

ARLANDRIA COUNTY

Department of Administration

HUMAN RESOURCES ADMINISTRATIVE PROCEDURES

Discipline, Investigation, and Corrective Action

Issued by:

Office of the County Administrator

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Authority:

*Arlandria County Personnel Policy Manual,
Chapter 9, Section 6.04 (Disciplinary Procedure)*

Section 1. Purpose and Authority

1.01 Purpose

These Administrative Procedures establish operational standards for the consistent application of Chapter 9, Section 6 of the Arlandria County Personnel Policy Manual (Employee Conduct, Discipline, and Discharge). The Policy Manual establishes the County's general framework for addressing employee conduct and performance. These Procedures provide the specific steps supervisors and Human Resources staff are expected to follow when taking corrective or disciplinary action.

1.02 Authority

Chapter 9, Section 6.04 of the Personnel Policy Manual provides that discipline may be applied for violation of the Manual or other reasonable work standards not specifically defined therein, but only after consultation with the Human Resources Director. These Administrative Procedures are issued by the County Administrator pursuant to that authority and to Section 1.05 of the Manual, which authorizes the Administrator to provide for effective and efficient administration of County government.

1.03 Relationship to the Personnel Policy Manual

These Procedures supplement but do not supersede the Personnel Policy Manual. Where a collective bargaining agreement contains specific provisions governing employee discipline, those provisions control. Where the Manual addresses a matter directly, the Manual controls. These Procedures address only the operational steps and documentation standards not otherwise specified.

1.04 Scope

These Procedures apply to all non-represented regular employees of Arlandria County. Represented employees are subject to the discipline and grievance provisions of the applicable collective bargaining agreement. Department heads and key appointed positions, who serve at the discretion of the County Administrator or governing body per Section 7.4 of the Disciplinary and Corrective Action Procedures, are not subject to the progressive discipline framework in Section 2.

Section 2. Progressive Discipline Framework

2.01 Progressive Discipline Sequence

For conduct and performance issues that do not rise to the level of serious misconduct identified in Section 2.02, the following sequence shall ordinarily apply. Each step must be documented in writing and placed in the employee's personnel file before the next step is taken, except where circumstances under Section 2.02 warrant acceleration.

Step 1. Verbal Counseling. Documented supervisor conversation with the employee, addressing the specific concern and the expectation for correction. The supervisor shall prepare a written record of

the conversation and provide a copy to the employee. Verbal counseling is not considered formal discipline but is a prerequisite to formal written corrective action under ordinary circumstances.

Step 2. First Written Warning. Written document describing the conduct or performance concern, prior verbal counseling addressing the same concern, specific expectations going forward, and the consequences of continued or additional concerns. Issued by the supervisor after consultation with the Human Resources Director.

Step 3. Second Written Warning. Issued when the conduct or performance concern addressed in a first written warning continues or recurs. May also be issued for a new concern of similar nature or severity. Issued by the supervisor after consultation with the Human Resources Director.

Step 4. Final Written Warning. Issued when the conduct or performance concern addressed through prior written warnings has continued. The final written warning shall expressly state that further violations will result in consideration of suspension or termination. Issued by the supervisor after consultation with the Human Resources Director.

Step 5. Suspension. Unpaid suspension of one to ten working days. Suspension requires consultation with the Human Resources Director, approval of the Department Head, and concurrence of the County Administrator per Section 6.05 of the Personnel Policy Manual.

Step 6. Termination. Termination of employment. Termination requires consultation with the Human Resources Director, approval of the Department Head, and approval of the County Administrator per Section 6.05 of the Personnel Policy Manual.

2.02 Acceleration for Serious Misconduct

The progressive sequence in Section 2.01 may be accelerated or bypassed for serious misconduct, defined as conduct that: (a) creates a substantial risk to workplace safety; (b) involves dishonesty, theft, or misrepresentation; (c) constitutes workplace violence or harassment as defined in Chapter 8, Section 7 or Chapter 9, Section 5 of the Personnel Policy Manual; (d) involves the possession or use of controlled substances while on duty; or (e) constitutes a criminal act related to the employee's duties. Acceleration requires documentation of the specific misconduct and the basis for the acceleration in the recommendation for disciplinary action.

2.03 Documentation Requirements

Each step of progressive discipline shall be documented in writing. Documentation shall include the specific conduct or performance at issue, reference to the applicable policy or work rule, the expectations going forward, and the consequences of continued concerns. Documentation of verbal counseling (Step 1) shall be placed in the employee's departmental file. Formal written warnings (Steps 2 through 4) shall be placed in the employee's central personnel file.

2.04 Distinct Conduct Concerns

When an employee has received corrective action on one conduct or performance concern and is subject to a separate and distinct concern, the two matters shall be treated as separate progressive

tracks unless the later concern is of a nature and severity that independently warrants immediate advancement under Section 2.02. Prior progressive steps on one concern do not themselves establish the progressive basis for action on a separate concern.

Section 3. Pre-Disciplinary Procedures

3.01 Applicability

This Section applies to disciplinary actions at Step 5 (Suspension) and Step 6 (Termination) of the Progressive Discipline Sequence, and to any accelerated action under Section 2.02 that results in suspension or termination.

3.02 Administrative Leave

Pending completion of pre-disciplinary procedures, the Department Head, in consultation with the Human Resources Director, may place the employee on administrative leave with or without pay per Section 6.05 of the Personnel Policy Manual. Administrative leave is not itself a disciplinary action and shall not be considered as such in any subsequent review.

3.03 Review of Evidence

Before any suspension or termination is imposed, the Human Resources Director shall ensure that the investigation file is complete and that the proposed action is supported by documented evidence. The investigation file shall meet the requirements of Section 6 of these Procedures.

3.04 Employee Notification and Pre-Disciplinary Hearing

The employee shall be provided with written notice of the proposed disciplinary action at least five (5) working days before the action is imposed. The notice shall be issued by the Human Resources Director and shall include:

- The specific action proposed (suspension or termination) and, if suspension, the proposed length in working days.
- The specific policy provisions or work rules alleged to have been violated.
- A summary of the facts supporting the proposed action and reference to the investigation file documenting those facts.
- The date, time, and location of a pre-disciplinary hearing.
- A statement of the employee's right to review the investigation file, to submit a written response, to be accompanied by a representative of their choosing (including legal counsel or a union representative where applicable), and to present any information the employee believes should be considered.
- A statement that no final action will be taken until the pre-disciplinary hearing has been held and the County Administrator has considered the evidence and the employee's response.

3.05 Conduct of Hearing

The pre-disciplinary hearing shall be conducted by the Human Resources Director. The Department Head, the immediate supervisor, and any other persons the Human Resources Director determines have

relevant information may attend. The hearing is an opportunity for the employee to respond to the charges and present information; it is not an evidentiary proceeding.

3.06 Final Decision

Following the pre-disciplinary hearing, the Human Resources Director shall prepare a recommendation for the County Administrator, who shall make the final decision to impose, modify, or withdraw the proposed action. The employee shall be notified in writing of the final decision within five (5) working days of the pre-disciplinary hearing.

Section 4. Standards of Conduct

4.01 Scope

This Section identifies specific conduct and performance concerns most commonly the subject of corrective action and establishes operational definitions. This Section does not limit the general standards of conduct set forth in Chapter 9, Section 6 of the Personnel Policy Manual or the examples of behaviors that may result in discipline set forth in Section 6.03 of the Manual.

4.02 Attendance and Punctuality

Employees are expected to maintain regular attendance and to report to work on time. Chapter 5, Section 1 of the Personnel Policy Manual establishes the general attendance expectation. This Section 4.02 establishes operational definitions and thresholds for corrective action.

4.02.1 Unscheduled Absence Defined. An absence for an entire scheduled workday or shift for which the employee has not provided advance notice and approval. Calling in prior to or at the start of the shift does not convert an unscheduled absence into a scheduled absence; it satisfies the notification requirement but does not remove the occurrence from the attendance record.

4.02.2 Tardy Arrival Defined. Arrival at the workstation more than fifteen (15) minutes after the scheduled start time, without advance supervisor approval of an adjusted start.

4.02.3 Patterns Warranting Corrective Action. The following patterns ordinarily warrant corrective action: (a) five (5) or more unscheduled absences in a rolling ninety-day period; (b) three (3) or more tardy arrivals in a rolling ninety-day period; (c) combined patterns of unscheduled absences and tardy arrivals indicating a sustained disregard for the attendance expectation. These thresholds are guidelines for supervisor consultation with Human Resources; they are not automatic triggers for discipline.

4.02.4 Protected Leave. Absences that qualify as protected leave under the Family and Medical Leave Act, the Wisconsin Family and Medical Leave Act, the Americans with Disabilities Act, or other applicable law shall not be counted toward the patterns identified in Section 4.02.3. Supervisors who have concerns about attendance shall consult with the Human Resources Director to determine whether any of the absences at issue are protected.

4.05 Insubordination

Insubordination, as referenced in Chapter 9, Section 6.03 of the Personnel Policy Manual, is defined for purposes of these Procedures as follows:

4.05.1 Refusal of a Lawful Directive. Refusal to perform a lawful work assignment or directive given by a supervisor with authority to direct the work, where the employee had the ability to perform the assignment and no legitimate basis to refuse.

4.05.2 Disrespectful Conduct Toward a Supervisor. The use of disrespectful, abusive, or threatening language toward a supervisor in the course of a work-related exchange.

4.05.3 Unauthorized Departure. Leaving the work site during scheduled hours without supervisor authorization, or failing to report to an assigned work location.

4.05.4 Context and Proportionality. Not every disagreement or expression of frustration constitutes insubordination. Supervisors shall consider whether the directive was lawful, whether the employee understood the directive, whether the employee raised a legitimate concern (including a safety concern or a concern about a personal obligation), and whether the employee's conduct was proportionate to the circumstances.

Section 6. Investigation Requirements

6.01 Purpose of Investigation

When conduct or performance may warrant suspension or termination, an investigation shall be conducted to establish the facts, document the employee's response, and ensure that any subsequent action is supported by a reasonable review of the evidence. The investigation is not an adversarial proceeding but rather a fact-gathering process intended to support fair and consistent decision-making.

6.02 Responsibility for Investigation

The Human Resources Director shall assign an investigator, who may be a member of the Human Resources staff or a designated departmental investigator with no direct involvement in the matter. The investigator shall have no supervisory or personal relationship with the subject employee that could create an actual or apparent conflict of interest.

6.03 Required Elements of an Investigation

Every investigation conducted under these Procedures shall include the following elements. Documentation of each element shall be included in the investigation file.

6.03.1 Incident Report. A written incident report from the reporting supervisor, prepared as close in time to the incident as practical, setting out the facts as known to the reporting supervisor. A separate witness statement shall be prepared if the reporting supervisor is a direct participant in the events.

6.03.2 Employee Statement. A written statement from the employee at the center of the allegations, documenting the employee's account of the events in question, shall be solicited and, if provided, included in the investigation file.

6.03.3 Witness Interviews. All persons reasonably identified as witnesses to the events at issue shall be interviewed. A witness is reasonably identified if the witness is named in the incident report, identified by the subject employee, or identified by another witness as having relevant information. If a reasonably identified witness is not interviewed, the investigation file shall document the reason (such as declination to participate, unavailability, or determination that the witness does not have information relevant to the scope of the investigation). The absence of a witness interview without documented explanation is a deficiency in the investigation record.

6.03.4 Corroborating Evidence. Where possible, the investigation shall include corroborating evidence from sources other than the reporting supervisor. Corroboration may take the form of independent witness statements, contemporaneous documentation, or physical or electronic evidence. The absence of corroboration does not preclude disciplinary action but shall be documented and considered in the recommendation.

6.03.5 Personnel File Review. Review of the subject employee's personnel file, including prior corrective actions, performance evaluations, and any relevant context regarding the employee's work history.

6.03.6 Written Findings. A written summary of findings identifying: (a) the facts the investigation has established; (b) the facts that remain in dispute; (c) the specific policy provisions or work rules alleged to have been violated; and (d) any deficiencies or gaps in the investigation record.

6.04 Timeline

Investigations shall be completed within fifteen (15) working days of assignment unless circumstances warrant an extension. Extensions shall be documented by the Human Resources Director. Prolonged investigations can prejudice both the employee's interests and the County's interest in timely resolution.

6.05 Confidentiality and Open Records

Investigation materials shall be treated as confidential to the extent permitted by law. Employees involved in the investigation shall be advised that the County will protect confidentiality to the greatest extent practical but that certain materials may be subject to disclosure under the Wisconsin Public Records Law (Wis. Stat. Ch. 19, Subch. II), particularly if the investigation results in discipline of a public employee. Supervisors and investigators shall be mindful that investigation notes, witness statements, and related materials may become discoverable or subject to disclosure.

Section 7. Human Resources Role

7.01 Consultation Requirement

Chapter 9, Section 6.04 of the Personnel Policy Manual requires consultation with the Human Resources Director before any formal disciplinary action is taken. These Procedures make that requirement operational: the Human Resources Director shall be consulted before a first written warning is issued, at each subsequent step of progressive discipline, and before any pre-disciplinary process is initiated under Section 3 of these Procedures.

7.02 Recommendation Forwarding

Recommendations for suspension or termination shall be forwarded in writing from the supervisor through the Department Head to the Human Resources Director. The recommendation shall include: (a) a summary of the conduct or performance at issue; (b) reference to the specific policy provisions or work rules alleged to have been violated; (c) a summary of prior corrective action; (d) reference to the investigation file assembled under Section 6; and (e) a statement of the disciplinary action recommended.

7.03 Standards Review

The Human Resources Director shall review each recommendation for consistency with these Procedures, for proportionality relative to comparable prior actions, and for sufficiency of the investigation record. Where the Human Resources Director identifies deficiencies, the Director shall require that those deficiencies be addressed before the matter proceeds to pre-disciplinary process.

Section 8. Records and Retention

8.01 Investigation Files

Investigation files shall be maintained by the Human Resources Director separately from the employee's central personnel file. The investigation file shall include all materials described in Section 6.03, the pre-disciplinary hearing notice, any written response from the employee, and the final decision on disciplinary action.

8.02 Central Personnel File

Formal written warnings, pre-disciplinary hearing notices, and final decisions on suspension or termination shall be placed in the employee's central personnel file. Verbal counseling documentation (Step 1) shall be maintained at the departmental level.

8.03 Retention

Retention of records under this Section shall comply with the General Records Schedule maintained by the Department of Administration and with applicable Wisconsin statutes governing the retention of public employment records.

8.04 Public Records Awareness

Investigation files, written warnings, pre-disciplinary hearing notices, and final discipline decisions are public records subject to the Wisconsin Public Records Law (Wis. Stat. Ch. 19, Subch. II). Certain materials may be subject to redaction or exemption from disclosure under applicable law. Any request for disclosure of records maintained under these Procedures shall be referred to the County's designated records custodian for processing in accordance with applicable law.

Approved:

Office of the County Administrator
Arlandria County, Wisconsin

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