ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: DISCIPLINARY ACTIONS

1. It is the responsibility of all first line supervisors to identify employee work rule violations and take action to prevent repeated violations by appropriate counseling, utilization of employee assistance resources, and/or disciplinary action.

2. Disciplinary action will always be administered in a corrective fashion concentrating on employee rehabilitation.

3. Disciplinary action, if unsuccessful, should be followed by progressively severe disciplinary actions.

4. Disciplinary action should match the infraction as much as possible; however, repeated infractions can and should result in increasingly severe disciplinary actions.

5. Reasons for disciplinary action should be related to violation(s) of the applicable County or Departmental written work rules. Work rules should be clearly communicated to employees.

6. Discipline will only be administered for just cause (contact the Employee Relations Division, Human Resources Director, for consultation, prior to taking disciplinary action, i.e. written reprimand). Also, consult and complete the form on "Tests Applicable for Learning Whether Any Employer Had Just and Proper Cause For Disciplining An Employee."

END OF POLICY

ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: DISCIPLINARY ACTIONS

Forms needed:
Separation Notice 014-89-5(8/93)
Employee Action Form

RESPONSIBILITY	ACTION
Appointing Authority	1. Steps 1 through 11 are review steps that should be followed prior to taking a disciplinary action against an employee. In cases where erratic behavior becomes overly disruptive to work activities, endangers the safety of others or is of a nature where immediate removal of the employee from the work place is necessary, then the following review process and a final determination of discipline, if any, should be completed as soon as reasonably possible after such a removal.
	2. When it has been determined that an employee is to be removed from a work place the employee shall be placed on paid administrative leave and a letter shall be drafted regarding the leave with copies to Employee Relations and the Employee group/union.
	3. Steps in the disciplinary process that apply to an employee who have passed his/her probationary period do not necessarily apply in disciplinary actions taken against a probationary employee. The probationary period is a part of the selection process and allows the employing department an opportunity to review its initial selection decision. If an employee is exhibiting behavior that may warrant discipline during the probationary period, the supervisor should very seriously consider terminating the employment of that employee.
	4. When discipline is being contemplated, especially in cases of a performance deficiency, the corrective actions recommended in this manual should be reviewed. In addition, discipline should only be considered after all other viable options short of discipline have been tried or an employee's behavior is so egregious that discipline is the only viable option left to correct a problem.

ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: DISCIPLINARY ACTIONS

RESPONSIBILITY	ACTION
Appointing Authority	5. It is difficult to determine a set of prescribed penalties for particular types of infractions since proper discipline is dependent upon individual circumstances. However, there are basic principles to guide judgment in this area with just cause being the descriptive term most used for assessing the adequacy of such judgments. Just cause is generally based on the following principles: a) Discipline is progressive; b) Severity of the penalty should match the severity of the infraction; c) Consistency in application; d) Due process 6. Progressive discipline implies that a supervisor will apply the least severe penalty for a first time infraction; however, as infractions are repeated, discipline is escalated with more severe penalties being given. In other words, as infractions are repeated, the discipline becomes progressively more severe. The typical types of progressive discipline are: a) Written reprimand b) Suspension without pay c) Reduction in pay d) Demotion e) Discharge 7. While progressive discipline should normally be the rule, supervisors need not always follow each step rigidly. Several factors should influence determinations of what is a proper penalty. The concept of, "the severity of the penalty should match the severity of an infraction", should be considered. An appointing authority may consider discharge appropriate for a first offense if a client is abused by an employee whereas an appropriate penalty for a first offense of tardiness would normally involve a written reprimand. Future instances of tardiness, though, may involve increasingly severe penalties. This is important to

ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: DISCIPLINARY ACTIONS

RESPONSIBILITY	ACTION
Appointing Authority	7. (continued) not only "build a case" against the employee but as a means of signaling the employee that such continued behavior is considered to be a serious offense.
	8. There are also other forms of discipline beyond the usual ones specified above which may be appropriate. These include assignment to an undesirable shift or work detail, loss of uniform allowance or other denials of benefits previously enjoyed. While these forms of discipline are not typical, the same just cause measures apply. Also, these forms of discipline can have more effective results than the more typical forms and should be considered before disciplinary decisions are made.
	9. Consistency of discipline means applying the same standard of discipline to all employees under the same or very similar circumstances. Just cause in discharging an employee would be extremely difficult to sustain as fair if another employee under identical or similar circumstances was only given a written reprimanded for the same inappropriate action. Conversely, different circumstances such as length of service and prior infractions can cause different penalties for the same infraction without violating consistency. Consistency in application within a supervisor's own jurisdiction is put to a more stringent test, as is consistency within a department, versus consistency between departments. Consistency in application between supervisors, within and between departments, is an important measure of just cause toward which supervisors should strive. Accordingly, supervisors must communicate with the Employee Relations Division, throughout the disciplinary investigation. Maintaining this contact is essential to achieving consistency.
	10. The Employee Relations Division will log each case into an online system for tracking purposes.
	11. Giving due process to an employee who is being charged with an infraction is an extremely important ingredient of just cause. Due process generally relates to providing adequate notice of

ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: DISCIPLINARY ACTIONS

RESPONSIBILITY	**ACTION**
Appointing Authority	11. (continued) behavior that will be subject to discipline (e.g., publicized work rules) and adequate opportunity to respond to charges of misbehavior. Due process is covered in detail by the procedure specified as follows. Steps 12 through 19 in this procedure describe how disciplinary actions can be processed. Remember that many factors come into play in determining and applying discipline so consultation with the Employee Relations Division must occur prior to taking action.
	12. The first step is to make a determination that an incident occurred which may involve a work rule violation.
	13. Investigate the alleged infraction to determine as many facts as possible (review the material on investigations).
	14. If the investigation indicates an adequate basis for some form of disciplinary action, hold a pre-disciplinary meeting with the employee who allegedly committed the infraction in order to give that employee an opportunity to hear the potential charge(s) with supporting facts and respond with any mitigating circumstances or other defenses. If requested, the employee may have a representative present (e.g., employee group representative, union steward, attorney, co-worker, interested stakeholder, friend). This interview is part of the investigative process and is not to be considered an adversarial proceeding nor is there any duty to bargain the possible penalty or interpretation of the facts. These meetings are to be coordinated by the managers. Managers should notify the employee and representative (if any) in writing of the meeting and present in that letter information that provides notice regarding what will be discussed and the potential work rules that may have been violated. Where possible without interfering with an investigation, if there are documents that will be reviewed in the meeting, the manager should provide the documents in advance of the meeting to the employee or representative, so they have

ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: DISCIPLINARY ACTIONS

RESPONSIBILITY	ACTION
Appointing Authority	14. (cont) time to review them. If there will be a discussion regarding an employee's whereabouts on any given day(s), managers should notify the employee to bring their schedule/calendar/phone etc. with them to the meeting. Managers should present their questions during the first part of the meeting. The employee, not the representative must answer the questions. The employee or the representative may ask questions to clarify what was said at the meeting. At the end of the meeting, the employee or the representative may summarize what they heard. It is also permissible for the employee and their representative to caucus (for a short period of time) after the manager has completed the initial inquiry. The main purpose of a pre-disciplinary meeting is to collect all the information available regarding a potential work rule violation in order to determine if there are any civil service rule or policy violations. In the event a manager feels comfortable deviating from the process outlined above, nothing herein shall prevent that. However, if the discussion includes conduct for which the employee has not been provided notice and which could lead to discipline, that portion of the meeting should be adjourned so that written notice can be provided. 15. The employee's response may indicate need for further investigation before any disciplinary decision can be fairly made. 16. In consultation with Employee Relations, make disciplinary action decision. If a disciplinary action is decided upon, ranging from a written reprimand to others specified above, draft a letter of discipline that should contain factual information to meet the following "test":

ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: DISCIPLINARY ACTIONS

RESPONSIBILITY	ACTION
Appointing Authority	16. (cont) "FIVE W's" TEST: #1 What wrongful acts did the employee allegedly commit? #2 When were the wrongful acts allegedly committed? #3 Where were they allegedly committed? #4 Who accused the employee of the wrongful acts? #5 Why is the particular penalty being imposed?
	17. Include the date when the disciplinary action will be implemented. Such notice must also advise the employee of their specific Civil Service appeal rights and, where applicable, his/her Employee Benefit Handbook or union grievance rights. If a union contract is applicable, review the discipline and grievance procedure section of that contract and other materials that have been provided. The applicable Civil Service Ordinance section is Section 18.17. If the action is not a discharge, include in the letter a warning that further infractions could result in more severe disciplinary action. (See Example).
	18. If termination or suspension is a result of the disciplinary action, complete a Separation Notice and an Employee Action Form.
	19. All of the above procedure applies in cases where an employee is immediately removed from the work place due to a crisis situation before a proper investigation can be made and placed on paid administrative leave. In such cases where an employee group or union contract disciplinary notice provision applies, follow the removal action with a letter to the employee and a copy to the employee group/union within 24 hours to the effect that the employee has been placed on paid administrative leave, state the general
Appointing Authority	19. (continued) circumstances giving cause for the suspension, and that an objective investigation will be made to determine what, if any, discipline will be imposed.

END OF PROCEDURE

ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: DISCIPLINE --
TESTS APPLICABLE FOR LEARNING WHETHER AN EMPLOYER HAD JUST AND PROPER CAUSE FOR DISCIPLINING AN EMPLOYEE

Through the years decisions on disciplinary grievances have developed a sort of "common law" concerning discipline in the work place. This definition consists of a set of guidelines or criteria that are applied to the facts of any one case, and said criteria are set forth below in the form of questions.

A "no" answer to any one or more of the following questions normally signifies that just and proper cause did not exist. In other words, such "no" answers mean that the employer's disciplinary decision contained one or more elements of arbitrary, capricious, unreasonable, or discriminatory action to such an extent that said decision constituted an abuse of managerial discretion warranting an Independent Hearing Officer/arbitrator to substitute his/her judgment for that of the employer. Occasionally, an Independent Hearing Officer/arbitrator may find one or more "no" answers so weak and the other "yes" answers so strong that he/she may properly "split the difference" between the opposing positions of the parties and find that the correct decision is to chastise both the employer and the disciplined employee by decreasing but not nullifying the degree of discipline imposed by the employer (e.g., by reinstating a discharged employee without back pay).

It should be clearly understood that the criteria set forth below are to be applied to the employer's conduct in making his/her disciplinary decision before same has been processed through the grievance procedure to hearing/arbitration. One further introductory remark: the word "employer" as used below could be substituted by any of the following words: department head, supervisor or management.

QUESTION #1

Did the employer give an employee forewarning or foreknowledge of the possibility of probable disciplinary **consequences of his/her conduct?**

Note 1: Said forewarning or foreknowledge may properly have been given orally by management or in writing through the medium of typed or printed sheets or books of shop rules and of penalties for violation thereof.

Note 2: There must have been actual oral or written communication of the rules and penalties to the employee.

Note 3: A finding of lack of such communication does not in all cases require a "no" answer to Question No. 1. This is because certain offenses such as insubordination, coming to work intoxicated, drinking intoxicating beverages on the job, or theft of the property of the employer or of fellow employees are so serious that any employee may properly be expected to know already that such conduct is offensive and heavily punishable.

Note 4: Absent any handbook/contractual prohibition or restriction, the employer has the right unilaterally to promulgate reasonable rules and give reasonable orders; and same need not have been negotiated with the union or discussed with the employee group representatives.

ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: DISCIPLINE --
TESTS APPLICABLE FOR LEARNING WHETHER AN EMPLOYER HAD JUST AND PROPER CAUSE FOR DISCIPLINING AN EMPLOYEE

QUESTION #2:

Was the employer's rule of managerial order reasonably related to

(a) the orderly, efficient, and safe operation of the employer's business and
(b) the performance that the employer might properly expect of the employee?

Note: If an employee believes that said rule or order is unreasonable, he/she must nevertheless obey same (in which case he/she may file a grievance moreover) unless he/she sincerely feels that to obey the rule or order would seriously and immediately jeopardize his/her personal safety and/or integrity. Given a firm finding to the latter effect, the employee may properly be said to have had justification for his/her disobedience.

QUESTION #3:

Did the employer, before administering discipline to an employee, make an effort to discover whether the employee did in fact violate or disobey a rule or order of management?

Note 1: This is the employee's "day in court" principle. An employee has the right to know with reasonable precision the offense with which he/she is being charged and to defend his/her behavior.

Note 2: The employer's investigation must normally be made before its disciplinary decision is made. If the employer fails to do so, its failure may not normally be excused on the grounds that the employee will get his/her day in court through the grievance procedure after the exaction of discipline. By that time there has usually been too much hardening of positions. In a very real sense the employer is obligated to conduct itself like a trial court.

Note 3: There may of course be circumstances under which management must react immediately to the employee's behavior. In such cases the normal proper action is to suspend the employee with pay pending investigation, with the understanding that (a) the final disciplinary decision will be made after the investigation and (b) if the employee is found innocent after the investigation, he/she will be restored to his/her job.

Note 4: The employer's investigation should include an inquiry into possible justification for the employee's alleged rule violation.

QUESTION #4:

Was the employer's investigation conducted fairly and objectively?

ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: DISCIPLINE --
TESTS APPLICABLE FOR LEARNING WHETHER AN EMPLOYER HAD JUST AND PROPER CAUSE FOR DISCIPLINING AN EMPLOYEE

QUESTION #4: (continued)

Note 1: A management official in conducting an investigation may become "prosecutor and "judge." If this happens, he/she cannot be a witness against the employee.

Note 2: It is essential for some higher, detached management official to review the conduct of a management review and determine if the disciplinary action is defendable and in management's best interest to pursue to arbitration.

Note 3: In some disputes there are no other witnesses to an incident than the two immediate participants. In such cases it is particularly important that the top management question the management participants rigorously and thoroughly just as an actual third party would.

QUESTION #5:

In conducting an investigation was there substantial evidence or proof that an employee was guilty as charged?

Note 1: It is not required that the evidence be conclusive or "beyond all reasonable doubt" but the evidence must be truly substantial and not flimsy.

Note 2: A manager hearing a grievance should actively search out witnesses and facts and not just passively believe what participants or "volunteer" witnesses tell them.

Note 3: When the evidence of opposing witnesses at a hearing/arbitration is irreconcilable, the independent hearing officer/arbitrator seldom has the means to resolve the contradictions. The task then is to determine if management had reasonable grounds for believing the evidence presented that led to the disciplinary action.

QUESTION #6:

Has the employer applied its rules, orders, and penalties consistently and without discrimination to all employees?

Note 1: A "no" answer to this question requires a finding of discrimination and warrants negation or modification of the discipline imposed.

Note 2: If the employer has been lax in enforcing its rules and orders and henceforth decides to apply them rigorously, the employer may avoid a finding of discrimination by telling all employees beforehand that it is management's intent to hereafter enforce all rules as written.

ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: DISCIPLINE --
TESTS APPLICABLE FOR LEARNING WHETHER AN EMPLOYER HAD JUST AND PROPER CAUSE FOR DISCIPLINING AN EMPLOYEE

QUESTION #7:

Was the degree of discipline administered by the employer in a particular case reasonably related to (a) the seriousness of the employee's proven offense and (b) the record of the employee in his/her service with the employer?

Note 1: A trivial proven offense does not merit harsh discipline unless the employee has properly been found guilty of the same or other offenses a number of times in the past. (There is no rule as to what number of previous offenses constitutes a "good", a "fair", or "bad" record. Reasonable judgment therein must be used.)

Note 2: An employee's record of previous offenses may never be used to discover whether he/she was guilty of the immediate or latest one. The only proper use of his/her record is to help determine the severity of discipline once he/she has properly been found guilty of the immediate offense.

Note 3: Given the same proven offense for two or more employees, their respective records provide the only proper basis for "discriminating" among them in the administration of discipline for said offense. Thus, if employee A's record is significantly better than employees B, C, and D, the employer may properly give a lighter punishment than it gives the others for the same offense; and this does not constitute true discrimination.

Note 4: Suppose that the record of the hearing establishes firm "yes" answers to all the first six questions. Suppose further that the proven offense of the accused employee was a serious one, such as drunkenness on the job; but the employee's record had been previously unblemished over a long, continuous period of employment with the employer. Should the employer be held arbitrary and unreasonable if it decided to discharge such an employee? The answer depends of course on all the circumstances. But, as one of the country's oldest arbitration agencies, the National Railroad Adjustment Board, has pointed out repeatedly in innumerable decisions on discharge cases, leniency is the prerogative of the employer rather than of the independent hearing officer/arbitrator; and the latter is not supposed to substitute his/her judgment in this area for that of the employer unless there is compelling evidence that the employer abused its discretion. This is the rule, even though an independent hearing officer/arbitrator, if he/she had been the original "trial judge", might have imposed a lesser penalty. Actually the independent hearing officer/arbitrator may be said in an important sense to act as an appellate tribunal whose function is to discover whether the decision of the trial tribunal (the employer) was within the bounds of reasonableness above set forth - in general, the penalty of dismissal for a really serious first offense does not in itself warrant a finding of employer unreasonableness.

ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: DISCIPLINE --
TESTS APPLICABLE FOR LEARNING WHETHER AN EMPLOYER HAD JUST AND PROPER CAUSE FOR DISCIPLINING AN EMPLOYEE

Five W's Test

Beyond the provisions described above, there is a further test applied by either arbitrators or other appellate bodies when considering disciplinary grievances or appeals. That test concerns what should be contained in the written notice of disciplinary action, and the generally accepted test for this step uses the "Five W's" concept as follows:

1) What wrongful acts has the employee allegedly committed?
2) When were the wrongful acts allegedly committed?
3) Where the wrongful acts allegedly committed?
4) Who accused the employee of the wrongful acts?
5) Why was the particular penalty imposed?

END OF GUIDE

ADMINISTRATIVE PRACTICES MANUAL

LETTER HEAD

SAMPLE LETTER OF REPRIMAND

[DATE]
[NAME]
[ADDRESS]

Dear [Name]:

The success of your work unit is highly dependent on a close working inter-relationship between each of you. Unanticipated absences of any of you cause the others to fall behind in their work and otherwise become less productive. While such absences are unavoidable in cases of unanticipated illnesses, other unexcused absenteeism including reporting late for work cannot be tolerated. To condone unexcused absenteeism would cause the counterproductive consequences of reduced morale (reduced motivation to maintain attendance and good work performance) and breakdown in the interdependent work performance of your unit.

While I sincerely regret having to write you this letter regarding your unexcused absenteeism, especially in consideration of the excellent suggestion you made for improving our case tracking system; my previous verbal efforts to stem your continued unexcused lateness have failed. The latest episode occurred today, August 21, YEAR, when you reported to work one hour after the starting time of 7:45 a.m., and for which you did not notify me in advance of your anticipated lateness. Your offered excuse that you forgot to change your alarm clock from the weekend's alarm time is not acceptable especially in reference to your prior late-to-work episodes that I have observed and discussed with you:

8/7/YR.....40 minutes late at start of shift (overslept excuse offered)
8/11/YR.....15 minutes late after lunch break (lost track of time excuse offered)
8/14/YR.....50 minutes late at start of shift (dog got loose excuse offered)
8/17/YR.....10 minutes late from a.m. break (lost track of time excuse offered)

The purpose of this letter is to reinforce the expectation that you will adhere strictly to your hours of work (7:45 a.m. to 4:30 p.m. with 15 minute breaks at 9:15 a.m. and 2:45 p.m. and a 45 minute lunch break at 11:45 a.m.). Your lateness today and the other episodes cited above violate the Dane County work rules stated in Section 2 of those rules and are as follows:

A. Failure to report promptly at the starting time of a shift or leaving before the scheduled quitting time of a shift without the specific approval of the supervisor.
B. Unexcused or excessive absenteeism
C. Failure to observe the time limits and scheduling of lunch, rest or wash-up periods.
D. Failure to notify the supervisor promptly of unanticipated absence or tardiness.

ADMINISTRATIVE PRACTICES MANUAL

SAMPLE LETTER OF REPRIMAND (continued)

[Name]
Page 2
[Date]

You also violated our office's work rule #3 which supplements County work rule 2(A) and reads as follows: "Employees must be at their work stations or desks at the start of their work shifts." Further violations of any of these rules on your part are likely to result in more severe discipline including suspension without pay.

Again, I am sorry that it became necessary to issue you this letter. However, I hope it fully clarifies the expectations of you in regard to work attendance. If you have any questions about it or if I can be of any assistance to you to comply with these expectations, all you need do is ask me.

If you consider this action unjustified, you have the right to file a written appeal of it within ten days of receipt of this notice according to the Grievance Procedure outlined in the Employee Benefit Handbook.

As an alternative, you may file a written demand for an appeal with the Dane County Civil Service Commission within ten days receipt of this notice pursuant to Section 18.17(3) of the Dane County Civil Service Ordinance. Section 18.17(3) *Appeal by Employee,* states as follows:

> (a) Any nonprobationary employee who has been disciplined as provided for in subsection (1) above, may, within ten (10) days of the earlier of actual receipt or mailing of the notice of such action, file a written demand for an appeal with the Commission. However, if an employee, or his or her authorized representative, bases his or her appeal upon language in a labor agreement or elects to challenge an appointing authority's decision through an alternate grievance procedure, such employee may not, in addition, appeal that decision to the Commission. For purposes of this section, 'mailing' is accomplished as of the date an envelope containing the notice is deposited in the United States Postal Service mailbox, with first class postage prepaid and addressed to the affected employee at his or her last known address, or when an electronic transmission is made during business hours, or, in the case of electronic transmission after business hours, as of the beginning of the next business day.
>
> (b) At the time of filing the notice of appeal, the employee shall file a written response to each of the reasons contained in the notice of disciplinary action and on which the disciplinary action is based. The written response must contain the employee's position on each of the reasons. Nothing in this subsection limits the discretion of the Commission, for good cause or when necessary to further the purpose of this ordinance, to allow amendment to the employee's written response.
>
> (c) The Commission shall appoint a time and place for the hearing of an appeal, such time to be within twenty (20) days after the demand for appeal has been made. Within ten (10) days of the conclusion of the hearing, the Commission shall determine whether the action complained of was justified and may affirm or reverse the appointing authority's decision or take such other action as it deems appropriate. The decision of the Commission shall be final.

This demand may be filed with the Dane County Employee Relations Division, Room 418, City-County Building, Madison, Wisconsin 53703. The demand will be scheduled for action with the Dane County Civil Service Commission.

Sincerely,

Name of Supervisor
Title

Appointing Authority
Title
c: [Employee Group/Union Steward] (if applicable)
Personnel File

END OF SAMPLE LETTER OF REPRIMAND

ADMINISTRATIVE PRACTICES MANUAL

LETTER HEAD

(Sample Letter of Suspension)

Date
Name
Street Address
City, State, Zip Code

Dear (Name):

This is to notify you that you are being suspended without pay for two days beginning (date). The reason for this suspension is that you did not report to work today until 3:00 p.m., and did not contact me prior to coming in at 3:00 p.m. Your normal shift begins at 7:45 a.m. Your unexcused failure to report to work is a violation of Dane County Civil Service Work Rule II "A" which prohibits "Failure to report promptly at the starting time of a shift . . . without the specific approval of the supervisor"; and Work Rule II "D" which prohibits "Failure to notify the supervisor promptly of unanticipated absence or tardiness". Your failure to contact me prior to the absence is, furthermore, a violation of Work Rule I "A" which prohibits "insubordination, including disobedience, or failure or refusal to carry out assignments or instructions in reference to supervisory personnel", because you were counseled on (date), regarding the need to receive approval for unexcused absences. Because you had only recently been warned about unexcused absences, I am now providing you with a two day suspension to let you know the seriousness of your offense, and to put you on further notice that repeated violations will not be tolerated. You will also not receive pay for those hours you were absent without leave today.

Although you indicated in my investigatory interview this afternoon at 3:30 p.m. that you could not report to work and could not call in because you had overslept, I do not consider this to be a satisfactory excuse. Furthermore, failure to report promptly for work in the future or contact me for authorization prior to taking leave will result in further disciplinary action which could include discharge.

If you consider this action unjustified, you have the right to file a written appeal of it within ten days of receipt of this notice according to the Grievance Procedure outlined in the Employee Benefit Handbook.

As an alternative, you may file a written demand for an appeal with the Dane County Civil Service Commission within ten days receipt of this notice pursuant to Section 18.17(3) of the Dane County Civil Service Ordinance. Section 18.17(3) *Appeal by Employee,* states as follows:

> (a) Any nonprobationary employee who has been disciplined as provided for in subsection (1) above, may, within ten (10) days of the earlier of actual receipt or mailing of the notice of such action, file a written demand for an appeal with the Commission. However, if an employee, or his or her authorized representative, bases his or her appeal upon language in a labor agreement or elects to challenge an appointing authority's decision through an alternate grievance procedure, such employee may not, in addition, appeal that decision to the Commission. For purposes of this section, 'mailing' is accomplished as of the date an envelope containing the notice is deposited in the United States Postal Service mailbox, with first class postage prepaid and addressed to the affected employee at his or her last known address, or when an electronic transmission is made during business hours, or, in the case of electronic transmission after business hours, as of the beginning of the next business day.

(b) At the time of filing the notice of appeal, the employee shall file a written response to each of the reasons contained in the notice of disciplinary action and on which the disciplinary action is based. The written response must contain the employee's position on each of the reasons. Nothing in this subsection limits the discretion of the Commission, for good cause or when necessary to further the purpose of this ordinance, to allow amendment to the employee's written response.

(c) The Commission shall appoint a time and place for the hearing of an appeal, such time to be within twenty (20) days after the demand for appeal has been made. Within ten (10) days of the conclusion of the hearing, the Commission shall determine whether the action complained of was justified and may affirm or reverse the appointing authority's decision or take such other action as it deems appropriate. The decision of the Commission shall be final.

This demand may be filed with the Dane County Employee Relations Division, Room 418, City-County Building, Madison, Wisconsin 53703. The demand will be scheduled for action with the Dane County Civil Service Commission.

Sincerely,

Name of Supervisor
Title

Appointing Authority
Title
c: [Employee Group/Union Steward] (if applicable)
Personnel File

(End of Sample Letter of Suspension)