

RULE XXI

Suspension and Discharge

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4 Section A. Policy Statement

5 It is the policy of the Civil Service Commission to support an Appointing Authority's prerogative to
6 enforce discipline and require courteous and efficient service from employees in the merit system.
7 The continued employment of every employee shall depend upon the quality of their work and the
8 delivery of efficient service. Any employee may be suspended or discharged for cause.

9 Section B. Causes for suspension and discharge

10 Although suspension or discharge may be based upon causes other than those enumerated, the
11 following are declared to be adequate causes for suspension or discharge, namely, that the
12 employee:

- 13 1. has willfully violated any provision of the Charter, the Ordinance, these rules or departmental work
14 rules;
- 15 2. is incompetent or inefficient in the performance of assigned duties or has been unwilling or unable
16 to perform duties in a safe and acceptable manner;
- 17 3. has been careless or negligent in the care of County property or has, without authorization, used or
18 allowed the use of County property for personal benefit or the benefit of others;
- 19 4. has been guilty of abusive or improper treatment of an inmate or patient of any County institution or
20 of a person in custody, or of an individual entrusted to the employee's care;
- 21 5. has been offensive in conduct or language toward the public or employees;
- 22 6. has failed to maintain effective working relationships;
- 23 7. has been excessively tardy or absent from duty, or has refused to perform a reasonable amount of
24 emergency work outside working hours when directed to do so by a supervisor;
- 25 8. has engaged in criminal, dishonest, immoral or notoriously disgraceful conduct which is prejudicial
26 to the County or to County's reputation;
- 27 9. has possessed opened containers of alcoholic beverages while on duty or on the premises without
28 securing prior permission from a supervisor;
- 29 10. has possessed or sold a controlled substance or an illegal drug while on duty or on the premises;
- 30 11. has violated or failed to obey any lawful and reasonable official policy, order, or direction made and
31 given to the employee by a supervisor;
- 32 12. has induced or attempted to induce any officer or employee of the County to commit an illegal act
33 or to act in violation of any lawful and reasonable official policy, order, or direction;
- 34 13. has directly or indirectly aided or in any manner been involved with or participated in assessing,
35 soliciting, collecting, or receiving money or other valuable things from anyone for any political
36 purposes whatsoever;
- 37 14. has used, promised to use, or attempted to use directly or indirectly any official authority or
38 influence to secure for any person an appointment or advantage in appointment to any position, or
39 any increase in pay, promotion, or other advantage in employment;

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- 40 15. has falsified an employment or payroll document;
- 41 16. has been convicted of violating a municipal, county, state or federal law which bears upon the
- 42 employee's employment with St. Louis County;
- 43 17. is unable to perform the essential functions of their job, with or without reasonable
- 44 accommodation, due to a disability when the disability is of a permanent or continuing nature and
- 45 the employee has been exhausted all available paid and unpaid leave time to which the employee
- 46 is entitled, and there are no other reasonable accommodations that allow the employee to perform
- 47 the essential functions of their job and no appropriate positions are available so that the employee
- 48 can be reassigned;
- 49 18. Is unable to perform their job duties due to the employee's own serious health condition but that is
- 50 not a disability under the Americans with Disabilities Act, as amended, or the serious health
- 51 condition is of another qualifying individual under the Family Medical Leave Act, and the employee
- 52 has exhausted all paid and unpaid leave to which the employee is entitled under the Family Medical
- 53 Leave Act and the employee is unable to return to work or needs additional time off.
- 54 19. has a confirmed positive drug or alcohol test result;
- 55 20. has engaged in smoking of any tobacco, nicotine or marijuana product by any means in or on
- 56 property owned, leased or operated by St. Louis County.

57 Section C. Suspensions

- 58 1. An Appointing Authority may suspend an employee without pay for discipline or pending an
- 59 investigation.
- 60 2. An employee who is suspended shall be given a written statement, which contains the beginning
- 61 and ending dates of the suspension and basis for the suspension. The written statement shall be
- 62 provided to the suspended employee and to the Personnel Director not later than five calendar
- 63 days after the beginning of the suspension or two working days after the conclusion of the
- 64 suspension, whichever comes sooner. If the suspension results in the employee being suspended
- 65 for more than 30 days in any 12-month period, the Appointing Authority shall advise the employee
- 66 in the written statement of the employee's right to appeal the suspension to the Commission. If the
- 67 suspension is appealable the written statement shall inform the employee that he or she may
- 68 appeal to the Commission and that any appeal to the Commission must be received by the
- 69 Commission not later than 10 days after receipt by the employee of the written statement. If the
- 70 suspension is grievable, the written statement shall so inform the employee.
- 71 3. Appealable suspensions
- 72 Except for pretermination suspensions and investigative suspensions, an employee, who is
- 73 suspended in multiple suspensions for more than 30 calendar days in any 12-month period, shall
- 74 have the right to appeal the suspension, or the last suspension if multiple suspensions aggregate to
- 75 exceed the 30 calendar days herein specified, in the same manner as a discharge.
- 76 4. Non-appealable suspensions
- 77 The following are suspensions from which no appeal lies to the Commission:
- 78 a. Pretermination suspensions provided in Section D.1.b. of this Rule;
- 79 b. Investigatory suspensions provided in Section C.5. of this Rule;

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80 c. Suspension or suspensions of 30 days of less in any 12-month period.

81 5. Investigatory suspensions

82 An employee who has been charged by or who is under investigation by a competent law
83 enforcement authority for the violation of a municipal, county, state or federal law which bears
84 upon the employee's employment with St. Louis County or an employee who is under investigation
85 by a competent law enforcement authority for a matter which could be the basis of suspension or
86 discharge under Section B. of this Rule may be suspended without pay until the investigation has
87 been finally resolved. An employee who is under investigation by an Appointing Authority for a
88 violation of a matter which could be the basis of suspension or discharge under Section B. of this
89 Rule, and which threatens the health, welfare or safety of the County, or its employees, may be
90 suspended without pay, for a reasonable time, not to exceed 30 days, pending resolution of the
91 investigation. Nothing in this subsection, however, precludes the Appointing Authority from
92 discharging an employee for cause during the period of investigatory suspension. Following the
93 final resolution of the charges or the investigation:

- 94 a. The employee may be returned to duty in the same position, a position in the same job class, or,
95 upon approval of the Personnel Director, a position in another job class. If the employee is not
96 returned to duty, the Appointing Authority must follow discharge or layoff provisions as
97 appropriate.
- 98 b. If the employee is acquitted, or the charges against the employee are dismissed, or if the
99 employee is otherwise exonerated of the matter investigated, the employee shall receive the
100 same pay and benefits which would have been earned, but for the investigatory suspension,
101 during the period of said suspension, unless the Commission specifies a lesser amount. Any
102 pay authorized under this subsection shall be reduced by any income earned or received by the
103 employee from or related to employment during the period of investigatory suspension
104 including but not limited to wages, salary, tips, unemployment compensation, and worker's
105 compensation.
- 106 c. If the employee is convicted of any charge, whether original or amended, resulting from the
107 underlying basis of the investigatory suspension or if the basis for investigation is otherwise
108 substantiated, the employee shall not receive any pay or benefits which would have been
109 earned during the period of investigatory suspension.
- 110 d. The employee may be suspended or discharged, pursuant to Section B. of this Rule, based
111 upon the substance of the investigation or charges. Any resulting suspension, without pay,
112 pursuant to said Section B., shall be reduced by the total number of days the employee has
113 been on investigatory suspension. The reduction in the length of suspension, pursuant to
114 Section B., shall not be included to determine whether the employee has the right of appeal or
115 grieve that or any subsequent suspension.

116 Section D. Discharge

117 1. Written statement of discharge

- 118 a. When an Appointing Authority determines that cause exists for a permanent employee to be
119 considered for discharge the Appointing Authority shall provide the employee, by personal
120 service or by first class mail, with a written statement setting forth the basis and reasons why

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121 disciplinary action could be taken against the employee. The written statement shall include
122 the nature of the discipline contemplated and the right and time period in which the employee
123 is obligated to respond to the charges to the Appointing Authority orally or in writing. A copy of
124 the written statement shall be provided contemporaneously to the Personnel Director.

- 125 b. On receipt of the written statement, or on the third day from the date of mailing if the written
126 statement is mailed, the Appointing Authority may place the employee in the unpaid status of
127 pretermination suspension which status shall continue until the employee is discharged or
128 returned to duty. If the Appointing Authority determines that pretermination suspension should
129 be utilized he shall inform the employee of that fact in the written statement.
- 130 c. If a written statement is mailed it shall be deemed received on the third day from the day of
131 mailing.

132 2. Pretermination hearing

- 133 a. Within five days after personal receipt of the written statement or within eight days of the
134 mailing of the written statement the employee has the right to reply to the charges orally or in
135 writing to the Appointing Authority or request a hearing before the Appointing Authority. When
136 the written statement cannot be given personally or by first class mail due to the employee's
137 unavailability or refusal to accept the mail, the five-day period during which the employee may
138 request a pretermination hearing shall begin on the third day after the written statement is
139 mailed.
- 140 b. If an employee requests a hearing before the Appointing Authority, the hearing should be held
141 within 10 days after the employee has received the written statement setting forth the basis and
142 reasons why discharge is being considered. At the hearing the employee may present an oral
143 and/or written statement setting forth the reasons why discharge should not be considered.

144 3. Notification of final action by Appointing Authority

- 145 a. Following a pretermination hearing or after the time for requesting a pretermination hearing has
146 expired without a request, the Appointing Authority shall make a decision regarding the
147 proposed action. If the Appointing Authority decides that the employee's discharge is
148 warranted, the Appointing Authority shall notify the employee with a written discharge letter
149 which shall be provided the employee, by personal service or by first class mail. The discharge
150 letter shall contain the basis and reasons for the discharge, the effective date of discharge and
151 a statement of the employee's right to appeal the discharge to the Commission within 10 days
152 after the effective date of discharge. The effective date of discharge shall be the day the
153 employee is personally served with a discharge letter or the third day after mailing if mailing is
154 used to deliver the discharge letter. A copy of the discharge letter shall be provided to the
155 Personnel Director at the same time it is provided to the employee.
- 156 b. The discharge letter must be given to the employee by personal service or first class mail within
157 15 days after the employee receives the written statement concerning potential discharge.
158 When the written notice and reasons for discharge cannot be given personally or by first class
159 mail due to the employee's unavailability or refusal to accept the mail, the period for appeal
160 shall begin to run on the third day after the discharge letter or disciplinary letter as provided in
161 subparagraph c. below has been mailed to the employee's last known address as shown on
162 County records.

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- 163 c. If the Appointing Authority decides that a disciplinary action other than discharge is warranted
164 the employee shall be informed with a disciplinary letter which shall contain the basis and
165 reasons for the discipline as well as the discipline to be imposed. If the discipline imposed
166 involves reduction in pay, demotion or suspension in excess of 30 days, the discipline letter
167 shall contain a statement of the employee's right to appeal the discipline to the Commission
168 within 10 days after the effective date of the discipline.
- 169 d. The written basis and reasons for disciplinary action, the employee's written reply to the initial
170 charges, if any, and the Appointing Authority's decision shall be filed as a public record with the
171 Division of Personnel.

172 Section E. Time periods

173 The time periods set forth in Section C. and Section D. of this Rule are directory with the exception
174 of the time period provided for responding to or requesting a pretermination hearing under Section
175 D.2.a. and with the exception of the 10-day period for appealing to the Commission. The time
176 period for responding to or requesting a pretermination hearing is mandatory and the 10-day period
177 for appealing to the Commission is mandatory and jurisdictional.

178 Section F. Nonpermanent employee

179 A probationary employee or other employee who does not have permanent status may be
180 discharged at any time at the discretion of the Appointing Authority. The Appointing Authority's
181 decision to discharge is not appealable to the Commission.