

A. GENERAL:

1. A disciplinary action is an action taken in response to inappropriate performance or other work-related behavior. The degree of disciplinary action shall relate to the gravity of the improper conduct and/or the past performance and conduct of the employee. Generally, disciplinary measures begin with a less severe action and become increasingly severe if new offenses occur. In some cases, however, even in the absence of prior disciplinary action, a particular offense may be so serious in nature as to warrant immediate suspension, demotion or dismissal.
2. Verbal counseling may be noted by the Division Head or supervisor. All written counselings shall be documented by the Division Head or supervisor and acknowledged by the employee.
3. Reasonable suspicion or grounds to believe that violations of the following, or repetitions of poor performance or improper conduct may constitute cause for disciplinary actions: (This listing is not intended to be exhaustive but is for illustrative purposes only).
 - a. Violation of the Code of Conduct for Judicial employees;
 - b. Fraud in securing appointment;
 - c. Incompetence or inefficiency in the performance of the duties of the position which detracts from the business of the Court which may include any of the following:
 - 1) Placing the Court at financial risk.
 - 2) Slowing or placing added burden on co-workers or other divisions.
 - 3) Loss or damage to property.
 - 4) Harming community relations.
 - 5) Harming customer relations.
 - 6) Infringing upon co-workers rights, including but not limited to the right to privacy.
 - 7) Slowing or placing added burden on subordinates or supervisors.

- 8) Unauthorized disclosure of confidential information.
- d. Physical or verbal conduct or behavior which is offensive, coercive, abusive, threatening, obscene or likely to incite violence or retaliation;
- e. Neglect of duty;
- f. Insubordination or willful disobedience, violation of any lawful official regulation or order, or failure to obey any proper directive made by a superior;
- g. Dishonesty, misappropriation, destruction, unauthorized removal, relocation, theft or conversion of Court property or the property of other employees or citizens;
- h. Unlawful manufacturing, distributing, possessing, dispensing, using or being under the influence of alcohol, dangerous drugs including but not limited to a narcotic, barbiturate, marijuana, prescription drugs or a tranquilizing or hallucinogenic drug while on duty, or on Court property. This includes the taking of medications or drugs, prescribed or nonprescribed, when the affect of taking such drug(s) interferes with the safe or efficient performance of job duties or operation of Court equipment.
- i. Unsatisfactory attendance; absence without leave; unauthorized absence from the workplace during the workshift; excessive absenteeism not covered by the FMLA or ADA;
- j. Commission of a felony or misdemeanor as established either by a formal conviction or by other clear and convincing evidence involving moral turpitude which adversely reflects on the Court or affects the employee's suitability for continued employment;
- k. Discourteous treatment of the public;
- l. Loss of required qualifications, license or certificate;
- m. Engaging in prohibited political activity;
- n. Misuse or abuse of work time to include the surreptitious use of eaves-dropping devices (i.e. tape recorder, listening device, etc.) or leave

privileges;

- o. Violation of any of these Rules or the policies, procedures or practices of the Division in which employed; unsatisfactory performance or conduct; or any other conduct or behavior which discredits the Court.
- p. Mishandling of Court funds, or intended falsification of any information required by the Court;
- q. Lying, deceitful behavior, falsification or unauthorized use of Court records, reports or claims (to include logging and maintaining hidden time records);
- r. Seeking to obtain financial, sexual or political benefit from another employee by wrongful use of position, force or fear;
- s. Engaging in unlawful discrimination and/or harassment as defined by the Court's rules;
- t. Actual or attempted use of Court employment for personal gain or benefit of friends or acquaintances;
- u. Unsafe or unhealthy work habits or actions, including unsafe driving habits;
- v. Failure to report accidents/incidents;
- w. Multiple wage garnishments;
- x. The refusal, when so directed, to be examined by a licensed physician designated by the Court;
- y. Unauthorized possession of firearms or other weapons on Court property. Exceptions to this Rule may exist in certain public safety assignments;
- z. Gambling on Court property;
- aa. Smoking if prohibited by local ordinance or Court Rules;
- bb. Unauthorized sleeping on the job;
- cc. Improper attire or inappropriate personal appearance (ie. failure to wear clothing and/or to maintain personal appearance appropriate for the work

being performed as defined by the Division Head or designate);

- dd. Unauthorized use of the Court's communication systems, including possession of unlicensed software, unauthorized use, removal, revision or deletion of a database;
 - ee. Any other improper conduct or performance which discredits the Court or undermines the administration of justice and/or proper and efficient operation of Court business including those items defined in Rule 501 or other conduct which constitutes cause for disciplinary action.
4. All pre-disciplinary actions held in conjunction with a formal disciplinary action are to be coordinated with the Court Administrator or designee.