



- 32 the premises;
- 33 11. has violated or failed to obey any lawful and reasonable official policy, order, or
- 34 direction made and given to the employee by a supervisor;
- 35 12. has induced or attempted to induce any officer or employee of the County to commit
- 36 an illegal act or to act in violation of any lawful and reasonable official policy, order,
- 37 or direction;
- 38 13. has directly or indirectly aided or in any manner been involved with or participated in
- 39 assessing, soliciting, collecting, or receiving money or other valuable things from
- 40 anyone for any political purposes whatsoever;
- 41 14. has used, promised to use, or attempted to use directly or indirectly any official
- 42 authority or influence to secure for any person an appointment or advantage in
- 43 appointment to any position, or any increase in pay, promotion, or other advantage in
- 44 employment;
- 45 15. has falsified an employment or payroll document;
- 46 16. has been convicted of violating a municipal, county, state or federal law which bears
- 47 upon the employee's employment with St. Louis County;
- 48 17. is unable to do his or her job due to physical disability or illness when the physical
- 49 disability or illness is of a permanent or continuing nature and all the employee's
- 50 unused sick leave has been exhausted;
- 51 18. has a confirmed positive drug or alcohol test result.

52 SECTION C. SUSPENSIONS

- 53 1. An Appointing Authority may suspend an employee without pay for discipline or
- 54 pending an investigation.
- 55 2. An employee who is suspended shall be given a written statement, which contains
- 56 the beginning and ending dates of the suspension and basis for the suspension.
- 57 The written statement shall be provided to the suspended employee and to the
- 58 Personnel Director not later than five calendar days after the beginning of the
- 59 suspension or two working days after the conclusion of the suspension, whichever
- 60 comes sooner. If the suspension results in the employee being suspended for more
- 61 than 30 days in any 12-month period, the Appointing Authority shall advise the
- 62 employee in the written statement of the employee's right to appeal the suspension

63 to the Commission. If the suspension is appealable the written statement shall  
64 inform the employee that he or she may appeal to the Commission and that any  
65 appeal to the Commission must be received by the Commission not later than 10  
66 days after receipt by the employee of the written statement. If the suspension is  
67 grievable, the written statement shall so inform the employee.

68 3. APPEALABLE SUSPENSIONS – Except for pretermination suspensions and  
69 investigative suspensions, an employee, who is suspended in multiple suspensions  
70 for more than 30 calendar days in any 12-month period, shall have the right to  
71 appeal the suspension, or the last suspension if multiple suspensions aggregate to  
72 exceed the 30 calendar days herein specified, in the same manner as a discharge.

73 4. NON-APPEALABLE SUSPENSIONS – The following are suspensions from which  
74 no appeal lies to the Commission:

- 75 a. Pretermination suspensions provided in Section D.1.b. of this Rule;
- 76 b. Investigatory suspensions provided in Section C.5. of this Rule;
- 77 c. Suspension or suspensions of 30 days or less in any 12-month period.

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

- 92 a. The employee may be returned to duty in the same position, a position in the  
93 same job class, or, upon approval of the Personnel Director, a position in another

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

117 SECTION D. DISCHARGE

118 1. WRITTEN STATEMENT OF DISCHARGE

- 119 a. When an Appointing Authority determines that cause exists for a permanent  
120 employee to be considered for discharge the Appointing Authority shall provide  
121 the employee, by personal service or by first class mail, with a written statement  
122 setting forth the basis and reasons why disciplinary action could be taken against  
123 the employee. The written statement shall include the nature of the discipline  
124 contemplated and the right and time period in which the employee is obligated to

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

136    2. PRETERMINATION HEARING

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

150    3. NOTIFICATION OF FINAL ACTION BY APPOINTING AUTHORITY

- 151        a. Following a pretermination hearing or after the time for requesting a  
152           pretermination hearing has expired without a request, the Appointing Authority  
153           shall make a decision regarding the proposed action. If the Appointing Authority  
154           decides that the employee's discharge is warranted, the Appointing Authority  
155           shall notify the employee with a written discharge letter which shall be provided

- 156 the employee, by personal service or by first class mail. The discharge letter  
157 shall contain the basis and reasons for the discharge, the effective date of  
158 discharge and a statement of the employee's right to appeal the discharge to the  
159 Commission within 10 days after the effective date of discharge. The effective  
160 date of discharge shall be the day the employee is personally served with a  
161 discharge letter or the third day after mailing if mailing is used to deliver the  
162 discharge letter. A copy of the discharge letter shall be provided to the  
163 Personnel Director at the same time it is provided to the employee.
- 164 b. The discharge letter must be given to the employee by personal service or first  
165 class mail within 15 days after the employee receives the written statement  
166 concerning potential discharge. When the written notice and reasons for  
167 discharge cannot be given personally or by first class mail due to the employee's  
168 unavailability or refusal to accept the mail, the period for appeal shall begin to run  
169 on the third day after the discharge letter or disciplinary letter as provided in  
170 subparagraph c. below has been mailed to the employee's last known address as  
171 shown on County records.
- 172 c. If the Appointing Authority decides that a disciplinary action other than discharge  
173 is warranted the employee shall be informed with a disciplinary letter which shall  
174 contain the basis and reasons for the discipline as well as the discipline to be  
175 imposed. If the discipline imposed involves reduction in pay, demotion or  
176 suspension in excess of 30 days, the discipline letter shall contain a statement of  
177 the employee's right to appeal the discipline to the Commission within 10 days  
178 after the effective date of the discipline.
- 179 d. The written basis and reasons for disciplinary action, the employee's written reply  
180 to the initial charges, if any, and the Appointing Authority's decision shall be filed  
181 as a public record with the Division of Personnel.

182 SECTION E. TIME PERIODS – The time periods set forth in Section C. and Section D.  
183 of this Rule are directory with the exception of the time period provided for responding  
184 to or requesting a pretermination hearing under Section D.2.a. and with the exception of  
185 the 10-day period for appealing to the Commission. The time period for responding to  
186 or requesting a pretermination hearing is mandatory and the 10-day period for

187 appealing to the Commission is mandatory and jurisdictional.

188 SECTION F. NONPERMANENT EMPLOYEE – A probationary employee or other

189 employee who does not have permanent status may be discharged at any time at the

190 discretion of the Appointing Authority. The Appointing Authority's decision to discharge

191 is not appealable to the Commission.