



Progressive Discipline Standards

In accordance with Civil Service Rule 260:130:27-5, the Human Capital Management Civil Service Division developed the following standards for the progressive discipline process. Aggravating and mitigating circumstances shall be considered when assigning a level of discipline. Based on relevant circumstances, a single incident may justify a higher step 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.

Rule 260:130-1-2 defines a disciplinary file as the record of all disciplinary actions leading up to a written reprimand, punitive transfer, suspension without pay, demotion or termination; the final action taken, and all relevant supporting documents.

Please see rule 260:130-7-1 for documentation allowed in the hearing process.

Rule 260:130-19-2 states each agency shall maintain an adequate set of applicant and employee personnel records. These records shall include: performance evaluations, promotional forms, attendance records, the employee disciplinary file, and any other documents that affect an individual's employment status with the agency.

Step two: Disciplinary actions with complaint rights

The second step of progressive discipline shall be disciplinary actions and shall take place after employee engagement. An employee may receive a disciplinary action to correct violations of statute, rule, policy, practice or procedure regarding work performance or behavior. An appointing authority may enforce one, some or all types of the following disciplinary actions as a means to correct an employee's behavior: written reprimand, suspension without pay, and involuntary demotion. Disciplinary action documentation shall include a citation of any other discipline which was used in the decision to administer disciplinary actions with complaint rights. Actionable discipline documentation should be maintained by the supervisor and employee. Such documentation should also be maintained in the employee disciplinary file.

- (a) An employee shall be given a copy of any disciplinary action documents at the time the disciplinary action was taken.
- (b) An employee shall have a right to review disciplinary action documents in his or her agency personnel record.
- (c) 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.
- (d) The Civil Service Division, because of statutory responsibility, shall have a right of access to disciplinary action documents.

Written reprimand

A written reprimand shall include:

- (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.

Suspension without pay

The 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 proceed 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.

Exemptions to the standards

The appointing authority shall use the progressive discipline standards unless the appointing authority has received an exemption from the Civil Service Division. In order to receive an exemption, the appointing authority must file a copy of any adopted progressive discipline plan the agency will follow in lieu of these standards with the Civil Service Division.

The appointing authority shall furnish to each employee a copy of the progressive discipline policy, including revisions, used by the agency.

OMES reserves the right to change the standards and give notice to agencies of changes.

Agencies may change labels used in **Step one: Employee engagement** without requesting an exception.