



Department of Transformation and Shared Services Employee Disciplinary Policy

PURPOSE

To ensure that Department of Transformation and Shared Services (TSS) supervisors apply disciplinary actions as provided herein.

SCOPE

This policy applies to all TSS full-time, part-time, and extra-help employees.

POLICY

TSS employees are required to meet, at a minimum, satisfactory job-performance standards and follow minimum conduct standards as provided in the TSS Employee Handbook (Handbook) and TSS policy. TSS does not follow progressive discipline; therefore, not every disciplinary action is required to be administered. Some violations may require implementation of more severe disciplinary action, including immediate termination. Behavior that is illegal, whether committed during work hours or outside of work hours, may result in immediate termination, and such behavior may be reported to local law enforcement authorities. Similarly, theft, substance abuse, intoxication, fighting, and other acts of violence at work may result in immediate termination.

Nothing in this policy provides any contractual rights regarding employee discipline. Similarly, nothing in this policy modifies or alters the employment-at-will relationship between TSS and its employees. Any technical error in administering discipline that does not prejudice the substantive rights of an employee will be deemed a harmless error and will not be grounds for overturning the Department decision if the employee's behavior otherwise warrants disciplinary action.

Discipline should be applied consistently and impartially. Supervisors are responsible for determining the appropriate level of discipline for a specific Handbook or policy violation. Supervisors should consider all the facts and mitigating or aggravating circumstances surrounding the violation. Supervisors may combine disciplinary actions depending on the nature of the violation. Supervisors may issue a corrective-action plan in conjunction with any disciplinary action (except termination). In addition to the below-mentioned disciplinary actions, supervisors are encouraged to have non-disciplinary counseling meetings.

Supervisors should provide employees with notice of possible disciplinary action and the opportunity to respond. Discipline should be administered in private and the supervisor should maintain confidentiality of all disciplinary actions. Supervisors will prepare written documentation of the disciplinary action and clearly describe expectations and steps the employee must take to improve his or her performance, conduct, or attendance issue. The employee will be asked to sign the document to demonstrate his or her understanding of the issues and the corrective action needed. The disciplinary action will include a statement that the employee may be subject to additional discipline, up to and including termination, for failure to meet expectations.

The employee will be provided a copy of the disciplinary documentation, and a copy will be placed in the employee's official personnel file. Supervisors may refer to previous disciplinary actions for up to 3 years for purposes of implementing more severe disciplinary action. Supervisors should consult with the Division Director or Business Operations Office as needed.

Available disciplinary actions:

- Verbal warning
This creates an opportunity for the immediate supervisor to bring attention to the existing performance, conduct, or attendance issue. The supervisor should discuss with the employee the nature of the problem or the Handbook or policy violation. Though this is a “verbal” warning, it will be documented in the employee’s personnel file as it may be used as justification for a later disciplinary action or as part of an employee’s performance evaluation.
- Written warning
This is a more formal documentation of the performance, conduct, or attendance issues and consequences. The supervisor will meet with the employee to review any additional incidents or information about the performance, conduct, or attendance issues as well as any prior, relevant corrective-action plans.
- Involuntary demotion
The employee may be involuntarily demoted to a lower-level position to address any performance or conduct issues. The employee may receive up to a ten percent (10%) reduction in pay. (Please note that involuntary demotion can occur outside of a disciplinary action.)
- Suspension without pay
Some performance, conduct, or safety incidents are so serious that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others or when it is necessary due to the nature of the action to impose more severe discipline an employee may be suspended without pay. In compliance with the Fair Labor Standards Act (FLSA), a suspension without pay of salaried, exempt employees is reserved for serious workplace safety or conduct issues. The employee may be suspended without pay in one or more full day increments consistent with federal, state, and local wage and hour employment laws. Employees may not substitute accrued annual or sick leave in lieu of the unpaid suspension.
- Termination
Employees may be terminated without prior notice or disciplinary action. Employees may be terminated as a result of the employee failing to comply with the corrective action plan. A supervisor’s recommendation to terminate employment must be approved by the TSS Secretary.