

I. PURPOSE

To describe the steps in the progressive disciplinary action process with the objective of documenting and correcting undesirable behavior to the extent possible.

II. GENERAL POLICY

The Agency seeks to establish and maintain standards of employee conduct and supervisory practices which will support and promote effective operations in the interest of the Agency and its employees. Such practices include the administration of fair, constructive and appropriate employee discipline. The Agency may also impose other corrective measures (e.g. professional counseling) where warranted.

III. POLICY OF PROGRESSIVE DISCIPLINE

The Agency utilizes a policy of progressive employee discipline. Major elements of this policy include, but are not limited to, the following:

- A. Constructive efforts by supervisors to help employees achieve satisfactory standards of conduct and job performance;
 - B. An attempt to correct employee performance problems or problem behavior to the extent possible;
 - C. Documentation of disciplinary warnings given and corrective measures taken;
 - D. Administration of increased disciplinary action, up to and including discharge, depending upon the seriousness of the issue; and
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Employee Discipline, Continued

- E. Provision of sufficient notice to an employee that discharge will result from continued or gross violation of employee standards of conduct or unsatisfactory job performance.

IV. PROCEDURE AND RESPONSIBILITIES

A. Action Steps in Progressive Discipline

Depending upon the facts and circumstances involved in each situation, management may choose to begin disciplinary action at any step up to and including termination. In general, however, the process follows the pattern outlined below.

1. Verbal Warning

For minor infractions, the employee will be issued a verbal warning. If the situation does not improve within a reasonable period of time (depending upon the seriousness of the issue), the supervisor may repeat the measure, or use the next step. This verbal warning may or may not be documented formally by the supervisor.

2. Written Warning Notice

For repeated minor infractions, or a more substantial infraction, the employee will be issued a written warning notice. If the situation does not improve within a reasonable length of time (depending on the seriousness of the issue), the supervisor may repeat the measure or take more serious discipline.

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The written warning notice may be prepared prior to a disciplinary interview with the employee. The employee will be asked to sign the notice, acknowledging receipt and will be given an opportunity to comment in writing. Five (5) copies of the notice and employee comments, if any, will be distributed as follows:

- a. employee (given prior to leaving the disciplinary meeting),
- b. supervisor,
- c. personnel file,
- d. labor relations, and
- e. employee representative, if any.

3. Suspension

In the case of demotions, reductions in salary step, or suspensions, which generally span from a balance of the shift to thirty (30) working days (excluding holidays, sick leave or other Agency compensated time), employees will be given the opportunity to respond orally or in writing to the pending action by means of an Administrative Review Process prior to the actual loss of pay. In the case of a suspension, the employee may be put on administrative leave of absence with pay. (Employees exempt from the overtime requirements of the Fair Labor Standards Act shall not have their predetermined salary reduced during a workweek in which they performed any work except for infractions of security regulations of major significance promulgated by the Agency or another government agency, or for infractions of safety rules of major significance intended to prevent serious danger to the workplace or to other employees.) Generally, the employee will be advised in writing of a recommended disciplinary action prior to the Administrative Review Process.

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Once the opportunity for an Administrative Review Process is exhausted, the outcome of that process will be followed by the Agency.

The Administrative Reviews Process will be held by an Agency designated hearing officer whose decision will be final.

A general guideline for the Administrative Review Process is as follows:

- a. The employee is given written notice of the recommended disciplinary action indicating the reason for said action along with supporting documents and evidence.

This notice will also advise the employee of his/her right to respond orally or in writing to these charges before an Agency designated hearing officer, in a non-evidentiary meeting, by a certain date. The employee and his/her representative may participate in this response. Based on this response, the hearing officer will either rescind, amend or uphold the recommended action. Failure to respond at all will automatically waive the employee's right to administrative review and the recommendation will become final.

- b. Once the hearing officer decides the issues, the employee will be notified of the decision in writing with copies distributed as outlined in 2 above.

Notice of suspension, demotion, reduction of salary step, or termination is provided to the employee in writing, specifying the date and hour of its effective date. A separate statement will summarize the charges against the employee, explaining the reason(s) for suspension, reduction of salary step, demotion or termination, along with an outline of the administrative procedural rights of the employee.

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- c. If the employee is dissatisfied with the decision of the hearing officer, he/she may, within ten (10) working days from receipt of such decision, file a request to take the case to a neutral arbitrator mutually agreed to by the parties. Should the parties not mutually agree on an arbitrator, one will be selected from a panel furnished by the State Mediation and Conciliation Service. The arbitrator will set the date and time for, and conduct, a hearing with the employee on the disciplinary action. Arbitration will be binding for employees other than Executive Managers. Decisions of the arbitrator for Executive Managers are advisory to the General Manager. The arbitrator will make a written decision for each charge following the hearing, and will finalize and submit all findings, conclusions and decisions to the employee (or their representative) and the Labor Relations Department.
- d. When an arbitration hearing is held on an order of dismissal, demotion or suspension, the vacancy in the position shall be considered a temporary vacancy pending final action by the arbitrator. The position will be filled only by a temporary appointment by an officer with the appointive power.

4. Discharge

For major infractions, or continued failure to respond appropriately to prior disciplinary action, discharge may be the only recourse. Review by the supervisor's department head or designee and the Labor Relations Manager or designee must be held prior to the discharge of an employee under any circumstances.
