



*Service with Excellence
and Integrity*

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ADMINISTRATIVE DIRECTIVE: 09-14 EMPLOYEE DISCIPLINE

TO: DEPARTMENT OF COMMUNITY CORRECTION EMPLOYEES

FROM: G. DAVID GUNTARP, DIRECTOR

SUPERSEDES: AD 08-16

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APPROVED: _____ Signature on File

EFFECTIVE: October 30, 2009

- I. APPLICABILITY.** All Department of Community Correction (DCC) employees.
- II. POLICY.** DCC employees are expected to abide by the DCC Code of Ethics and Rules of Conduct (Code), perform their duties and responsibilities within established job standards and adhere to DCC policies and procedures. When non-compliance or violations occur, supervisors must take action that is fair, impartial, objective, and consistent with the related policy. Discipline will be administered appropriately, consistently, objectively, and fairly. This policy and associated guidance do not create a contract of employment or any legally enforceable interest or limit agency's authority to establish or revise human resource policies or affect its right to terminate employment pursuant to the at-will employment doctrine. (4-ACRS-7E-07 [P])

III. DEFINITIONS.

A. Personnel File. An official confidential file maintained in the Human Resources Section (HRS) for each DCC employee that may contain, but is not limited to, the following information:

1. Application for employment and related documents including verification of training and experience.
2. Reference letters.
3. Personnel information, employment status and pay changes.
4. Record of automobile insurance.
5. Letters of commendation and valid complaints, if any.
6. Certain corrective/disciplinary action reports and related materials.
7. Performance evaluation documents maintained in a separate confidential file.
8. Mental health and medical records and documents addressing the physical or mental well-being of a person maintained in a separate confidential file.
9. Background investigation reports maintained in a separate confidential file.

B. Supervisor's File. A file maintained by an employee's supervisor that contains, but is not limited to, the following information:

1. Position job description and essential functions of the job.
2. Performance evaluation documents and employee progress notes.
3. Letters of commendation and valid complaints.
4. Corrective/disciplinary action reports and related materials.

C. Disciplinary Probation. A provisional employment status imposed for disciplinary reasons during which an employee's performance or behavior is subject to an increased level of scrutiny and discipline.

IV. GUIDELINES FOR EMPLOYEE DISCIPLINE.

A. Components of the Disciplinary Process.

1. Communication. Communication should begin with a private and serious conversation between an employee and the supervisor that is conducive to open and frank discussion of issues. Both parties should attempt to ask and answer all pertinent questions.
2. Objective Investigation. Employee discipline should be initiated only after an inquiry or investigation into the facts. A supervisor may receive information alleging or may have other reason to suspect a violation. Prior to taking disciplinary action, the supervisor should perform the following:
 - a. Talk to persons who might be able to support, refute, or provide clarifying information about the alleged violations and review records, as appropriate.
 - b. Meet with the employee to review the alleged violation and to elicit an explanation of the events.
 - c. Consult with superiors, review the facts (including any extenuating, aggravating, or mitigating circumstances, Internal Affairs investigation results if available), and/or make a determination concerning the allegation.
3. Preparation and Considerations. The choice of disciplinary action should be guided by the following:
 - a. Consideration of the nature of the violation. More severe actions are appropriate for violations of standards that protect the civil rights and safety of others, ensure an orderly workplace, protect against abuses of authority and assure the public trust in the DCC and its employees.
 - b. Consideration of the potential impact or severity of the violation. For example, being absent from a work post could be viewed as a more serious infraction for a security officer than for an office worker.
 - c. Consideration of similar or repeated violations.
 - d. Consideration of the need to temporarily reassign an employee outside of his normal worksite, go through the appropriate Deputy Director to the Director for approval.

4. Progressive Personnel Actions. Supervisors shall be fair, impartial and consistent in administering discipline. The actions listed below are usually initiated by an employee's supervisor but may also be initiated by a person in the employee's supervisory chain, or another hiring official. If a supervisor is contemplating action affecting an employee's pay, he/she should consult with the Human Resources Administrator prior to taking such action.
 - a. Counseling. Counseling, a non-disciplinary action, may be given in response to performance or other issues. Counseling should be done in a private conversation with the employee and in a way that guides the employee in changing behavior or performance that if continued may cause or contribute to misconduct or inability to satisfactorily perform the job. The use of counseling is appropriate when the supervisor believes it will correct the behavior or performance in question. Counseling should be documented and maintained in the supervisor's file; however, it may not be used to prevent an employee from receiving a merit increase or promotion.
 - b. Verbal Warning. A verbal warning is the lowest level of personnel disciplinary action. It is initiated usually when counseling has not worked or is inappropriate to correct an employee's conduct or performance. The employee is given specific information on what must be corrected and warned that non-compliance will result in disciplinary action up to and including employment termination. The supervisor must note the discussion in the supervisor's file; however, it may not be used to prevent an employee from receiving a merit increase or promotion.
 - c. Written Warning. A written warning is a disciplinary action which informs the employee of unsatisfactory performance or a specific Code violation(s), describes the corrective action that should be taken, and warns that a more severe disciplinary action will be taken if the inappropriate behavior or substandard performance is not corrected. An employee may be given a written warning when the seriousness of the violation merits. Unless the undesirable conduct or violation is observed by the supervisor, a written warning may not be issued prior to the supervisor meeting with the employee to elicit the employee's explanation of the situation. Once the supervisor determines personnel action is warranted, the supervisor should meet with the employee to discuss the written action being taken and place the employee on disciplinary probation for 3 to 6 months. Supervisors may extend an employee's probationary period if the employee has been absent from the workplace for the time period that probation would have been imposed. An employee who receives a written warning during the employee's rating period is disqualified from receiving a merit increase."
 - d. Suspension. Suspension is a disciplinary action resulting in temporary interruption of an employee's work assignment due to serious or repeated violation(s) of the Code or substandard job performance. All suspensions shall be without pay. The period of suspension shall be at least 1 work day for non-supervisory and at least 3 work days for supervisory personnel, not to exceed ten (10) work days for either. A suspended employee must also be placed on disciplinary probation for 6 months to 1 year. An employee who is suspended during the employee's rating period is disqualified from receiving a merit increase.

- e. Demotion. Demotion is a disciplinary action resulting in the reduction of an employee's pay grade for serious or repeated violation(s) of the Code or substandard performance. The amount of the reduction in salary is 10% as set by the Office of Personnel Management. A demoted employee must also be placed on disciplinary probation for 1 year. An employee who is demoted during the employee's rating period is disqualified from receiving a merit increase.
 - f. Employment Termination. Employment termination is the most severe disciplinary action that can be taken. The employee is discharged for unsatisfactory job performance or a serious, progressive, and/or repetitive Code or rule violation(s).
5. Employee Notification.
- a. Supervisors must give employees written notice of personnel actions administered to them other than counseling and verbal warnings. Once a supervisor determines that an employee's behavior is in violation of the Code or rules, the supervisor should inform the employee as to how the Code applies to the employee's behavior, the consequences, and, if termination is not considered, how the employee's conduct must change and how changes will be measured or observed.
 - b. Employees should be given the opportunity to respond or comment in writing and should acknowledge receipt of the written notice of action by their signature. Employees must sign written disciplinary action (excluding counseling and verbal warnings), acknowledging awareness and receipt. A copy should be maintained in the supervisor's file, a copy forwarded to the HRS Administrator for the official personnel file and the original given to the employee. If an employee refuses to sign, another supervisor may sign as a witness.
 - c. An employee receiving an involuntary termination must receive written notice of the termination in person or by certified letter, return receipt requested by addressee only. The letter must state that an eligible employee may extend his/her health insurance coverage pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA) for up to eighteen (18) months through the Employee Benefits Division of the Department of Finance and Administration within thirty (30) days from the termination date. If an employee is eligible to file a grievance, the termination letter must also state such.
 - d. Immediate notice must be given to the HRS Administrator when a personnel action affects an employee's pay.
6. Documentation. Supervisors should create and maintain appropriate documentation so that employee meetings and notices are on record. It is not necessary to document every detail of a meeting, but at a minimum the date, participants, key issues discussed, decisions and time frames set should be documented. Documentation of disciplinary action should be clear, factual and legible. Notices of written warning,

suspension, demotion, re-assignment and termination must be maintained in the supervisor's file and the employee's official personnel file (maintained in the HRS). Removal of documented personnel actions in an employee's personnel file may only be done with the approval of the Director or as a direct result of employee mediation or grievance determination. Employees may submit requests through the supervisory chain to the Director.

B. Responsibilities.

1. Employees. Employees are responsible for understanding and complying with the Code. Should disciplinary or corrective action be necessary, employees are expected to cooperate as required. Unresolved work problems are to be immediately reported to appropriate supervisors to facilitate early resolution and when possible, avoid the need for disciplinary action. Guidelines in this policy are intended to facilitate the appropriate administration of discipline for violation of the DCC Code.
2. Supervisors. Supervisors must ensure employees under their supervision have access to this policy and sign acknowledgement of the same. Supervisors should facilitate appropriate response to questions concerning discipline.
3. Employee Review of Personnel File. (4-ACRS-7E-12 and 3-3067)
 - a. Review. An employee may make an appointment to view his or her personnel file in the HRS office located at DCC Central Office. The employee must present his/her DCC identification badge. The review will be done in the continual presence of a HRS staff member.
 - b. Challenge and Response. An employee may challenge the contents of his/her official personnel file by sending a written statement to the HRS Administrator. The statement should specify the document being challenged, why it is being challenged, and the employee's request concerning the document. The statement must be legibly dated and signed. The HRS Administrator will facilitate appropriate review of the employee's request and a response by the supervisor, whose action is being challenged, the appropriate Deputy Director, and final response by the Director.

- C. Employee Acknowledgment.** DCC employees must acknowledge their review, understanding, and acceptance of this directive by completing AD 08-16 Form 1 (attached).

V. ATTACHMENT

AD 09-14 Form 1 Acknowledgment of the DCC Employee Discipline Policy

