

Notice of Intent (Due Process)

General Provision	Application
Advance Notice of Potential Discipline to Employees	<ul style="list-style-type: none"> • Prior to the issuance of Written Notices, employees must be given oral or written notification of the offense, an explanation of the agency's evidence in support of the charge, and a reasonable opportunity to respond.
Employee's "Reasonable Opportunity to Respond"	<ul style="list-style-type: none"> • Employees must be given a reasonable opportunity to respond after receiving notification of potential disciplinary actions. Typically, a 24-hour period is a sufficient period of time, however, a "reasonable opportunity to respond" should not be based solely on the quantity of time provided but also on the nature of the offense, the time period over which alleged events occurred, and the volume of evidence that may be presented. Based on this assessment more or less time may be granted to refute the allegations. • The employee's response may be written or provided to management during a virtual, telephonic or face to face meeting. • Legal counsel may not attend or participate in the agency's internal due process meetings. Agency staff in attendance may include the appropriate supervisor or manager within the employee's reporting structure. A representative of Human Resources may also attend. • An employee on paid or unpaid leave may receive a notice of intent and the agency may proceed with the expectation for the employee to respond. However, agencies are encouraged to be mindful of the employee's current circumstances and availability to respond.
<p>Human Resource Director's review of disciplinary actions</p> <p>Refer to the <u>Due Process Reference Guide</u> for additional information.</p>	<p>Prior to the issuance of any Written Notices, demotions, transfers with disciplinary salary actions, suspensions or terminations, Agency Human Resource Directors or their designees must review the documentation for the recommended actions to determine:</p> <ul style="list-style-type: none"> • If the action is appropriate for the offense and if the documentation supports the selected level of action; • If a referral to the employee assistance program is advisable;

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	<ul style="list-style-type: none"> • If there is evidence that warrants mitigation of the disciplinary actions, and • What the final recommendation for corrective action should be to ensure consistency, equity and objectivity.