	<b>CLERK OF THE COURT INTERNAL POLICY</b>	
	<b>Area: Human Resources</b> <b>Document Number: POL-HR-1003</b> <b>Subject: Employee Discipline</b> Page: 1 of 7	<b>Effective Date:</b> <b>12/03/2018</b>
		<b>Revision Level: B</b> <b>L.R.D.: 12/23/20</b>

**PURPOSE:**


The purpose of this Policy is to provide guidance to The Clerk of the Court (COSC) supervisors when considering and developing a course of action to address inappropriate behavior, or misconduct.

**POLICY:**

To establish reasonable and consistent standards of behavior contributing to an effective and productive work environment. All employees must meet the standards of conduct and rules of employment.


**DETAILS:**

- I. Discipline is utilized to notify employees of, and correct, inappropriate behavior, or conduct.
- II. Management has the right to discipline any inappropriate behavior, or misconduct using the disciplinary alternatives outlined in this Policy.
- III. The level of discipline, up to and including dismissal, should be appropriate to the offense and consistent with disciplinary actions taken for similar offenses while taking into account relevant distinctions, such as:
  1. The nature and seriousness of the offense;
  2. Whether the offense was intentional, technical, or was committed maliciously or for gain;
  3. Frequency of the offense;
  4. The employee's job level and classification of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
  5. The employee's overall work performance and the employee's past disciplinary record.

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IV. There may be some misconduct that is so egregious in nature that, depending on the circumstances, a single act may be regarded as sufficient reason for suspension, demotion or dismissal. Such misconduct may include, but is not limited to:

1. Theft or abuse of property, including time theft
2. Falsification of application for employment, records, reports, or other required data;
3. Bringing unauthorized intoxicants, drugs or alcohol onto County or Court property; consuming unauthorized intoxicants, drugs or alcohol on County or Court property; reporting for duty or being present on County or Court property while under the influence of such intoxicants, drugs or alcohol;
4. Buying and/or selling of any unauthorized intoxicant, drug or alcohol or arranging to do so on County or Court property;
5. Unauthorized possession of weapons on County or Court property;
6. Fighting or inciting a fight on County or Court property;
7. Maltreatment or abuse of an employee or other person;
8. Unauthorized disclosure of confidential County or Court records and information;
9. Discriminating against any employee or other person because of race, gender, religion, color, national origin, age, disability, gender identity – including transgender status, sexual orientation, pregnancy, veteran status, genetic information or any other characteristic defined by law or other approved policy;
10. An unprofessional or immoral act;
11. Conduct constituting violation of state, federal, or local law;


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12. Conduct that is not in compliance with position-specific licensure requirements;
13. Insubordination, including refusal to perform assigned duties or follow directives from the employee's supervisor, failure to cooperate with an investigation and/or failure to correct inappropriate behavior after receiving notification in accordance with the provisions of this Policy;
14. Dishonesty
15. Performing work for another company, employer or agency while on duty and/or using County or Court resources for another company, employer, or agency;
16. Conduct that is not in compliance with the Arizona Code of Conduct for Judicial Employees (Section I-303) and Maricopa County Code of Conduct (HR2416).

V. Progressive Discipline Alternatives


Supervisors may use progressive discipline to address behaviors as soon as the issue occurs. In addition, supervisors are encouraged to consult with COSC HR through any of these progressive disciplinary steps.

1. Coaching - While coaching is not considered a disciplinary action, it is part of the overall documentation and disciplinary process. The supervisor shall document a coaching discussion with a brief, dated summary of details discussed in the meeting, and placed in the supervisory file for the employee. Coaching is part of the supervisory file.
2. Verbal Warning - The supervisor shall document the Verbal Warning to include a brief, dated summary of the discussion. The supervisor shall also ensure that the employee has received a summary of the Verbal Warning in writing. A verbal warning is part of the supervisory file.
3. Memorandum of Understanding (MOU) - A Memorandum of Understanding (MOU) is issued when an employee continues to engage in similar inappropriate conduct, or if the employee's conduct or behavior warrants bypassing a coaching and a verbal warning. An MOU is a written document

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outlining the continued issues regarding, conduct or attendance. An MOU is part of the supervisory file.

- A. Both the supervisor and employee should sign the document. By signing, the employee is acknowledging that he/she received it. If the employee refuses to sign the document, the supervisor shall make that notation on the document and sign and date it.
4. **Written Counseling** - If an employee continues to engage in similar inappropriate behavior or conduct, or if the employee's behavior or conduct is such that bypassing lower levels of discipline is justified, the supervisor may issue a Written Counseling. The Written Counseling may require the employee to complete corrective actions to improve behavior or conduct, such as training and/or policy/procedure review.
- A. The Written Counseling shall be drafted by the supervisor, in conjunction with Human Resources. The supervisor will review the Written Counseling with the employee. Both the supervisor and employee should sign the Written Counseling. By signing the document, the employee is acknowledging that he/she received it. If the employee refuses to sign the document, the supervisor shall make that notation on the document and sign and date it.
  - B. If the employee disputes the Written Counseling, the employee may submit a written response within 5 business days, absent extenuating circumstances.
  - C. The Written Counseling and any employee response shall be placed in the employee's official personnel file in Human Resources. A copy must also be retained in the supervisor's personnel file for the employee.
5. **Demotion / Suspension** - If the employee engages in serious or repeated misconduct, and it has been determined that dismissal is not appropriate, COSC may choose to demote or suspend the employee.
- A. For Classified Employees, COSC must comply with the provisions of the Employee Merit System Resolution and Rules and Policy HR2402 Pre Disciplinary Action Hearing as it relates to due process.
  - B. Employees may be suspended from work without pay in full workweek

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increments, and no more than thirty (30) calendar days for any single cause.


- C. A notice of suspension must be given in writing to the employee, stating the length of and reason for the suspension.
  - D. The Demotion or Suspension paperwork shall be placed in the employee's official personnel file. A copy must also be retained in the supervisor's personnel file for the employee.
6. Dismissal - If lesser discipline or warning has failed to result in improved behavior or conduct, or is deemed not appropriate or sufficient given the severity of the infraction, the Appointing Authority may dismiss the employee.
- A. For Classified Employees, the Appointing Authority must comply with the provisions of the Employee Merit System Resolution and Rules and Policy HR2402 Pre Disciplinary Action Hearing as it relates to due process.

**APPLICABILITY:**

This Policy applies to all Classified, Contract, Temporary, or Unclassified COSC employees. Nothing written in this Policy is to be construed as changing the at-will nature of the employment relationship of the employees covered herein. These general guidelines shall not be interpreted to afford any at-will employee with additional rights to employment and shall not create any supervisor obligations that could affect the at-will status of the employee-employer relationship.


**POLICIES / RELATED DOCUMENTS:**

- Policy HR2402 Predetermination Hearing
- Policy HR2416 Code of Conduct (Maricopa County Internal Policy)
- Section I-303 Code of Conduct for Judicial Employees (Arizona Code of Judicial Administration)

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**DEFINITIONS:**

- I. **At-Will Employee:** An employment relationship where either party to the relationship may sever the relationship for any reason other than an unlawful reason. This includes Unclassified, Initial Probation, Contract and Temporary Employees.
- II. **Classified Employee:** Employees covered by the Maricopa County Employee Merit System.
- III. **Contract Employee:** At-Will Employee whose terms and conditions of employment are limited to those contained in a written agreement.
- IV. **Executive Employee:** Executive employees include, but are not limited to, those that report directly to the Elected.
- V. **Human Resources:** COSC Human Resources is located at 620 West Jackson Street Suite 3052, Phoenix, Arizona 85003 and can be reached by calling 602-506-3941.
- VI. **Supervisor:** Any member of management that has supervisory responsibilities.
- VII. **Temporary Employee:** At-Will Employee who works on an as-needed basis, generally for a limited number of hours or a limited period of time.
- VIII. **Unclassified Employee:** At-Will Employee that is not covered by the Employee Merit System.


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**REVISION HISTORY:**

Revision Number	Issuing Authority	Summary of Changes	Approval Date
-	N/A	Document Origination	12/03/2018
A	Lori Fiscus	Revised verbiage and changed definition	9/16/2020
B	Lori Fiscus	Added reference policies/documentation	12/23/2020

**AUTHORIZED SIGNATURES:**

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 Mike Nimtz  
 Deputy Director