EXAMPLE/SUSPENSION WITHOUT PAY STATE EMPLOYEE

(Date)
(Name of Employee)
(Address)

Re: Suspension Without Pay

Dear (Name of Employee):

This letter is to notify you that I am suspending you without pay for a period of ___working days (Note: If working day exceeds eight hours, indicate the number of hours that constitutes the work day, i.e. "five working days (60hours)") for the reasons stated below. Your suspension will begin on ____ at _____ and end on _____ at _____. This action is being taken under Civil Service Rule 260:130-27-3.

Statute, Rule, Policy, Practice or Procedure Violated

(Example) OP-110215 entitled "Rules Concerning the Individual Conduct of Employees"

VII. Regulations Governing Activities and Relationships with Inmates or Offenders/180 Day Ex-Inmates or 180 Day Ex-Offenders

A. Definitions

1. Inmates will be defined as persons under the care or custody of a state/private or community based facility. Offenders are defined as those under supervision of ODOC.

2. "180-day ex-inmates" are those persons who are within 180 days of the date following their discharge from ODOC custody. Ex-offenders are defined as those persons who are within 180 days of the date following termination from ODOC supervision.

B. Prohibited Activities with Inmates or Offenders and 180-Day Ex-Inmates or 180-Day Ex-Offenders

1. Accepting or offering a gift, money, or anything or value, directly or indirectly. This prohibition includes any member of the inmate's/offender's or 180-day ex-inmate's/offender's family.

2. Giving, receiving, or loaning any money, or trading, selling, or buying any personal possession or anything of value, for any purpose, without the written consent of the employee's supervisor. Hobby craft items may only be purchased in accordance with the correctional facility's local procedures.

3. Engaging in any other activity which constitutes or offers the opportunity for an abuse of the employee's position.

C. Prohibited Relationships with Inmates or Offenders and 180-Day Ex-Inmates or Ex-Offenders

3. Engaging in any nonprofessional association, contact, or personal relationship with inmates or offenders, 180-day ex-inmates or ex-offenders, or members of their families which may compromise the employee's ability to discharge effectively the duties of his/her position.

Statement of the Act, Incident or Omission Constituting Grounds for Suspension

(Example)

You engaged in an unprofessional, personal relationship with the family of inmate John Doe #XXXXXX during his incarceration by writing letters to, and accepting a watch from the inmate's mother, Mrs. John Doe Sr. You engaged in prohibited activities and unprofessional conduct by giving inmate Doe a pair of Nike athletic shoes and meeting with him while you were not on duty. Such conduct serves to jeopardize the security of the facility and undermine the agency's mission to protect the public, the employees, and the inmates.

Summary of Evidence Justifying Proposed Termination

(Example)

1. Letters dated _____ and _____ written by you and addressed to Mrs. John Doe Sr. containing information about John Doe's incarceration and thanking her for the watch she gave you for Christmas.

2. Statement from Correctional Security Officer II, John Lilley indicating that on (date) he witnessed you giving inmate Doe a pair of Nike athletic shoes.

3. Statement from inmate Doe that following his incarceration, you became a friend of the family, and gave him presents including a pair of Nike athletic shoes.

Steps Which May be Taken to Resolve the Problem

(Example)

By (date) you are to re-read OP-110215 and meet with the shift supervisor to discuss any questions or seek clarification regarding the sections dealing with the regulations governing activities and relationships with inmates and their families, and ensure that no further violations occur.

Previous Employee Engagement and Disciplinary Actions

(Example)

On (date), you were issued a Letter of Concern for accepting a gift from an inmate.

On (date), you were issued a Letter of Reprimand for placing telephone calls to an inmate's family.

Consequences if the Above or Similar Offense is Repeated

Progressive disciplinary action, up to and including termination, may be taken for any future violations which are the same or similar.

Opportunity to Respond

You may respond to this suspension without pay in writing. Any written response will be filed in your personnel file with this Suspension. You have 5 business days to respond.

Right to file a Complaint

You have a right to file a complaint with the Civil Service Division (CSD), within ten business days of the date of the disciplinary action. A copy of the CSD petition is attached. All CSD complaints must be filed online at https://oklahoma.gov/omes/services/human-capital-management/civil-service.html

Sincerely,

(Appointing Authority)

Distribution: Original to employee
Copy to Disciplinary File
Copy to director of Human Resources

Attachment: Attachment D "Written Response to Discipline"
CSD Complaint Petition