAR 8:100](#). No list of rules can include all instances of conduct which can result in discipline. The examples listed in [902 KAR 8:100](#) are not all inclusive.

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**Forms:** [P-26 Performance Improvement Plan](#); [P-27 Verbal Warning Form](#); [P-28 Written Warning Form](#); [P-29 Request to Suspend-Demote-Dismiss Form](#); [CH-41 Request for Appeal Form](#)

**References:** [902 KAR 8:100](#); [902 KAR 8:060](#); [KY Department for Public Health, Personnel Branch](#)

**Contact Persons:** Human Resources Manager

**Procedure Origination, Revision, and Review Tracking**

Procedure Version Number	Origination Date	Description of Revision or Reviewer Name
4.02	01.25.2018	HR Manager – Procedure Creation
4.02	10.06.2020	HR Manager-Reviewed