

## **Agency Wide Policy and Procedure**

**SECTION: Guidelines for Conduct**

**ATTACHMENTS:**

Employee Disciplinary Action

**SUBJECT: Disciplinary Action**

**APPROVAL DATE: 9/26/18**

**POLICY NUMBER: 4.13**

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Every place of business must have certain rules of conduct to guide its employees and to maintain proper levels of professionalism and productivity. When the rules are not followed, action will be taken in the best interest of the entire organization. Employees are expected at all times to comply with the rules of conduct and other guidelines set forth in these personnel policies; to display proper respect for the courtesy toward their co-workers and members; to accept and carry out all job assignment; to refrain from insubordination, carelessness, mishandling of company property, and repeated absenteeism/ tardiness; and to avoid any other conduct which is disruptive or adverse to the best interest of the company or its clients. Whenever an employee fails to do so, corrective action will be imposed.

When possible and practical, disciplinary action will follow a progressive sequence. The normal sequence of action is:

Step 1: Verbal Warning

Step 2: Written reprimand

Step 3: Suspension

Step 4: Termination from employment

The purpose of progressive discipline is to ensure that the employee is fully aware of any performance deficiencies that exist and to provide the employee with a reasonable opportunity to correct such deficiencies. Employees will be given an opportunity to respond to any intended disciplinary action on the part of the supervisor either orally or in writing.

### **Verbal Warning**

A verbal warning between the immediate supervisor and the employee is the appropriate disciplinary action in the following circumstances:

- Occurrences of unacceptable deviations from established procedures, rules and/or regulations.
- Establishment of an apparent pattern of behavior or performance which is contrary to the work goals of the employee's work group or department.

- Decline or deterioration in previously acceptable conduct or work quality to levels below acceptable standard; and/or
- Other instances of poor performance, errors or conduct which interfere with the operation of the work unit or its personnel, but which, by themselves, are not sufficiently serious to warrant a written reprimand.

The oral counseling will be documented by the supervisor, to provide a written record of the counseling and to provide the employee with a reminder of the work standards expected. Documentation of an oral counseling will be placed in the employee's official personnel file.

### **Written Reprimand**

A written reprimand is the appropriate disciplinary action in the following circumstances:

- Failure if the employee to carry out agreed upon corrective actions to establish acceptable work or conduct standards after oral counseling.
- Minor damage to or loss of First Resources equipment/property because of the employee's negligence; and/or
- Any other deficiencies in performance or conduct which are serious enough to warrant more stringent action than a personal conference.

The written reprimand will be prepared by the employee's immediate supervisor and prior to being delivered to the employee, must be approved as to form by the appropriate Department Director and Chief Human Resources Officer. A copy of the prior, documented oral counseling, if any, will be attached to the written reprimand. A copy of the written reprimand signed by the immediate supervisor and the employee (or witness) will be placed in the employee's official personnel file.

### **Suspension**

Temporary suspension not to exceed ten (10) working days, is the appropriate disciplinary action in the following circumstance:

- Repetition of actions for which a written reprimand has been previously issued.
- Use if alcoholic beverages or misuse of drugs during work or reporting to work under the influence of alcohol or drugs.
- Major damage to or loss of First Resources equipment/property through negligence or willful misuse by the employee.
- Active investigation; and /or
- Performance or conduct which is severe in nature and interferes with First Resources operations or with performance of duties by other personnel.

Department Directors may authorize suspension after receiving the approval of the Executive Director and Chief Human Resources Officer or their designees. The employee will be given written notice of suspension. In addition to the standard requirements for all disciplinary actions, such notice will clearly state the following:

- The reason(s) for the suspension.
- The duration of the suspension, including beginning and ending dates and times.
- Notice of the employee's right to appeal the suspension with the Executive Director and Chief Human Resources Officer; and
- Notice that if the employee fails to return to work as expected following the suspension and fails to notify the supervisor of an acceptable reason for the failure to return to work, the employee will be considered to have terminated employment voluntarily.

Suspension may be with or without pay. This is determined by the Human Resources Director and the Executive Director based upon the reason for the suspension and/or findings of an investigation.

### **Termination from Employment**

Each potential case for termination from employment will be considered on its individual merits. Generally, however, termination from employment may be the appropriate action in any of the following circumstances:

- Incompetence (including lacking the requisite skills or abilities to perform the assigned job).
- Physical assault against employees and/or client; violation of law, either on or off First Resources property, resulting in a felony conviction.
- Commission of an act of moral turpitude, including sexual harassment of employees or clients.
- Insubordination, willful disobedience, and/or refusal or failure to follow directives or perform work properly assigned by a supervisor.
- Dishonest actions, including falsification of information to secure a First Resources position or falsification or intentional destruction of any other First Resources records.
- Gross or repeated failure to abide by rules and regulations of First Resources, or of federal, state, or local laws.
- Revealing or sharing of either employee or client's confidential information outside of First Resources;
- Substandard performance or conduct which continues despite attempts at correction through discipline or counseling; and/or

- Mismanagement of a position by action, inaction, or neglect that places the lives or property of others in jeopardy.

Department Directors may authorize termination only after obtaining approval from the Executive Director and Chief Human Resources Officer or their designees.

The supervisor is responsible for providing accurate information indicating that the dismissal is not sought because of the employee's race, gender, age, religion, sexual orientation, disability, national origin, or as illegal retaliation for a protected act by the employee.