



PROGRESSIVE DISCIPLINE POLICY

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Owner	Human Resources
Reviewer(s)	Human Resources
Approver(s)	County Manager
Applicable Policies	Grievance Policy
Applicable Documents	N/A
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1. PURPOSE

Durham County may provide an opportunity for employees to correct demonstrated variations from expected conduct and performance standards.

2. POLICY

- This policy establishes a process to return the employee to productive performance, correct behavior, or to separate employees if these efforts are unsuccessful.

4. APPLICABILITY

All County employees covered by the Personnel Ordinance, and all those pursuant to a Memorandum of Understanding; subcontractors, vendors and suppliers.

5. DEFINITIONS

Career Status - Continuous employment of 24 months in a position subject to State Personnel Act (e.g. Social Services, Public Health, Emergency Management)

Coaching and Counseling - Discussing nonstandard conduct and/or performance with the employee; this is not a disciplinary action.

Corrective Action Plan - Written documentation included in written warnings, demotions (based on unacceptable personal conduct) and suspensions without pay, that outlines the areas for improvement, timeframe to improve, and consequences for taking no action; this must be prepared by the supervisor and given to the employee with the issuance of the disciplinary action.

Demotion - The movement of an individual to a position in a lower salary grade with a decrease in the level of skill requirement and responsibility.

Disciplinary Action - Corrects or penalizes the employee for nonstandard conduct and/or performance; examples include dismissal, demotion, suspension without pay, and written warning.



PROGRESSIVE DISCIPLINE POLICY

Dismissal - County initiated separation from employment.

Documented Counseling - Written documentation of the counseling session prepared by the supervisor and given to the employee that outlines the areas for improvement, timeframe to improve, and consequences for taking no action; this is not a disciplinary action.

Grossly Unsatisfactory Job Performance - Behavior so egregious that it creates the potential for death or serious harm to self or others, property, or funds. The individual's behavior calls into question the integrity of the organization.

Pre-disciplinary Conference - Meeting between employee and management to allow the employee to respond to allegations, and management to obtain additional information.

Disciplinary decision is made based on the outcome of the pre-disciplinary conference.

Suspension without Pay - Employee is temporarily removed from the workplace for a period of days or weeks without compensation.

Unacceptable Personal Conduct - Behavior for which a reasonable person should not expect to receive a prior warning.

Unsatisfactory Job Performance - Performance that fails to meet the job requirements as outlined in the job description, work plan or other relevant documentation. It also includes behavior that negatively impacts the organization.

Written Warning - Document that outlines deviant performance, steps for improvement, and consequences for taking no action.

6. PROCEDURE

A. General Expectations

- The supervisor has observed and/or been informed of instances when the employee's performance and/or conduct varied from the acceptable standards.
- The supervisor must consult with Human Resources prior to initiating any disciplinary action.
- The advised action is dependent on the circumstances of the specific situation, and the nature and seriousness of the employee's behavior.

B. Coaching and Counseling

- Depending on the nature of the issue, the supervisor may initially coach the employee, identifying the nonstandard conduct or performance, and providing guidance for performance realignment.



PROGRESSIVE DISCIPLINE POLICY

- If the issue continues, then the supervisor may proceed with documented counseling.
- The supervisor must give the employee a copy of the documented counseling.
- Coaching and counseling are not considered a disciplinary action.
- An employee who does not respond to coaching efforts by the supervisor, or who is cited for unacceptable personal conduct or grossly unsatisfactory job performance, may be subject to disciplinary action up to and including dismissal.

C. Nonstandard Performance Categories

- There are two primary categories of nonstandard performance:
 - unacceptable personal conduct, and
 - unsatisfactory job performance, which includes grossly unsatisfactory job performance as a subcategory.
- Behavior that represents unacceptable personal conduct includes but is not limited to the following examples:
 - Job related conduct which constitutes violation of state or federal law
 - Conviction of a misdemeanor/felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the agency
 - Willful violation of known or written work rules (department and/or county)
 - Conduct unbecoming of an employee that is detrimental to the agency
 - The abuse of client(s), patient(s), student(s) or a person(s) for whom the employee has charge or to whom the employee has a responsibility
 - Falsification of any County documents or records
 - Insubordination; the willful failure or refusal to carry out a reasonable order from an authorized supervisor
 - Conflict of Interest; any situation that could adversely influence an employee's judgment, objectivity, or loyalty to the County in conducting business activities and assignments
 - Workplace Harassment/Violence
 - Absence from work after all authorized leave credits and benefits have been exhausted



PROGRESSIVE DISCIPLINE POLICY

- Failure to obtain or maintain a current license or certificate required by law for performing the job
- Behavior that represents unsatisfactory job performance includes but is not limited to the following examples:
 - Demonstrated inability to perform assigned job-related duties
 - Inefficiency, negligence, or incompetence
 - Careless, negligent, or improper use of County equipment or property
 - Failure to work well with the public and other employees
 - Poor attendance including tardiness, and excessive absenteeism
- Behavior that represents grossly unsatisfactory job performance includes but is not limited to the following examples:
 - Creation of the potential for death or serious harm
 - Loss of funds or damage to County property that results in a serious impact on the organization and/or work unit
 - Calls into question the integrity of the organization

D. Pre-Disciplinary Conference

- A pre-disciplinary conference is required prior to issuing a suspension, demotion, or dismissal.
- A written warning may later result from a pre-disciplinary conference.
 - A decision cannot be given on the same day of the conference.
- A pre-disciplinary conference is not required if a written warning is determined to be the appropriate disciplinary action based on the circumstances of the specific situation and the nature and seriousness of the employee's behavior.

1. Notification Before the Conference

- Prior to the conference, the employee must receive advance written notice that includes:
 - the time, date, and location of the meeting.
 - A summary of the allegations.
 - The reason(s) for recommending disciplinary action.
- The employee may either:
 - Remain at work, or
 - Be placed on administrative leave until the conference.



PROGRESSIVE DISCIPLINE POLICY

2. During the Conference

- At the conference:
 - The Employee and management will discuss the allegations, and specific circumstances of the situation.
 - No witnesses or attorneys are allowed
 - The proceedings are not recorded.

3. Post-Conference

- The employee will be notified of the disciplinary decision by the end of the second business day following the conference.

E. Types of Disciplinary Actions

- There are four (4) types of disciplinary actions:
 - Written warning
 - Suspension without pay
 - Demotion
 - Dismissal.
- **Human Resources and the County Attorney's office** must provide prior approval before issuing disciplinary actions.

F. Progression of Disciplinary Actions

- The more stringent disciplinary actions of suspension, demotion, or dismissal are typically preceded by a warning

1. Responsibilities

- Employees are expected to act responsibly to maintain a respectful working environment and must report knowledge of discrimination or harassment.
- Any employee who is aware of any instances of discrimination or harassment should report the alleged behavior immediately to a non-offending supervisor or to Human Resources.
- Supervisors and managers who receive a discrimination or harassment complaint must immediately contact Human Resources.



PROGRESSIVE DISCIPLINE POLICY

2. Retaliation Prohibited

- Any employee found to have harassed or discriminated against another employee or a customer will be subject to disciplinary action, up to and including dismissal.
- No employee will be subject to retaliation for reporting harassment or discrimination.

3. Protection for Complainants

- Employees and applicants are protected from coercion, intimidation, interference, and discrimination for filing a complaint or assisting in an investigation under the laws and County policies covering these individuals.

4. Religious Accommodations

- The County will reasonably accommodate the religious observances and practices of an employee or applicant unless such accommodation creates an undue hardship.
- Any employee who requires a religious accommodation should speak with Human Resources.

5. Periodic Review

- Periodic reviews will ensure that personnel decisions are in full accord with the principles and spirit of equal employment opportunity law.

6. How to File a Grievance

I. Informal Resolution:

- a. If possible, the employee or third party who feels a violation has occurred is encouraged to have a conversation with the other individual(s) involved.
- b. Employees and third parties are encouraged to speak with their supervisor or Human Resources office for assistance or guidance on how to resolve the situation
- c. If the concern is about the supervisor or manager, parties are encouraged to contact the Human Resources office to determine options for resolution.



PROGRESSIVE DISCIPLINE POLICY

II. Formal Complaints

- a. An employee must submit the written grievance along with supporting attachments to Human Resources to report allegations of discrimination, harassment, or retaliation.
- b. All verbal communication will be documented; however, the employee is required to submit a written statement of these allegations. Refer to the Grievance Policy.
- c. Former employees may also submit the written grievance to Human Resources within 180 calendar days of separation to report alleged acts of discrimination, harassment, or retaliation for filing a prior grievance. Refer to the Grievance Policy.

7. RESPONSIBILITY

- It is the responsibility of Durham County supervisors and managers to uniformly administer, communicate, and ensure compliance.
- It is the responsibility of the Human Resources Department to interpret, monitor, and update the policy content.
- It is all employees' responsibility to comply with policy guidelines.
- Any violation or policy misuse will result in disciplinary action up to and including dismissal.

REVISION HISTORY

Version ID	Revision Date	Author	Reason for Revision
v.1.0-2014	01-20-2014	Human Resources	Adopted
v.1.0-2025	07-01-2025	Human Resources	Definitions, Reformat, verbiage