

**LUZERNE COUNTY GOVERNMENT**  
**Standard Table of Offenses & Penalties**

I. Instructions

1. The range of penalties indicated in this table is to be used as a guide in administering discipline to help assure that like disciplinary/adverse action is taken for like offenses.
2. The suspension penalties listed in the table are applicable to workdays only.
3. In using this table, consideration will be given to the following:
  - a. The table is designed to be sufficiently broad to include most types of offenses, but is not intended to be an exhaustive listing of all offenses. If an offense is not specifically listed, the proposing official should determine an appropriate penalty based on disciplinary/adverse action previously taken for a similar offense and/or consistent with the range of penalties for comparable offenses listed in the table.
  - b. This guide does not cover all offenses for which disciplinary penalties are expressly provided by law or Civil Service regulation.
  - c. Offenses need not be identical in order to support progressively more severe disciplinary/adverse action against an employee. For example, an employee who has received a letter of warning for AWOL can receive a reprimand for repeated lateness to work and possibly be suspended or removed for a third offense unrelated to the two previous infractions.
  - d. When an employee has committed a combination or series of offenses, a greater penalty than is listed for a single offense is appropriate.
  - e. Disciplinary penalties will generally fall between the ranges indicated in the guide, but in unusual circumstances, greater or lesser penalties may be imposed.



7. Set out below is an example of the impact that the reckoning period and aggravating period, as well as the past two-year disciplinary record can have in determining the proper penalty:

1) An employee receives a proposed 3 day suspension on August 1, 2000

- A) The "Reckoning" period is from Aug. 1, 2000 to July 31, 2001
- B) The "Aggravating" period is from Aug. 1, 2000 to July 31, 2006

2) If in October 2000, a new 5 day suspension is proposed against the same employee:

It is within the "Reckoning" period and is considered under the second offense column in the table

3) If in July 2002, another new disciplinary action is proposed against the same employee:

- A) It is within the "Aggravating" period in terms of the first offense in August 2000
- B) It is also within two years of the October 2000 offense and therefore is considered a second offense within the "Reckoning" period
- C) In determining the appropriate penalty for this third incident of misconduct, the higher range of penalty under the second offense column in the table may be used
- D) Separate from the above analysis in paragraphs 3A to 3C, the two-year disciplinary record in this example allows for removal on the basis of the present misconduct and the past disciplinary record

### **Disciplinary Action Factors**

To determine the appropriate penalty for employee misconduct, the proposing and deciding officials should consider the factors listed below. Please note, since not all of the listed twelve factors will apply to each case, you should only consider those factors which clearly apply to the employee and the misconduct. The factors to be considered are:

1. The nature and seriousness of the offense and its relation to the employee's duties, position and responsibilities, including whether the offense was intentional or inadvertent, or was committed maliciously or for gain, or was frequently repeated.
2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.
3. The employee's past disciplinary record.
4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
5. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the supervisor's confidence in the employee's ability to perform assigned duties.
6. Consistency of the penalty with those imposed upon other employees for the same or similar offenses.
7. Consistency of the penalty with the Gallery's Standard Table of Offenses & Penalties.
8. The notoriety of the offense or its impact upon the reputation of the Gallery.
9. The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.
10. Potential for the employee's rehabilitation.
11. Mitigating circumstances surrounding the offense such as unusual job tension, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter.
12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

**Luzerne County Government (LCG)**

**Proposed Table of Offenses and Penalties**

	<b><i>Nature of Offense</i></b>	<b><i>First Offense</i></b>	<b><i>Second Offense</i></b>	<b><i>Third Offense</i></b>
<b><u>A.</u></b>	<b><u>Attendance-Related</u></b>			
A.1	Absence without leave (AWOL) or authorization of one workday or less	Warning to reprimand	Reprimand to 3 day suspension	10 day suspension to removal
A.2	Absence without leave (AWOL) or authorization between 2 and 10 workdays	Warning to 3 day suspension	Reprimand to 5 day suspension	10 day suspension to removal
A.3	Absence without leave (AWOL) or authorization of more than 10 workdays	10 day suspension to removal	Removal	
A.4	Any unauthorized absence resulting in the impairment of mission accomplishment	Reprimand to 3 day suspension	3 day suspension to 5 day suspension	10 day suspension to removal
A.5	Failure to follow established leave procedures	Warning to reprimand	Reprimand to 3 day suspension	5 day suspension to 10 day suspension
A.6	Failure to follow established leave procedures as set out in a leave restriction letter	Reprimand to 5 day suspension	5 day suspension to 10 day suspension	10 day suspension to removal
A.7	Misuse of sick leave	Reprimand to 5 day suspension	10 day suspension to removal	Removal
A.8	Recurring tardiness: being late for work (up to 30 minutes) without adequate justification. For a first offense, a penalty action may be imposed whenever 3 unexcused tardinesses occur within a period of 2 months or less. For a second or third offense, penalties will accrue for two instances in 2 months or less respectively	Warning to reprimand	Reprimand to 3 day suspension	5 day suspension to 10 day suspension
<b><u>B.</u></b>	<b><u>Drugs and Alcohol</u></b>			
B.1	Drinking or possession of intoxicants while on duty	3 day suspension to 5 day suspension	5 day suspension to 10 day suspension	Removal
B.2	Reporting for duty under the influence of intoxicants to a degree which would interfere with the proper performance of duty, be a menace to safety or prejudicial to the maintenance of discipline and morale among fellow workers	Reprimand to 3 day suspension	5 day suspension to 10 day suspension	10 day suspension to removal
B.3	Selling or distributing narcotics or other illegal substances	Removal		
B.4	Possessing, consuming or reporting for duty under the influence of narcotics or other illegal substances	10 day suspension to removal	Removal	
<b><u>C.</u></b>	<b><u>Failure/refusal to follow orders</u></b>			
C.1	Failure to follow proper supervisory instructions or regulations	Reprimand to 3 day suspension	3 day suspension to 5 day suspension	10 day suspension to removal

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C.2	Insubordination – willful and/or intentional refusal to obey an authorized order of a superior	3 day suspension to 5 day suspension	5 day suspension to 10 day suspension	Removal
C.3	Insolence – flagrant and/or contemptuous disrespect towards a superior	3 day suspension to 5 day suspension	5 day suspension to 10 day suspension	Removal
<b>D.</b>	<b><u>Falsification</u></b>			
D.1	Intentional falsification of official documents by submission or addition of false information or by omission of information	10 day suspension to removal	Removal	
D.2	Knowingly making a false statement	5 day suspension to 10 day suspension	10 day suspension to removal	Removal
<b>E.</b>	<b><u>Health and safety</u></b>			
E.1	Failure to observe precautions for personal safety, posted rules, signs, written or oral safety instructions, or to use protective clothing, equipment	Reprimand to 5 day suspension	5 day suspension to 10 day suspension	10 day suspension to removal
E.2	Failure to report an accident or injury to person arising from acts committed or occurring within the scope of employment	Reprimand to 5 day suspension	5 day suspension to 10 day suspension	10 day suspension to removal
E.3	Endangering the safety of or causing injury to persons through carelessness or failure to follow instructions	5 day suspension to 10 day suspension	10 day suspension to removal	Removal
E.4	Willful, wanton or reckless disregard for the safety of others	10 day suspension to removal	Removal	
<b>F.</b>	<b><u>Misuse of position</u></b>			
F.1	Use of Luzerne County Government (LCG) identification, including badges and credentials, on or off duty, to coerce, intimidate, deceive, or for personal gain	5 day suspension to 10 day suspension	10 day suspension to removal	Removal
F.2	Abuse of authority or position	5 day suspension to 10 day suspension	10 day suspension to removal	Removal
F.3	Unauthorized disclosure or use of official information	Reprimand to 5 day suspension	5 day suspension to 10 day suspension	10 day suspension to removal
<b>G.</b>	<b><u>Misuse of property</u></b>			
G.1	When willfulness or intent is <u>not</u> a factor, improper or negligent operation of LCG or other government owned or leased property	Reprimand to 5 day suspension	5 day suspension to 10 day suspension	10 day suspension to removal
G.2	Loss of or damage to LCG or other government property, equipment, records, etc. The penalty depends on the value of property, extent of damage and degree of fault	3 day suspension to 5 day suspension	10 day suspension to removal	Removal
G.3	Use of LCG or other government property, property under LCG custody or the property of others for other than official purposes, excluding vehicles. Use of LCG sponsored credit card for other than official business.	3 day suspension to 5 day suspension	10 day suspension to removal	Removal
G.4	Willful misuse of (or authorizing the misuse of) any LCG or other government owned or leased vehicle	30 day suspension to removal	Removal	

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<b>H.</b>	<b><u>Neglect of duty</u></b>			
H.1	Negligent or careless performance of assigned duties	Reprimand to 5 day suspension	5 day suspension to 10 day suspension	Removal
H.2	Covering up or attempting to conceal defective work, removing or destroying defective work without permission	Reprimand to 5 day suspension	5 day suspension to 10 day suspension	10 day suspension to removal
H.3	Delay or failure in carrying out orders, work assignments, instructions of superiors, policies and procedures where the: a) Safety of persons or property is endangered	5 day suspension to 10 day suspension	10 day suspension to removal	Removal
	b) Safety of persons or property is not endangered	Warning to 3 day suspension	3 day suspension to 5 day suspension	10 day suspension to removal
H.4	Sleeping on the job or inattention to duty where there is a) Potential danger to life or property or revenue is lost	5 day suspension to 10 day suspension	10 day suspension to removal	Removal
	b) no potential danger to life or property or no revenue is lost	Warning to 3 day suspension	3 day suspension to 5 day suspension	10 day suspension to removal
H.5	Abandoning post of duty or assigned duty location without proper authorization where a) the safety of property or persons is endangered	5 day suspension to 10 day suspension	10 day suspension to removal	Removal
	b) the safety of property or persons is not endangered	Warning to 3 day suspension	3 day suspension to 5 day suspension	10 day suspension to removal
<b>I.</b>	<b><u>Reporting responsibilities/obligations</u></b>			
I.1	Concealment of, or failure to report, missing, lost, damaged or misappropriated LCG or other government funds or property a) where the value is minimal and/or the action was not deliberate (i.e. the action was due to poor judgement and/or the action was not for personal gain)	Reprimand to 5 day suspension	5 day suspension to 10 day suspension	10 day suspension to removal
	b) where the value is substantial and/or the action was deliberate	10 day suspension to removal	Removal	
I.2	Refusal or failure to cooperate during an inquiry, including refusal to answer work related questions a) where the underlying matter at issue in the inquiry is not serious in nature	Reprimand to 5 day suspension	5 day suspension to 10 day suspension	10 day suspension to removal

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b) where the underlying matter at issue in the inquiry is serious or has potentially significant impact on County Government	10 day suspension to removal	Removal	
<b><u>J. Unauthorized Takings</u></b>			
J.1 Unauthorized use, removal or possession of a thing of value belonging to another employee or persons	10 day suspension to removal	Removal	
J.2 Actual or attempted theft or other unauthorized taking or diversion of funds or property owned or controlled by the LCG or other government	10 day suspension to removal	Removal	
<b><u>K. Unethical conduct</u></b>			
K.1 Borrowing substantial sums of money from a subordinate employee, securing a subordinate's endorsement on a loan, or otherwise having a subordinate assume the financial responsibility of a superior	10 day suspension to removal	Removal	
K.2 Direct or indirect solicitation, regardless of the amount, from a subordinate or acceptance of a gift, unless it is of a nominal value, from a subordinate	Reprimand to 5 day suspension	10 day suspension to removal	Removal
K.3 Lending money for profit on LCG premises to any other person	10 day suspension to removal	Removal	
K.4 Violating LCG regulations prohibiting the solicitation or acceptance of gifts, loans, gratuities, favors, etc., from persons, firms, or corporations with whom employees have official relations	10 day suspension to removal	Removal	
K.5 Violation of LCG regulations regarding financial interest or transactions which conflict with official duties and responsibilities	3 day suspension to 5 day suspension	5 day suspension to 10 day suspension	Removal
K.6 Engaging in political activity which violates the Hatch Act	Warning to 3 day suspension	3 day suspension to 5 day suspension	10 day suspension to removal
K.7 Giving the appearance of a conflict of interest or of violating the law or the ethical standards of conduct	Warning to 3 day suspension	3 day suspension to 5 day suspension	10 day suspension to removal
K.8 Gambling or betting on LCG premises	Warning to 3 day suspension	3 day suspension to 5 day suspension	10 day suspension to removal
<b><u>L. Unprofessional conduct</u></b>			
L.1 Discriminatory conduct because of race, color, sex, national origin, religion, age, disability, or sexual orientation, or retaliation for prior EEO involvement in any aspect of employment.	10 day suspension to removal	Removal	
L.2 Unwelcome conduct of a sexual nature	10 day suspension to removal	Removal	
L.3 Use of discourteous, unprofessional, derogatory, or otherwise inappropriate language, gestures, or conduct	Reprimand to 5 day suspension	5 day suspension to 10 day suspension	10 day suspension to removal
L.4 Use of abusive, slanderous, malicious, or goading language, gestures, or conduct to or about another person	5 day suspension to 10 day suspension	10 day suspension to removal	Removal



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L.5	Fighting, threatening, attempting to inflict or inflicting bodily harm to another	10 day suspension to removal	Removal	
L.6	Creating a disturbance or disruption	Warning to 3 day suspension	3 day suspension to 5 day suspension	10 day suspension to removal
L.7	Criminal, infamous or notoriously disgraceful conduct, or other conduct on or off the job, which is prejudicial to the LCG or affects the efficiency of the service	10 day suspension to removal	Removal	
<b>M.</b>	<b><u>Weapons offenses</u></b>			
M.1	Unauthorized discharge of a weapon that is			
	a) intentional	Removal		
	b) unintentional	10 days suspension to removal	Removal	
M.2	Unauthorized or illegal possession of a weapon and/or ammunition	10 day suspension to removal	Removal	
M.3	Inappropriate display of a weapon	10 day suspension to removal	Removal	
M.4	Inappropriate storage, care, misplacement or loss of a weapon or ammunition	10 day suspension to removal	Removal	
M.5	Failure to report the discharge of a firearm or use of a weapon	10 day suspension to removal	Removal	
M.6	Removing a weapon and/or ammunition from LCG property without authorization.	10 day suspension to removal	Removal	