



OKLAHOMA
Office of Management
& Enterprise Services

Policies
Progressive Discipline

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Approved: Steven Harpe	Approval Date: 2/17/2022

Reference

- Oklahoma Administrative Code (OAC) 260:130-27-5.

Policy

The progressive discipline policy is designed to provide standards and guidelines for applying prompt, equitable and suitable discipline when necessary. This policy is not intended to provide any contractual obligations related to continued employment, compensation, or employment contract.

The Civil Service and Human Capital Modernization Rules apply to all OMES except those designated by the agency director as executive management. OAC 260:130:27-5 of the Civil Service and Human Capital Modernization Rules requires all agencies to follow the standards of progressive discipline established and maintained by the Civil Service Division. This policy contains those such standards.

OMES may apply the progressive discipline to all employees; however, OMES employees designated as executive management as determined by the agency director do not have complaint rights under the Civil Service and Human Capital Modernization Rules. Additionally, OMES employees may be terminated at any time during their trial period without the right of complaint.

Definitions

In addition to words and terms defined in the Civil Service and Human Capital Modernization Act, the following words and terms shall have the following meaning unless the text clearly indicates otherwise.

"Discharge" means the act of terminating the employment relationship of employees who did not voluntarily resign or otherwise forfeit their position according to any other statutory provision. Discharge does not include separation due to reduction-in-force or voluntary buyout.

"Disciplinary actions" means the second step of progressive discipline to correct infractions of statute, rule, policy, practice or procedure regarding work performance or behavior including written reprimand, involuntary demotion, or suspension without pay.

"Employee engagement" means a supervisor has engaged in the first step of progressive discipline; this may include steps of warning, discussion, a corrective interview, coaching, counseling, oral reprimand, or a letter of concern.

"Involuntary demotion" means the reclassification of an employee from his or her job to a different job which has a lower grade assigned, made without the consent of the employee.

"Job" means a position or job grouping level in a job family.

"Progressive discipline" means a system designed to ensure not only the consistency, impartiality and predictability of discipline, but also the flexibility to vary penalties if justified by aggravating or mitigating conditions. Each employee has a duty and responsibility to comply with OMES' progressive discipline policy. Absent mitigating circumstances, repetition of an offense is accompanied by a generally automatic progression to the next higher level of discipline. Based on relevant circumstances, a single incident may justify a higher step of discipline without proceeding through lower steps of discipline.

Step one: Employee engagement

The first step of progressive discipline shall be employee engagement and may include steps of warning, discussion, corrective interview, coaching, counseling, oral reprimand or a letter of concern. Employee engagement may be utilized to correct infractions of statute, rule, policy, practice or procedure regarding work performance or behavior. This phase may serve to streamline the progressive discipline process and to bring potential problems to an employee's attention before it escalates. Documentation of employee engagement should be noted and maintained by the supervisor and employee. The supervisor or employee should be prepared to recall the events of the employee engagement when progressing to the next steps in the progressive discipline process or at a hearing process.

During employee engagement, an employee shall be informed of:

1. The nature of the problem which is cause for the engagement and steps which must be taken to resolve the problem; and
2. The consequences of repeated infractions or continuing deficient performance or behavior.

Step two: Disciplinary actions with complaint rights

The second step of progressive discipline may take place after employee engagement absent aggravating or mitigating circumstances. An employee may receive a disciplinary action to correct violations of statute, rule, policy, practice or procedure regarding work performance or behavior.

OMES may enforce one, some or all types of the following disciplinary actions as a means to correct an employee's behavior including written reprimand, suspension without pay, and involuntary demotion.

Disciplinary action documentation shall include a citation of any other employee engagement or discipline which was used in the decision to administer disciplinary actions with complaint rights. Disciplinary documents shall be maintained by the supervisor and employee as well as maintained in the employee's disciplinary file

1. An employee shall be given a copy of any disciplinary action documents at the time the disciplinary action was taken.
2. An employee shall have a right to review disciplinary action documents in his or her agency personnel record.
3. Documents shall be provided to an employee in person. In the event that an appointing authority is not able to provide the documents in person, the appointing authority shall provide these documents through acceptable electronic means.
4. The Civil Service Division, because of statutory responsibility, shall have a right of access to disciplinary action documents.

Written reprimand

Supervisors may administer a written reprimand to correct violations of statute, rule, policy, practice or procedure regarding work performance or behavior. A written reprimand shall include, as a minimum:

1. The date of the written reprimand.
2. The statute, rule, policy, practice or procedure regarding work performance or behavior which was violated.
3. A statement of the act or incident which is cause or reason for the written reprimand.
4. A citation of any employee engagement or previous disciplinary actions which were used in the decision to administer the written reprimand.
5. Steps which can be taken to resolve the problem.
6. Consequences of repeated infractions or continuing deficient performance or behavior.
7. A statement of the employee's right to file a complaint with the Civil Service Division.

8. A copy of the Civil Service Division's complaint petition.

The employee shall be provided an opportunity to respond in writing to the written reprimand. Any response shall be attached to the written reprimand.

The written reprimand and any response shall be filed in the employee's disciplinary file.

Other step 2 disciplinary actions may include:

Suspension without pay

A written communication to the employee shall include:

1. The date the employee was informed of the suspension without pay.
2. The statute, rule, policy, practice or procedure regarding work performance or behavior which was violated and cause for the suspension without pay.
3. A statement of the act, incident or omission which is cause or reason for the suspension without pay.
4. A citation of any employee engagement or disciplinary actions which were used in the decision to administer the suspension without pay.
5. Effective date, the total number of days and date(s) of the suspension without pay.
6. Steps which can be taken to resolve the problem.
7. Consequences of repeated infractions or continuing deficient performance or behavior.
8. A statement of the employee's right to file a complaint with the Civil Service Division.
9. A copy of the Civil Service Division's complaint petition.

The employee shall be provided an opportunity to respond in writing to the suspension without pay. Any response shall be attached to the suspension without pay.

The suspension without pay and any response shall be filed in the employee's disciplinary file.

Involuntary demotion

The written communication to the employee shall include:

1. The date the employee was informed of the involuntary demotion.
2. The statute, rule, policy, practice or procedure regarding work performance or behavior which was violated and cause for the involuntary demotion.
3. A statement of the act, incident or omission which is cause or reason for the involuntary demotion.
4. A citation of any employee engagement or previous disciplinary actions which were used in the decision to administer the involuntary demotion.
5. The effective date of the involuntary demotion and the job level and pay.
6. Steps which can be taken to resolve the problem.

7. Consequences of repeated infractions or continuing deficient performance or behavior.
8. A statement of the employee's right to file a complaint with the Civil Service Division.
9. A copy of the Civil Service Division's complaint petition.

The employee shall be provided an opportunity to respond in writing to the involuntary demotion. Any response shall be attached to the written involuntary demotion.

The written involuntary demotion and any response shall be filed in the employee's disciplinary file.

Step three: Ending the employee/employer relationship

If the decision is made to terminate the employee, the written communication shall include:

1. The date the employee was informed of the termination.
2. The statute, rule, policy, practice or procedure regarding work performance or behavior which was violated and cause for the termination.
3. A statement of the act, incident or omission which is cause or reason for the termination.
4. A citation of any previous disciplinary actions which were used in the decision to administer the termination.
5. Effective date of the termination.
6. A statement of the employee's right to file a complaint with the Civil Service Division.
7. A copy of the Civil Service Division's complaint petition.

Supervisor responsibility

Each supervisor shall:

1. Inform employees of the agency's progressive discipline policy.
2. Apply discipline when necessary that is corrective, progressive in nature, appropriate for the offense and equitable.
3. Consider relevant circumstances when determining the proper disciplinary action.
4. Use prompt, positive action to avoid more serious disciplinary actions.
5. Consult with Human Resources prior to imposing disciplinary action.

Human Resources responsibilities

Maintain documentation of discipline in the employee's disciplinary file consistent with the General Records Schedule of the Oklahoma Department of Libraries, Office of Archives and Records, and give a copy of any disciplinary document when it is placed in the employee's disciplinary file.

Timing of Discipline

Request for discipline under this policy shall be initiated and forwarded to OMES Human Resources within 20 calendar days of the event for which an employee is being disciplined, or when the supervisor should have known about the event, unless an investigation of the event is required.

Discipline shall be administered within 20 calendar days after all required documentation has been submitted to Human Resources.

Violations of the timing requirements of this policy shall not prohibit the discipline from being issued; however, they may lead to discipline, up to and including, termination for the supervisor who failed to adhere to the timing requirement of this policy.