

SANDUSKY COUNTY
PERSONNEL POLICY AND PROCEDURE MANUAL

PRE-DISCIPLINARY CONFERENCES

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- A. Generally: Whenever the SCAA or designee determines a classified employee may have committed an offense which could result in a suspension, fine, reduction, or removal, the employee will be notified of the allegations and a pre-disciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged misconduct. A pre-disciplinary conference is primarily an informal fact-finding session, not a legal proceeding. The objective of the conference is to obtain information through testimony, documentation, and/or questioning of the employee and witnesses to determine whether the alleged misconduct occurred.
- B. Hearing Officer: Pre-disciplinary conferences will be conducted by a hearing officer. The hearing officer may be the SCAA or any person the SCAA selects to serve in such capacity.
- C. Notice - Not less than twenty-four (24) hours prior to the scheduled starting time of the conference, the SCAA or designee will provide the employee with a written outline of the charges which may be the basis for disciplinary action (Notice of Pre-disciplinary Conference). In response, the employee must sign an acknowledgment of the notice and must:
1. appear at the conference to present an oral or written statement in the employee's defense and answer questions regarding the alleged misconduct; or
 2. elect in writing to waive the pre-disciplinary conference (Waiver of Pre-disciplinary Conference).
- D. Testimony: An employee who elects to attend the conference and present evidence, or who is called to testify, must answer all questions truthfully. If it is later proven that the employee's answers were not truthful, such dishonesty may result in disciplinary action.

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- E. Witnesses: At the conference the employee may present any testimony, witness, or documents which explain whether or not the alleged misconduct occurred. The employee shall provide a list of witnesses to the hearing officer as far in advance as possible, but not later than four (4) hours prior to the pre-disciplinary conference. It is the employee's responsibility to notify witnesses their attendance is desired.
- F. Delay of Pre-disciplinary Conference: Upon a reasonable request and adequate advance notice from the employee, the Appointing Authority may temporarily delay the pre-disciplinary conference. Generally, the Employer should permit only one (1) such delay.
- G. Recording of Proceedings: At the discretion of the hearing officer, the pre-disciplinary conference may be recorded on magnetic tape or by a stenographer. The responding employee may also record the proceedings in a similar manner, if the hearing officer authorizes recording of the proceedings.
- H. Hearing Officer Report: If the hearing officer is someone other than the SCAA, the following shall apply:

The hearing officer shall objectively hear the case and shall prepare a written report setting forth findings of fact and concluding whether or not the alleged misconduct occurred. The hearing officer shall not recommend discipline. A copy of the hearing officer's report will be provided to the employee and the SCAA within five (5) working days following its preparation. The SCAA will decide what discipline, if any, is appropriate, and may agree or disagree with the hearing officer's conclusions.

- I. Administrative Leave- When the SCAA determines it is necessary to temporarily remove an employee from the workplace to protect the health or safety of the

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- employee, other employees, or of any person, or property entrusted to the employee's care, the SCAA may immediately authorize an administrative leave of absence with pay. Such leave shall normally last only until the investigation, pre-disciplinary hearing, and/or other corrective action is completed.
- J. Whenever a Department Head has cause to believe an employee should receive a suspension, fine, disciplinary reduction in pay or position, or removal from public service, the Department Head must reduce such allegations to writing and submit them to the SCAA. The Department Head may also request that the SCAA place the employee on administrative leave while the charges are being investigated and until the pre-disciplinary conference procedures are completed, when deemed necessary. The written allegations should indicate in sufficient detail the behavior or conduct which is the basis for the Department Head's belief that discipline is necessary. The written allegations should next be processed through the chain of command to the SCAA or designee for review and delivery to the responding employee in the form of a Notice of Pre-disciplinary Conference.
- K. If the allegations against an employee involve potential criminal charges as well as employment misconduct, the SCAA should confer with the County Prosecutor and the County's management consultant prior to questioning the employee or scheduling a pre-disciplinary conference.
- L. The employee shall be notified by the SCAA or designee of the time, location, and person who will conduct the conference. The hearing officer conducting the conference, if other than the SCAA, will recite the allegations and ask the Employer's representative to summarize the evidence that is the basis of the allegations. The hearing officer will then ask the employee to respond to the allegations of misconduct which were outlined to the employee. Failure to respond or respond truthfully may result in further disciplinary action.

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M. The hearing officer shall determine when the conference is concluded and will adjourn the meeting. The hearing officer may also independently investigate facts alleged by the responding employee or the employee's witnesses, may limit the number of witnesses, and may reconvene the conference if necessary to get additional information or to allow the employee an opportunity to respond further or to respond to new matters. For example, if the employee provides an explanation that involves facts previously unknown to the SCAA, the hearing officer may continue the hearing to allow the SCAA time to investigate. As another example, if the employee or a witness provides information which indicates the employee may have committed additional infractions, the hearing officer may continue the conference to allow the Employer time to investigate or to allow the SCAA to issue a revised notice before concluding the pre-disciplinary conference. This is proper procedure provided no discipline is issued prior to reconvening the pre-disciplinary conference and the employee has not already been disciplined for the same offense.

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- N. If someone other than the SCAA is serving as hearing officer, that person shall prepare a report of findings and submit it to the SCAA. The report may, but need not be, in writing, and need not be overly detailed. The report should state whether the person conducting the conference believes the allegations were supported by the evidence and explanations presented. The hearing officer may state whether one person's explanation or evidence was more convincing and for what reason, especially when stories or evidence conflict. However, the hearing officer should not recommend whether the SCAA should issue discipline, nor what level of discipline is appropriate.
- O. Within a reasonable time following receipt of the report, the SCAA shall determine what discipline, if any, is warranted based upon the facts presented. If discipline is warranted, the SCAA shall determine the severity of the discipline using the policies herein as a guideline.