



## PERSONNEL POLICY

### SUBJECT: DISCIPLINE FOR CLASSIFIED EMPLOYEES

DATE: January 1, 2017

Number: 305-16

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#### **I. Statement of the Policy**

The Civil Service Act entitles any permanent employee in the Classified Service to certain rights when they are dismissed, suspended without pay, demoted or otherwise disciplined whereby such employee suffers a loss in salary, grade or classification. Disciplinary action may only be taken against a permanent Classified employee “for cause.”

Further, to ensure the integrity of Fulton County’s operations and compliance with the Civil Service Act, as amended, it is the policy of Fulton County to apply progressive discipline measures in a fair and consistent manner with respect to those employed in the Classified Service. Fulton County will ensure that progressive discipline is taken in accordance with County policies and standards of performance, including the Fulton County Standards of Conduct and Fulton County’s Code of Ethics, and that progressive discipline is appropriately documented and retained in an employee’s personnel file. Fulton County expressly reserves the right to depart from this policy of progressive discipline and immediately discharge any employee in its sole discretion for conduct that threatens the health, welfare and/or safety of the public or other employees.

#### **II. Background Applicability**

This policy applies only to Classified Employees under the Civil Service Act, as amended.

#### **III Definition of Cause**

As used in this Policy and accompanying Procedure, the term “cause” means any justifiable, non-arbitrary grounds, good and sufficient reason(s), occasion, motive, or inducement which is offered as the basis for a disciplinary or adverse action against an employee.

These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

#### **IV. Notice of Disciplinary Action for Cause**

When an Appointing Authority intends to dismiss, suspend without pay, demote or otherwise discipline a permanent Classified employee whereby such employee suffers a loss in salary, grade or classification, the Appointing Authority must give notice to the employee in writing. This writing shall include notice of the charges against the permanent Classified employee, the effective time and date of such disciplinary action and explanation of the reasons for the disciplinary action and shall give the employee an opportunity to respond orally or in writing to the charges. This writing shall be provided to the employee not less than 24 hours prior to the effective date and time of such disciplinary action. If an employee contends that the notice does not comply with these requirements, then the employee may appeal the disciplinary action on this basis, as outlined in Fulton County's Appeals Policy. The attorney for the Personnel Board shall allow the Appointing Authority ten (10) days to respond to any appeal alleging a failure of the notice to conform to the requirements of these rules. The attorney is hereby delegated the authority to issue a written order on behalf of the Personnel Board on the issue of whether the appeal will be dismissed for improper notice. Such order shall become a part of the record of the Personnel Board's proceedings in the case and shall constitute a final order of the Personnel Board on the issue of adequacy of the notice required by this section.

#### **V. Types of Offenses, Progressive Discipline and Mandatory Disciplinary Guidelines**

Formal progressive discipline may be in the form of a written warning, suspension, or termination. Depending on the nature and severity of the conduct at issue, Fulton County, in its sole judgment, shall apply progressive discipline in any of these forms. The manner in which progressive discipline is applied will depend on the seriousness of the offense. Fulton County expressly reserves the right to depart from this policy of progressive discipline and immediately discharge any employee in its sole discretion for conduct that threatens the health, welfare and/or safety of the public or other employees.

The Chief Human Resources Officer will develop a procedure for applying progressive discipline and a schedule of minimum and maximum sanctions for employee misconduct and violations of the Personnel policies and procedures. The County Manager must approve the schedule of minimum and maximum sanctions prior to the same becoming effective.

In order to ensure consistent application of this policy, the Department of Human Resources Management should be consulted on all progressive disciplines that result in a loss of salary, grade or classification. The Chief Human Resources Officer and the County Attorney, or their respective designees, must review any recommendation to terminate an employee to ensure that any required progressive disciplinary steps have been followed and that there is adequate documentation to support termination.

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**VI. Establishment and Implementation of Procedure**

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.

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## PERSONNEL PROCEDURE

### SUBJECT: DISCIPLINE FOR CLASSIFIED EMPLOYEES

DATE: February 1, 2018

Number: 305-16

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#### I. Responsibilities of Appointing Authorities and other Supervisors

Supervisors should maintain clear and accurate records of all staff interactions (memos to file, progress notes, etc.) with back-up documentation, as applicable.

Informal progressive discipline normally starts with verbal counseling.

The fair administration of progressive discipline rests on supervisors' careful collection of pertinent facts and consistent application of established policies, rules of conduct and performance standards. While it is not possible to anticipate a response to all types of misconduct or poor performance, the following principles should be considered:

- Initial discipline should be corrective rather than punitive in nature and applied in a consistent manner; and
- Supervisors should help employees understand the Standards of Conduct and other expected standards of performance and provide leadership to encourage them to meet these standards at all times.

Some forms of misconduct or unsatisfactory performance may warrant administrative suspension of the employee pending a review of the matter to determine the final form of progressive discipline, which may include termination.

In order to prepare to meet with the employee, supervisors should review Fulton County's Standards of Conduct, Code of Ethics, the employee's job description, and other policies and procedures as appropriate. Supervisors should compare the employee's conduct with established standards and should determine the degree of seriousness of the misconduct. The employee's prior record also should be considered.

All meetings should be conducted in private. At the end of the meeting, the employee should understand why the progressive discipline is needed, the department's expectations for improvement, and the consequences of failing to improve.

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Appointing Authorities may delegate or permit supervisors and managers to issue warnings, however, suspensions, demotions and dismissals should be ultimately decided and issued by Appointing Authorities.

Progressive discipline may also include the use of mandated referrals by Appointing Authorities to the Employee Assistance Program (EAP) which provides confidential counseling. Mandated referrals to the EAP are intended to help resolve problems affecting documented job performance/discipline. Failure by the employee to accept the mandated referral and/or failure to cooperate and complete any counseling/treatment may be considered as insubordination. The first EAP session may take place during normal County work hours. Additional sessions must be scheduled during non-work hours.

## **II. Forms of Progressive Discipline**

### **A. Verbal Counseling**

A verbal counseling is a private meeting between a supervisor/manager/Appointing Authority and employee to advise an employee that his/her conduct/performance does not meet standard and that, unless corrected, further progressive discipline may be necessary. This conversation may be documented on a calendar or via some other method for future reference but should not be documented to an employee's personnel or department file.

### **B. Written Warnings**

A written warning is a formal report warranted by failure to meet Fulton County's standards of performance or conduct. A written or final warning also may be used to advise an employee of a continued pattern of unacceptable conduct or performance, including failure to improve following a verbal counseling.

When issuing a written warning, the supervisor must complete a Progressive Discipline Form (with guidance and input from the Department of Human Resources Management, as appropriate,) specifying the particulars of the pattern of behavior or rule infraction(s), and the consequences for the employee's failure to correct his/her behavior.

The supervisor must discuss the written warning with the employee so that the employee clearly understands the nature of the misconduct or unsatisfactory performance and the consequences of failing to improve.

The employee should sign the Progressive Discipline Form to acknowledge receipt of the written warning. The employee may comment in the space provided or provide a written addendum, if desired. If the employee refuses to sign, the supervisor should add language indicating that the "employee chooses not to sign."

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A copy of the Progressive Discipline Form is given to the employee. A copy is maintained in the department's files and the original is sent to the Department of Human Resources Management for inclusion in the employee's personnel file.

### C. Performance Improvement Plan

If after a written warning is issued, an employee's performance does not improve or is not corrected, a Performance Improvement Plan should be created. A Performance Improvement Plan is a detailed outline to develop employees who are experiencing performance deficits in several areas of their job responsibilities and should last at least thirty (30) days. Performance Improvement Plans are required for deficiencies in the following Articles:

- Art. 1. Absenteeism and Tardiness, Paragraphs A and B
- Art. 9. Housekeeping Violations
- Art. 10. Inefficiency and Incompetence
- Art. 11. Insubordination, Paragraphs B and C
- Art. 12. Loafing

The Performance Improvement Plan should state the areas of concern, the desired behavior and an action plan. The document should be signed by the Appointing Authority, supervisor and the employee; and the supervisor should meet with the employee on a weekly basis to review the progress, and provide additional guidance. There must be a formal follow-up no more than 90 days after the Performance Improvement Plan was initiated to provide the employee with closure on whether or not the improvement level was achieved to a satisfactory level. If a satisfactory level of performance is not achieved, the progressive discipline process will continue.

Although Appointing Authorities and/or supervisors may choose to implement Performance Improvement Plans at other times, this process must be utilized with written warnings and annual performance ratings of less than "Satisfactory".

Supervisors should consult with their Appointing Authority and the Department of Human Resources Management if they plan on issuing a Performance Improvement Plan.

### D. Administrative Suspension Pending Review

Suspension pending review provides time to evaluate the particulars of serious situations prior to determining the appropriate final form of discipline. These situations include, but are not limited to: fraud, theft, professional misconduct, breach of confidentiality, and substance abuse.

The Appointing Authorities or their designees must consult with the Department of Human Resources Management regarding Administrative Suspensions Pending Review. Administrative Suspensions Pending Review are paid suspensions and shall last only up

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to ten (10) working days.

During Suspension Pending Review, the Appointing Authority, in consultation with the Office of the County Auditor, Department of Human Resources Management and/or Legal Department, will gather relevant information, review pertinent documents and conduct investigatory interviews, as appropriate.

#### E. Suspension without Pay

Suspension without pay is administered as a result of severe infraction of standards of performance or conduct, excessive and/or repeated violations of standards of performance or conduct after verbal counseling, written warnings and/or the failure to improve job performance after placement on a Performance Improvement Plan. A suspension without pay may also be administered as a result of the failure to maintain licenses and/or certifications required by an employee's position. Appointing Authorities or their designees are encouraged to consult with the Department of Human Resources Management or Office of the County Attorney prior to imposition of a suspension without pay on a classified employee.

#### F. Dismissal

Dismissal is termination from employment. It is invoked in situations of gross misconduct or after other progressive discipline measures have failed to achieve the results desired. Appointing Authorities or their designees must consult with the Department of Human Resources Management in all cases of possible dismissal of a classified employee. Except in cases of employees employed by an elected official, the Chief Human Resources Officer and the County Attorney or his or her designee must review any recommendation to terminate an employee to ensure that any required progressive disciplinary steps have been followed and that there is adequate documentation to support termination. Elected officials are encouraged and it is recommended that they seek legal advice from the County Attorney regarding dismissal of any employee.

Fulton County expressly reserves the right to depart from progressive discipline and immediately discharge any employee in its sole discretion for conduct that threatens the health, welfare and/or safety of the public or other employees.

### **III. Notice of Disciplinary Action for Cause**

In accordance with the Fulton County Civil Service Act, any dismissal, suspension or demotion or other discipline of a permanent Classified employee whereby such employee suffers a loss in salary, grade or classification, shall be stated to such employee in writing. The writing generally should be provided to the employee within a reasonable time from when the Appointing Authority becomes aware of a violation of the Discipline for Classified Employees Policy and Procedure, and no more than sixty

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business days after the conclusion of any investigation into such violation. This writing shall include notice of the charges against the permanent Classified employee, the effective time and date of such disciplinary action and explanation of the reasons for the disciplinary action, and shall give the employee an opportunity to respond orally or in writing to the charges. This writing shall be provided to the employee not less than 24 hours prior to the effective date and time of such disciplinary action.

At a minimum, the notice must provide sufficient information for the employee to understand the factual basis for the disciplinary action and any allegations of misconduct made against the employee; however, such notice shall not be deemed deficient solely because the notice fails to cite or inaccurately cites the Discipline for Classified Employees Policy or Procedure.

#### **IV. Active Period for Discipline**

Employee discipline remains active, at a minimum, for a rolling 12-month period following the date it was issued, depending on the type of offense and/or level of discipline previously imposed. Prior disciplinary infractions within the same Article of the Articles of Offenses shall be treated as cumulative with respect to progressive discipline.

#### **V. Definitions**

A. "Excessive Delay" for purposes of this policy is defined as including a delay in performing or completing work that is unreasonable, unnecessary and/or unwarranted based on the facts and circumstances at issue.

B. "Sabotage," "Malicious Damage," "Malicious Injury," and "Vandalism" for purposes of this policy are used interchangeably, and are defined as including the willful destruction of County property.

C. "Loafing" for purposes of this policy is defined as including willful idleness, wasting time or deliberate failure to work on the task(s) assigned.



**ART. 1. Absenteeism and Tardiness.**

**A. Chronic absenteeism, defined as habitual, sustained, confirmed or continued unexcused absence.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Written Warning	3 days suspension w/o pay
(2) Second offense:	5 days suspension w/o pay	10 days suspension w/o pay
(3) Third offense:	20 days suspension w/o pay	Dismissal

**B. Recurring tardiness, defined as habitual, sustained, confirmed or continued unexcused lateness to work without adequate justification.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Written Warning	1 day suspension w/o pay
(2) Second offense:	5 days suspension w/o pay	10 days suspension w/o pay
(3) Third offense:	15 days suspension w/o pay	Dismissal

**C. Unexcused or unauthorized absence on any scheduled workday or during working hours.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Written Warning	3 days suspension w/o pay
(2) Second offense:	5 days suspension w/o pay	10 days suspension w/o pay
(3) Third offense:	15 days suspension w/o pay	Dismissal

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**D. Failure to report to work for a period of four consecutive (4) workdays (or shift equivalent) without approval or proper notification.**

	<b>Minimum</b>
(1) First offense:	Dismissal
(2) Second offense:	N/A
(3) Third offense	N/A

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**ART. 2. Accidents, Injuries and Safety Violations.**

**A. Failure to report an accident or injury on the job as required by County policy.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Written Warning	1 day suspension w/o pay
(2) Second offense:	3 days suspension w/o pay	5 days suspension w/o pay
(3) Third offense:	10 days suspension w/o pay	15 days suspension w/o pay

**B. Violation of administrative policies, procedures or safety rules where safety of persons or property is endangered.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	5 days suspension w/o pay	10 days suspension w/o pay
(2) Second offense:	15 days suspension w/o pay	20 days suspension w/o pay
(3) Third offense:	30 days suspension w/o pay	Dismissal

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**ART. 3. Conduct and Behavior.**

**A. Arrested and/or charged on any felony offense(s), as defined by law:**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Suspension w/o pay	Dismissal

Although dismissal for the first offense is permitted, an initial suspension without pay may be imposed subject to the limitations herein. A suspension without pay, pending disposition of case, is permitted up to only one (1) year, upon determination by the Appointing Authority, following prior notice and consultation with employee. If after the period of suspension, the case is not resolved in one of the below manners, the Appointing Authority has the discretion to dismiss the employee. Notice of the dismissal shall be required in the same manner as any notice of dismissal to a permanent Classified employee. The following conditions shall apply when the pending felony offense is resolved unless the employee has already been separated from employment:

- a. If convicted, dismissal. No back pay. No entitlement to reinstatement unless another resolution permitting reinstatement occurs within one (1) year from the first date of suspension.
- b. If nolo contendere, dismissal. No back pay. No entitlement to reinstatement unless another resolution permitting reinstatement occurs within one (1) year from the first date of suspension.
- c. If acquitted, nolle prosequi, failure to indict, failure to prosecute or otherwise disposed of without a conviction, reinstatement with back pay up to one year reduced by any income received during the period of unpaid suspension, subject to approval of the County Manager or his/her designee.

(2) Second offense:	Dismissal	N/A
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**B. Convicted in any court of record on any non-felony charge(s) as defined by law, involving a serious misdemeanor charge.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Written Warning	Dismissal
(2) Second offense:	Demotion	Dismissal
(3) Third offense:	N/A	N/A

**C. Immoral or indecent conduct which tends to violate commonly accepted standards of decency or morality.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	10 days suspension w/o pay	30 days suspension w/o pay
(2) Second offense:	40 days suspension w/o pay	Dismissal
(3) Third offense:	N/A	N/A

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**ART. 4. Dishonesty and Ethics.**

**A. Engaging in private business activities of a prohibited or unethical nature for profit, either during normal working hours or during non-working hours.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Written Warning	30 days suspension w/o pay
(2) Second offense:	40 days suspension w/o pay	Dismissal
(3) Third offense:	N/A	N/A

**B. Conflict of interests involving unethical use of official authority, information, or property for personal gain.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	15 days suspension w/o pay	Dismissal
(2) Second offense:	Dismissal	N/A
(3) Third offense:	N/A	N/A

**C. Embezzlement or misappropriation of funds.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Dismissal	N/A
(2) Second offense:	N/A	N/A
(3) Third offense:	N/A	N/A

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**D. Acceptance of bribes, gifts or favors intended or designed to influence official actions or decisions.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Dismissal	N/A
(2) Second offense:	N/A	N/A
(3) Third offense:	N/A	N/A

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**ART. 5. Drinking and Intoxication.**

**A. Reporting for duty or being on duty while using or under the influence of intoxicating liquors or drugs; provided, that for the purposes of this Article, any employee who is tested and has a positive test result for the presence of an illegal drug in the employee's urine or blood and any employee who is tested and has a Blood Alcohol Concentration (BAC) test equal to .01 grams or greater shall be considered under the influence of the tested substance. While an employee may not be required to submit to a test, signs of being under the influence which would subject one to discipline include, but are not limited to, slurred speech and motor skill impairment.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Minimum of 15 days suspension w/o pay, up to a maximum of dismissal, provided, however, that dismissal shall be mandatory for any first offense involving any employee whose assigned duties require the use of firearms or other weapons, in situations where the safety of persons or property may be endangered	
(2) Second offense:	Dismissal	N/A
(3) Third offense:	N/A	N/A

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**B. Excessive public use of intoxicants while off duty resulting in conduct unbecoming a County employee.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	3 days suspension w/o pay	5 days suspension w/o pay
(2) Second offense:	10 days suspension w/o pay	30 days suspension w/o pay, and proof of acceptable medical treatment required for reinstatement.
(3) Third offense:	40 days suspension w/o pay	Dismissal

**C. Selling intoxicating liquors or drugs on County premises, if no arrest is involved.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	10 days suspension w/o pay	Dismissal
(2) Second offense:	Dismissal	N/A
(3) Third offense:	N/A	N/A

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**ART. 6. Fighting.**

**A. Fighting or instigating a fight or disturbance while on duty, and/or while on County property, except in self-defense.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	5 days suspension w/o pay	Dismissal
(2) Second offense:	Dismissal	N/A
(3) Third offense:	N/A	N/A

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**ART. 7. Fraud, Falsehood, Perjury and Malfeasance.**

**A. Fraud, falsehood, perjury or malfeasance involving any willful, intentional or deliberate misstatement or concealment of material fact in connection with employment, employment application, work records, responsibilities, reports, investigations or proceedings, or intentional misuse of paid work time or assets. Willfully, knowingly and falsely swearing by a person to whom a lawful oath or affirmation is administered, in a manner material to an issue or point in question in some proceeding.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Dismissal	N/A
(2) Second offense:	N/A	N/A
(3) Third offense:	N/A	N/A

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**ART. 8. Gambling.**

**A. Unlawful gambling or betting on County premises.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	3 days suspension w/o pay	10 days suspension w/o pay
(2) Second offense:	15 days suspension w/o pay	30 days suspension w/o pay
(3) Third offense:	40 days suspension w/o pay	Dismissal

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**ART. 9. Housekeeping Violations.**

**A. Failure or refusal to cooperate in the reasonable care and use of equipment, sanitary facilities and related “housekeeping” tasks on the job.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Written Warning.	1 day suspension w/o pay
(2) Second offense:	3 days suspension w/o pay	5 days suspension w/o pay
(3) Third offense:	10 days suspension w/o pay	Dismissal

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**ART. 10. Inefficiency and Incompetence.**

**A. Continued inefficiency or incompetence in the performance of assigned work, based upon several written performance appraisals and/or other forms of written or verbal counseling covering a reasonably demonstrable period of time.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Written Warning	Demotion
(2) Second offense:	2 <sup>nd</sup> Written Warning	Dismissal
(3) Third offense:	N/A	N/A

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**ART. 11. Insubordination.**

**A. Intentional disobedience of a supervisor or the requirement of a policy, procedure or rule if such policy, procedure or rule does not already contain a specific disciplinary guideline adopted by Fulton County, assaulting or resisting authority, disrespect or use of insulting or abusive language to a superior.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	5 days suspension w/o pay	30 days suspension w/o pay
(2) Second offense:	40 days suspension w/o pay	Dismissal
(3) Third offense:	N/A	N/A

**B. Failure to carry out orders, failure or excessive delay in carrying out work assignments or specific instructions of superiors.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Written Warning	5 days suspension w/o pay
(2) Second offense:	10 days suspension w/o pay	30 days suspension w/o pay
(3) Third offense:	40 days suspension w/o pay	Dismissal

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**C. Intentional misuse of, or failure to carry out policies and procedures governing the official use of County owned or leased equipment and/or systems.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Written Warning	5 days suspension w/o pay
(2) Second offense:	10 days suspension w/o pay	30 days suspension w/o pay
(3) Third offense:	40 days suspension w/o pay	Dismissal

**D. Intentional misuse of County provided internet access, consisting of the accessing, viewing, or downloading of any non-County-business related information or material from any web site that is pornographic, obscene, or primarily devoted to sex and sexual imagery.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	10 days suspension w/o pay-and restricted internet access	Dismissal
(2) Second offense:	Dismissal	N/A
(3) Third offense:	N/A	N/A

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**ART. 12. Loafing.**

**A. Willful idleness, wasting time or deliberate failure to work on the task(s) assigned.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Written Warning	5 days suspension w/o pay
(2) Second offense:	5 days suspension w/o pay	10 days suspension w/o pay
(3) Third offense:	15 days suspension w/o pay	Dismissal

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**ART. 13. Mistreatment of Prisoners, Patients, Employees, Volunteers, Contractors or Citizens.**

**A. Verbal abuse.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Written Warning	5 days suspension w/o pay
(2) Second offense:	5 days suspension w/o pay	10 days suspension w/o pay
(3) Third offense:	15 days suspension w/o pay	Dismissal

**B. Physical abuse.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Dismissal	N/A
(2) Second offense:	N/A	N/A
(3) Third offense:	N/A	N/A

**C. Prejudicial Acts and/or harassment as defined in the Equal Employment Opportunity and Prejudicial Acts Policy and Procedure #103-16.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	5 days suspension w/o pay	Dismissal
(2) Second offense:	Dismissal	N/A
(3) Third offense:	N/A	N/A

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**D. Threats and/or Acts of Workplace Violence or Bullying as defined in Fulton County's Workplace Violence and Anti-Bullying Policy and Procedure #341-16.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	5 days suspension w/o pay	Dismissal
(2) Second offense:	Dismissal	N/A
(3) Third offense:	N/A	N/A

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**ART. 14. Political Activity.**

**A. Unlawful political activities by Classified employees in violation of County policies and/or Civil Service Act.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	5 days suspension w/o pay	Dismissal
(2) Second offense:	Dismissal	N/A
(3) Third offense:	N/A	N/A

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**ART. 15. Sabotage, Vandalism or Malicious Injury.**

**A. Sabotage, malicious damage or vandalism to County property or the property of other employees.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	10 days suspension w/o pay	Dismissal
(2) Second offense:	Dismissal	N/A
(3) Third offense:	N/A	N/A

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**ART. 16. Security.**

**A. Divulging confidential, classified or highly sensitive information without proper authority or for an improper use.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	10 days suspension w/o pay	15 days suspension w/o pay
(2) Second offense:	Demotion	Dismissal
(3) Third offense:	Dismissal	N/A

**B. Failure to exercise due care and caution while guarding prisoners.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	5 days suspension w/o pay	10 days suspension w/o pay
(2) Second offense:	15 days suspension w/o pay	30 days suspension w/o pay
(3) Third offense:	Demotion	Dismissal

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**ART. 17. Sleeping on Duty.**

**A. Where safety of persons or property is not endangered.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Written Warning	5 days suspension w/o pay
(2) Second offense:	10 days suspension w/o pay	15 days suspension w/o pay
(3) Third offense:	40 days suspension w/o pay	Dismissal

**B. Where safety of persons or property is endangered.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	5 days suspension w/o pay	10 days suspension w/o pay
(2) Second offense:	15 days suspension w/o pay	30 days suspension w/o pay
(3) Third offense:	40 days suspension w/o pay	Dismissal

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**ART. 18. Smoking in Unauthorized Places.**

**A. Smoking in unauthorized areas not considered to be dangerous.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Written Warning	1 day suspension w/o pay
(2) Second offense:	3 days suspension w/o pay	5 days suspension w/o pay
(3) Third offense:	10 days suspension w/o pay	15 days suspension w/o pay

**B. Smoking in dangerous areas where human life or property is imperiled.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	1 day suspension w/o pay	3 days suspension w/o pay
(2) Second offense:	10 days suspension w/o pay	15 days suspension w/o pay
(3) Third offense:	Demotion	Dismissal

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**ART. 19. Theft.**

**A. Actual or attempted theft of County property, tools or equipment or the property of other employees, whether acting alone or in collusion with others.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Dismissal	N/A
(2) Second offense:	N/A	N/A
(3) Third offense:	N/A	N/A

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**ART. 20. Vehicles.**

**A. Minor violation of traffic laws while operating a County vehicle.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	Written Warning	5 days suspension w/o pay
(2) Second offense:	10 days suspension w/o pay	15 days suspension w/o pay
(3) Third offense:	Demotion	Dismissal

**B. Serious violation of traffic laws while operating a County motor vehicle, defined as involving damages of \$200 or more.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	10 days suspension w/o pay	15 days suspension w/o pay
(2) Second offense:	Demotion and cancellation of driving privileges	Dismissal
(3) Third offense:	N/A	N/A

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**C. Use of or knowingly authorizing the use of a County motor vehicle or aircraft for other than official purposes.**

	<b>MINIMUM</b>	<b>MAXIMUM</b>
(1) First offense:	30 days suspension w/o pay	Dismissal
(2) Second offense:	Dismissal	N/A
(3) Third offense:	N/A	N/A

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**ART. 21. Failure to secure and/or maintain necessary training, licensing or credentials required by the position.**

An employee shall be suspended for ten (10) working days without pay upon determination by the Appointing Authority that the employee has failed to secure or maintain necessary training, licensure, certification or other credentials required by the employee's position. During the ten (10) working days, the employee shall make every effort to obtain the necessary training, licensing or credentials required by the position. If after ten (10) working days, the employee still has not satisfactorily obtained the necessary training, licensing or credentials required by the position, the Appointing Authority has the discretion to dismiss the employee. Notice of the dismissal shall be provided in the same manner as any notice of dismissal to a permanent Classified employee.

**Art. 22. Miscellaneous.**

- A. Violations of Civil Service Act, as amended, Fulton County Policies and Procedures, and any other violations or actions not specifically enumerated in these guidelines which impair or reflect adversely upon the integrity, efficiency, good order or operation of any segment of the County Government.
  - (1) First offense: The penalty imposed must be commensurate with the nature and seriousness of the offense in each case, as determined by the Appointing Authority.
- B. Penalties for disciplinary offenses in general should fall within the ranges indicated in these guidelines. However, depending upon the timeliness and severity of the infraction and the past record of the employee, greater or lesser penalties may be imposed. A combination of infractions may be considered jointly and normally will justify a more severe penalty than a single offense resulting in disciplinary action. Past record may be taken into consideration, but past offenses which did not result in disciplinary action at the time of discovery should not be applied in current disciplinary actions.
- C. The violations outlined in Articles 1-21 above do not cover every possible type of offense or disciplinary action. Therefore, insofar as possible, offenses not listed should be punished with comparable severity to other similar offenses listed.

All notices of disciplinary action taken preferably should be given to the employee in person, if possible. Otherwise, mailing by Registered Mail, Return Receipt Requested, to last known address or service by a Law Officer is recommended.

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