

**Clark County, Wisconsin
Policy 200.202**

Series: 200 – Standards of Employee Conduct	§ 202 Corrective and Disciplinary Action
Title: Corrective and Disciplinary Action	Effective Date: 10.17.22
	Adoption/Revision Date: 10.13.22
Custodian: Personnel Manager	Approving Body: Clark County Board of Supervisors

1. Authority

- a. Wis. Stat. 59.02, 59.03, 59.51, 59.52, 101, 103, and 111
- b. Clark County Code of Ordinances, Section 2-48

2. References

- a. Adopting Resolution/Ordinance/Motion: 40-10-22
- b. Other Resolution/Ordinance/Motion: N/A

3. Purpose/Policy Overview

- a. To establish a policy that defines when and what type of corrective action and/or disciplinary action may be required.
- b. Corrective action or/and disciplinary action may be imposed on an employee for violations of standards of conduct, violations of policies and procedures, and/or for unsatisfactory work performance. Corrective action and/or disciplinary action may be imposed at the county’s sole discretion.
- c. The degree or severity of corrective action or disciplinary action shall be tailored to the violation taking into consideration variety of factors including, but not limited to, the gravity of the violation; the employee’s record of prior corrective or disciplinary action; and facts or circumstances surrounding the violation.
- d. This policy does not require corrective action before imposing disciplinary action and vice versa.
- e. Nothing in this policy is intended to create additional property or procedural rights for employees beyond those rights guaranteed by law unless a provision is clearly stated as an employee right.
- f. The county reserves the right and discretion to not utilize progressive discipline.

4. Definitions

- a. The terms below have the following meanings in this policy:
 - i. Corrective action means an employment action imposed to identify and eliminate and/or prevent the recurrence of employee’s violation of policy and/or unsatisfactory work performance.
 - ii. Disciplinary action means an employment action imposed as a consequence of an employee’s violation of policy and/or unsatisfactory work performance.
 - iii. Verbal warning means an oral statement made to an employee indicating that the employee’s conduct and/or unsatisfactory work performance fails to meet an acceptable standard.
 - iv. Written warning means a written statement made to an employee indicating that the employee’s conduct and/or unsatisfactory work performance fails to meet an acceptable standard.
 - v. Administrative leave means removal of an employee from the workplace, with pay and benefits, pending an investigation into the employee’s conduct.
 - vi. Suspension means removal of an employee from the workplace, without pay

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- or benefits, for disciplinary reasons.
- vii. Termination means an employee's involuntary dismissal from county employment.
 - 1. Termination does not include layoff; reduction in work hours; furlough, reduction in workforce; job transfer or reassignment; retirement; or the end or completion of temporary employment.
 - viii. Performance improvement plan (PIP) means a tool to give an opportunity to employees to address areas of concern related to job performance.

5. Investigation

- a. Before corrective action and/or disciplinary action is imposed on an employee, the employee's supervisor/department head shall complete an investigation. The Office of Personnel will be consulted with as part of an employment investigation.
- b. Based on investigation, the department head shall make a determination as to what corrective action and/or disciplinary action is appropriate (if any).
- c. An employee may be placed on administrative leave pending the completion of an investigation and/or the imposition of corrective action and/or disciplinary action. Administrative leave shall be reviewed and approved by the Personnel Manager before being imposed.
- d. During the course of investigation, the following items will be identified (Seven Tests of Just Cause):
 - i. **Fair notice:** did the employee receive notice that the action would result in a consequence or is there a policy prohibiting such conduct?
 - ii. **Reasonable Rule:** Was the rule reasonably related to operational needs of the department?
 - iii. **Investigation:** Was there an investigation to determine that the conduct was worthy of corrective action?
 - iv. **Fairness:** Was the investigation conducted in a fair and objective manner and free from discrimination?
 - v. **Proof:** Was there sufficient evidence to determine corrective action/discipline?
 - vi. **Consistency:** Were the rules applied evenly to everyone in the department?
 - vii. **Appropriate Discipline:** Was degree of corrective action/discipline commensurate with offense?

6. Corrective Action

- a. Examples of corrective action include, but are not limited to, coaching/counseling, a PIP or verbal or written warning.
- b. Corrective action shall identify the employee violation of policy and/or unsatisfactory work performance that must be corrected.
- c. The employee's supervisor/department head shall monitor the employee's conduct after imposing corrective action.
- d. Failure to correct an employee violation and/or unsatisfactory work performance may result in the imposition of disciplinary action.
- e. Coaching/Counseling if a first offense where the infraction is minor, an oral discussion is had between the supervisor and the employee.
 - i. Inform the employee of the infraction.

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- ii. Advise the employee both of the conduct expected and that future infractions may result in more severe discipline.
- f. Verbal warning may be appropriate for a more serious offense. When issuing a verbal warning the supervisor should:
 - i. Inform the employee of the infraction.
 - ii. Clearly advise the employee as to what is needed to remedy the employee's infraction and advise the employee that more severe disciplinary consequences will follow if the infraction is repeated.
- g. Written warning usually follows an unsuccessful verbal warning and is the last corrective action prior to the Performance Improvement Plan (PIP).
 - i. Clearly state the infraction.
 - ii. Clearly state the steps that have been taken prior to the current situation.
 - iii. Clearly advise the employee as to what steps they need to take to remedy the situation.
 - iv. Advise the employee of the next step, Performance Improvement Plan (PIP).
- h. Departments are encouraged, but not required, to utilize a PIP to address employee concerns. Consult with the Personnel Manager to develop and implement a PIP.
 - i. Prior to a PIP ensure all progressive corrective actions have been exhausted, if applicable.
 - ii. A PIP shall consist of the following:
 - 1. date of the PIP
 - 2. name of the employee
 - 3. areas of concern
 - 4. expectations to address the areas of concern
 - 5. resources/tools
 - 6. frequency of review (minimum weekly)
 - 7. duration of PIP is identified, minimum 30 days, 60, maximum 90 days.
 - 8. signatures by the employee, the employee's Department Head and the Personnel Manager
 - a. If the Department Head is in violation, the supervising committee chair shall sign, and the Personnel Manager
 - iii. Copies of all PIPs shall be forwarded to the Office of Personnel for retention.
 - iv. See Attachment A – Performance Improvement Plan

7. Disciplinary Action

- a. Examples of disciplinary action include, but are not limited to, verbal warning, written warning, suspension, or termination.
- b. Disciplinary Action is taken when the infraction is egregious.
- c. Verbal warning may be appropriate for a more serious offense. When issuing a verbal warning the supervisor should:
 - i. Inform the employee of the infraction.
 - ii. Clearly advise the employee as to what is needed to remedy the employee's infraction and advise the employee that more severe disciplinary consequences will follow if the infraction is repeated.
- d. Written warning usually follows an unsuccessful verbal warning.
 - i. Clearly state the repetitive infraction.

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- ii. Clearly state the steps that have been taken prior to the current situation.
- iii. Clearly advise the employee as to what steps they need to take to remedy the situation.
- iv. Advise the employee of the next possible step, suspension (without pay) or termination.
- e. Disciplinary action shall be reviewed and approved by the Personnel Manager before being imposed.
- f. An employee may appeal the imposition of disciplinary action through a grievance.

8. Documentation

- a. All corrective action and disciplinary action including, but not limited to, verbal warnings, shall be documented and forwarded to the Office of Personnel for retention.
 - i. All corrective and disciplinary actions shall be documented using the notice of corrective action form.
 - ii. See Attachment B – Notice of Corrective Action
- b. The employee's supervisor/department head shall provide notice to an employee regarding any imposed correction action and/or disciplinary action. Receipt of the notice shall be acknowledged by the receiving employee or witnessed.

9. Attachments

- a. Attachment A – Performance Improvement Plan
- b. Attachment B – Notice of Corrective Action

ATTACHMENT A
Clark County
Performance Improvement Plan (PIP)

Employee Name:

Meeting Date:

Department:

Department Head:

Standard(s) of Performance Reviewed:(check all that apply):

Productivity

Efficiency

Teamwork

Quality

Attendance

Conduct

Other (define):

Specific examples of current performance under review:

Improvement Plan (what is expected, how it should be accomplished, and in what timeframe):

Target Area <i>Detail specific area where performance standards have not been met</i>	Performance Concern <i>Detail specific dates and examples of where the standards have not been met</i>	Expected Standard of Performance <i>Detail what is expected of the employee in terms of their performance i.e. what does 'good' look like</i>	Agreed Improvement Actions <i>Detail what actions need to be taken to meet expected standard of performance</i>	Support <i>Detail what has been agreed in terms of support required to achieve the expected standard of performance</i>	Review Date	Review Notes <i>Detail improvement made and any future review dates</i>	Review/ Results <i>Detail dates when achievement or lack thereof of performance standards</i>

Acknowledgment:

I understand that failure to meet or exceed these expectations will result in disciplinary action, up to and including termination. Furthermore, failure to maintain performance expectations after the completion of the Performance Improvement Plan may result in disciplinary action, up to and including termination.

Employee (signature): _____ Date: _____

Manager/Supervisor (signature): _____ Date: _____

Personnel Manager (signature): _____ Date: _____

ATTACHMENT B

Notice of Corrective Action

(To be used with Verbal Warning and Written Warning)

Employee name:	Department:	Supervisor name:
Date of occurrence:	Time:	Location:

The following counseling has taken place (check all that apply and give details in the summary below):

<input type="checkbox"/> Absence	<input type="checkbox"/> Harassment
<input type="checkbox"/> Tardiness	<input type="checkbox"/> Verbal/aggressive outburst
<input type="checkbox"/> Errors identifying accurate time entry	<input type="checkbox"/> Dishonesty
<input type="checkbox"/> Leaving work without authorization	<input type="checkbox"/> Failure to follow instructions
<input type="checkbox"/> Falsification of records	<input type="checkbox"/> Violation of safety rules
<input type="checkbox"/> Violation of company policies and/or procedures	<input type="checkbox"/> Unsatisfactory job performance
<input type="checkbox"/> Smoking in unauthorized areas	<input type="checkbox"/> Insubordination
<input type="checkbox"/> Unauthorized use of equipment, materials	
<input type="checkbox"/> Other	

Summary of violation:

Summary of corrective plan of action:

Follow-up date(s):

Employee signature: _____

Date: _____

Supervisor signature: _____

Date: _____

Personnel Manager: _____

Date: _____