

COPY

McHENRY COUNTY ADMINISTRATIVE ORDER NO. 2007-7
22nd JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

The Chief Judge of the 22ND Judicial Circuit finding that there is a need to adopt a Personnel Policy Manual for the employees of the Department of Probation and Court Services of McHenry County, Illinois, and further finding that it is convenient and appropriate to adopt the County of McHenry Personnel Policy Manual, effective December 1, 2006, with the exception of Article VII - DISCIPLINARY POLICY AND PROCEDURES as the Personnel Policy Manual of the Department of Probation and Court Services of McHenry County, Illinois.

The Chief Judge of the 22ND Judicial Circuit further finds that it is convenient and appropriate to adopt a separate Article on Disciplinary Policy and Procedures which shall be identified as **ARTICLE VII – DISCIPLINARY POLICY AND PROCEDURES – McHenry County Probation and Court Services Department.**

THEREFORE, IT IS ORDERED that effective immediately the County of McHenry Personnel Policy Manual effective December 1, 2006, is the Personnel Policy Manual of the Department of Probation and Court Services of McHenry County, Illinois except for Article VII-DISCIPLINARY POLICY AND PROCEDURES.

IT IS FURTHER ORDERED that in the place of Article VII – DISCIPLINARY POLICY AND PROCEDURES of the County of McHenry Personnel Policy Manual, effective December 1, 2006, the Court adopts in its place ARTICLE VII – DISCIPLINARY POLICY AND PROCEDURES – McHenry County Probation and Court Services Department, a copy of which is attached hereto as Exhibit A.

IT IS FURTHER ORDERED that this Order shall be effective until further order of the Court.

IT IS FURTHER ORDERED that any prior Administrative Order establishing a Personnel Policy Manual and/or Disciplinary Policy and Procedures for the Department of Probation and Court Services of McHenry County, Illinois, is vacated.

ENTERED: February 26, 2007

ENTER: Michael J. Sullivan

MICHAEL J. SULLIVAN
CHIEF JUDGE

ARTICLE VII DISCIPLINARY POLICY AND PROCEDURES - McHENRY COUNTY PROBATION AND COURT SERVICES DEPARTMENT

Section 7.1 Generally

The County of McHenry and the Chief Judge of the 22nd Judicial Circuit (hereafter referred to as Chief Judge) expects its employees to acquaint themselves with the performance criteria for their particular job and with all applicable rules, procedures and standards of conduct. The Department of Probation and Court Services (hereafter referred to as Department) expects its employees to perform their job duties in a satisfactory manner, maintain a high level of professionalism, and conduct themselves in an honest and efficient manner at all times.

Disciplinary action can result from performance deficiencies and for misconduct. The Department generally follows a policy of progressive discipline because the objective of discipline is two-fold. Discipline can be a means to improved performance and/or it can be punishable up to, and including termination. Although the Department recognizes the principles of progressive discipline and corrective action, it is the Department's policy to resolve performance deficiencies and/or misconduct appropriately in each individual case taking into account all relevant facts and circumstances. The Director of Probation and Court Services Department (hereafter referred to as Director) and Chief Judge retains the absolute discretion to impose whatever disciplinary action is taken, the determination of what disciplinary action is appropriate will depend upon the particular facts and circumstances of each case, discipline may not always be gradual or progressive. Appropriate weight will be given to factors in aggregate or mitigation of disciplinary action.

Work performance is judged by the supervisor's evaluation of the quality and quantity of work performed by each employee. When the work performance of an employee is below standard, the supervisor after consultation and agreement of the Director shall take appropriate disciplinary action.

ARTICLE VII DISCIPLINARY POLICY AND PROCEDURES – McHENRY COUNTY PROBATION AND COURT SERVICES DEPARTMENT

None of the procedures set forth in this section are intended to apply when the reason for employee termination is not disciplinary in nature.

When disciplinary action is imposed, it will take one or more of the following forms: oral warning, written warning/reprimand, suspension without pay, demotion, or discharge.

Section 7.2 Pre-Disciplinary Hearings

An employee shall be informed of the basis for any proposed disciplinary action resulting in suspension without pay, demotion, or dismissal and be provided an opportunity to respond before any of the proposed actions become final.

Regular full-time and part-time employees are entitled to a due process hearing prior to suspension of more than five (5) days, demotion, or termination. No particular formal procedure is required for this hearing, unless otherwise required by law.

At a minimum, the supervisor, with approval and concurrence of the Director, recommending to suspend, demote, or dismiss a regular full or part-time employee shall provide the employee with a statement of the facts and evidence that the supervisor has relied upon in determining whether the suspension, demotion, or dismissal is appropriate and the employee shall be afforded an opportunity to provide a response to the supervisor.

Prior to imposing discipline in the form of suspension, demotion, or dismissal, the Director shall notify the Chief Judge and the Director of Human Resources. After consultation with the Chief Judge, the Director shall have authority to suspend, demote, or discharge employees.

After considering the employee's response, the Director will review the evidence and impose the proposed disciplinary action. It is understood that, at times, the supervisor and the Director may be the same person.

**ARTICLE VII DISCIPLINARY POLICY AND PROCEDURES – McHENRY COUNTY
PROBATION AND COURT SERVICES DEPARTMENT**

The Director shall advise the employee, in writing, of the disposition of the disciplinary matter, the right to appeal the disciplinary action, and the procedure for appealing the decision. The writing shall specify exactly what the discipline consists of, its effective date, the reason for the discipline, and any other matters that the Director deems relevant including, but not limited to, any previous efforts to make the employee aware of the need to change or improve work performance or conduct and, if the action taken is not dismissal, actions that should be taken upon the end of the suspension or at the time of demotion, by the employee to improve performance or conduct.

An employee who is demoted or suspended without pay continues to accrue vacation, personal days, and sick leave and is to be covered by insurance and entitled to other employee benefit programs.

Section 7.3 Post Deprivation Hearing

Regular full-time and regular part-time employees who receive disciplinary action consisting of suspension without pay for more than five (5) days, demotion, or dismissal are entitled to a post-deprivation hearing if they request one, in writing, within seven (7) calendar days of the date of imposition of the disciplinary action.

The written request for a post-deprivation hearing must be delivered in person or sent via certified mail, return receipt requested, to the Chief Judge or the Chief Judge's designee. If a written request for a post deprivation hearing is not postmarked or received in person within this seven day period, the employee's right to a post deprivation hearing shall be deemed waived.

The employee's request for a post disciplinary hearing shall state with particularity why the employee believes the disciplinary action was inappropriate and why and how the employee believes it should be modified.

ARTICLE VII DISCIPLINARY POLICY AND PROCEDURES – McHENRY COUNTY PROBATION AND COURT SERVICES DEPARTMENT

At his/her sole discretion, the Chief Judge may place an employee, who has been advised of the Department's intent to: suspend an employee for longer than five (5) days, demote, or terminate the employee, on an administrative leave with pay until the final determination of the post deprivation hearing decision.

Upon written request, the Chief Judge or the person designated by the Chief Judge shall serve as the hearing officer.

The Chief Judge shall promptly schedule the post deprivation hearing. The hearing will be held within twenty (20) business days of the Chief Judge's receipt of the request for a hearing. The Chief Judge will promptly advise the employee of the name of the hearing officer and the date, time, and place of the hearing.

The employee may request copies of any documents in the possession of the Department that were relied upon by the Department in reaching the disciplinary decision that is the subject of the hearing provided this request is made at least ten (10) business days before the scheduled hearing. The Department shall provide the employee copies of all such documents, unless they are made confidential by law, at least five (5) business days before the hearing.

At least five (5) business days before the hearing, the Department shall supply to the employee: (1) the names of all persons who will be called by the Department at the hearing and a brief synopsis of what the testimony of each such person is expected to be, and (2) copies of all documents to be introduced by the Department at the hearing.

The hearing officer shall preside at the hearing, and have the authority to determine matters of the order of presentation, relevancy, the form, and scope of cross examination and other matters relevant to the fair and expeditious conduct of the hearing.

Both the Department and the employee have a right to be represented by counsel at the hearing.

ARTICLE VII DISCIPLINARY POLICY AND PROCEDURES – McHENRY COUNTY PROBATION AND COURT SERVICES DEPARTMENT

In all hearings where the employee is represented by counsel, a court reporter shall be present to swear in the witnesses and transcribe the hearing. In hearings where the employee is not represented by counsel, either the Department or the employee may request a court reporter and the requesting party shall bear the expense of the court reporter. The transcript of the hearing shall be the official record of the hearing.

The Department bears the burden of proof by a preponderance of the evidence that the discipline imposed on the employee was appropriate.

After the close of the hearing and within five (5) business days thereof, unless an extension is granted by the Chief Judge, the hearing officer shall prepare a written decision. A copy of said decision shall be supplied to the Department and the employee within five (5) business days thereof. The decision of the hearing officer is final.

Section 7.4 Grievances

Employees may submit a written statement to the Director of the Court Services Department at any time concerning a subject in which employees feel they have been treated unfairly.

The Director may issue a response to the employee at his or her discretion or not. This grievance policy will not apply to the performance appraisals and evaluation procedures as they have built-in reviews that an employee may avail themselves to. The grievance procedure will not apply to the administration of raises as determined by the department's state approved and county adopted compensation plan.