

Disciplinary Actions

<p>Formal Written Notices</p> <p>Refer to <u>Attachment A: Examples of Offenses Grouped by Level</u> for additional information.</p> <p>Refer to the <u>Disciplinary Meeting Reference Guide</u> for additional information.</p>	<ul style="list-style-type: none">• When counseling has failed to correct misconduct or performance problems, or when an employee commits a more serious offense, management should address the matter by issuing a Written Notice.• A Written Notice may be accompanied by additional actions including suspension; a demotion or transfer with reduced responsibilities with a disciplinary salary action; a transfer to an equivalent position in a different work area; or termination.• Management should issue Written Notices as promptly as feasible upon becoming aware of misconduct or unacceptable performance. (Refer to the <u>Due Process</u> section of this policy).• <u>The Written Notice Form</u> must include an advisory statement that an active Written Notice may affect the employee's overall annual performance evaluation rating. <p>To assist management in the assessment of the appropriate action, offenses are organized into three groups (Group I, Group II, and Group III) according to the severity of the misconduct or behavior.</p> <ul style="list-style-type: none">• Examples of offenses, by group, are presented in Attachment A – Examples of Offenses Grouped by Level.• The offenses listed in Attachment A are not all-inclusive, but are intended as examples of conduct for which specific corrective or disciplinary actions may be warranted.• Agencies may address multiple offenses through the issuance of one or more Written Notices.• Accordingly, any offense not specifically enumerated, that in the judgment of agency heads or their designees undermines the effectiveness of agencies' activities, may be considered unacceptable and treated in a manner consistent with the provisions of this section.
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	<ul style="list-style-type: none"> An employee's legal counsel may not attend or participate in internal discussions or investigative meetings to determine the facts or if violations have occurred. <p>NOTE: Under certain circumstances, an offense typically associated with one offense category may be elevated to a higher-level offense. Agencies may consider any unique impact that a particular offense has on the agency and the fact that the potential consequences of the performance or misconduct substantially exceed agency norms.</p>
Group I Offense	<ul style="list-style-type: none"> Offenses in this category include acts of minor misconduct that require formal disciplinary action. This level is appropriate for repeated acts of minor misconduct or for first offenses that have a relatively minor impact on business operations but still require formal intervention. See attachment A for examples of Group I Offenses and the effects on accumulation or repeat offenses. <p>Active Life of Notices</p> <ul style="list-style-type: none"> Two years from the date of issuance to the employee. <p>Suspension Options</p> <ul style="list-style-type: none"> No suspension for a first offense, but a third active Group I Notice may result in a suspension of up to ten workdays (or a maximum of 80 hours for non-exempt employees). Refer to the <u>Disciplinary Suspension</u> section of this policy for guidance on the suspension of exempt employees.
Group II Offense	<p>Offenses in this category include acts of misconduct of a more serious and/or repeat nature that require formal disciplinary action. This level is appropriate for offenses that seriously impact business operations and/or constitute neglect of duty involving major consequences, insubordinate behaviors and abuse of state resources, violations of policies, procedures, or laws. See attachment A for examples of Group II Offenses and the effect on accumulation.</p> <p>Active Life of Notices</p> <ul style="list-style-type: none"> Three years from the date of issuance to the employee. <p>Suspension Options</p> <ul style="list-style-type: none"> Suspension of up to 10 workdays (or maximum of 80 hours for non-exempt employees) for the first Group II Offense. Refer to the <u>Disciplinary Suspension</u> section of this policy for guidance on suspensions for exempt employees.
Group III Offense	<p>Offenses in this category include acts of misconduct of such a severe nature that a first occurrence normally should warrant termination. This level is appropriate for offenses that, for example, endanger others in the workplace, constitute illegal or</p>

	<p>unethical conduct; indicate significant neglect of duty; result in disruption of the workplace; or other serious violations of policies, procedures, or laws. See attachment A for examples of Group III Offenses.</p> <p>Active Life of Notices</p> <ul style="list-style-type: none"> • Four years from the date of issuance to the employee. <p>Suspension Options</p> <ul style="list-style-type: none"> • Suspension of up to 30 workdays (or maximum of 240 hours for non-exempt employees). Refer to the <u>Disciplinary Suspension</u> section of this policy for guidance on suspensions for exempt employees. <p>Considerations for Group III Offenses</p> <ul style="list-style-type: none"> • One Group III Offense normally should result in termination unless there are mitigating circumstances. • Mitigating circumstances for a Group III offense may support, as an alternative to termination, an employee's demotion or transfer to a position with reduced responsibilities or removal of responsibilities and a disciplinary salary action with a minimum 5% reduction in salary; transfer to an equivalent position in a different work area; and/or suspension of up to 30 workdays. • An employee who is issued a Written Notice that would normally warrant termination but who is not terminated due to mitigating circumstances should be notified that any subsequent Written Notice for any level offense during the active life of the Written Notice may result in termination. • If an agency permits an employee to resign in lieu of termination, this transaction should be recorded in the human resource system of record as a resignation in lieu of termination.
Active Life of Written Notices	<p>The active life of Written Notices as stated above are definite and may not be extended due to an employee's absence. Notices expire when an employee voluntarily or involuntarily separates provided that re-employment with the same or different agency occurs after a formal break in service and a new probationary period is required.</p>
Mitigating Circumstances and Aggravating Factors	<ul style="list-style-type: none"> • Agencies may reduce the level of a disciplinary action if there are mitigating circumstances, such as conditions that compel a reduction to promote the interests of consistency, equity and objectivity, or based on an employee's otherwise satisfactory work performance. • Aggravating Factors may support a higher-level offense when the facts and circumstances associated with the employee's actions negatively impact the employee's credibility as a supervisor/manager of subordinates, reveals a serious disregard for the safety and well-being of self or others, or damages the credibility and reputation of the agency. Repeat

	infractions of the same or significantly similar offense may also be considered an aggravating factor.
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