

HUMAN RESOURCE MANAGEMENT

Corrective Discipline

Policy 7-13

Policy

The focus of discipline at the Department of Children and Families shall be to assist the employee in correcting behaviors that are interfering with the successful performance of his or her job or to address performance deficits.

In general, corrective discipline will be progressive in nature and taken after supervisory interventions such as counseling and formal counseling fail to correct such behaviors or identified performance issues. In cases in which misconduct or poor performance is of a level such that progressive discipline is not an appropriate response, higher levels of disciplinary action shall be imposed.

Definitions

Corrective discipline means the method employed by DCF to address employee misconduct or ongoing poor work performance.

Counseling means an informal supervisory intervention intended to bring matters of concern to the attention of the employee with suggestions for improvement. Counseling shall include the supervisor stating the concerns and seeking information from the employee about steps that can be taken to bring performance or conduct issues into compliance with expectations. Counseling sessions shall be noted in the supervisory file of the employee only for the purpose of documenting that the counseling occurred. The counseling shall not appear in the employee's personnel file. The fact that an employee has received counseling may or may not be reflected in the annual performance evaluation depending upon the individual circumstances. A counseling shall not in and of itself result in an unsatisfactory rating in any individual category or overall. Employees do not have a right to union or legal representation during a counseling session as it is not disciplinary in nature.

Disciplinary demotion means the involuntary reduction in rank or job specification as a result of misconduct or performance issues. Such demotion may occur as an initial disciplinary response if the misconduct or poor performance warrants or it may follow less severe disciplinary steps taken in an attempt to correct the misconduct or performance issues. Disciplinary demotions shall be noted in the employee's annual performance evaluation and may result in an unsatisfactory overall rating depending upon the specific circumstances leading to this action.

Disciplinary separation and **termination of employment** mean the cessation of employment with DCF. A disciplinary separation or termination of employment for disciplinary reasons is the most severe action that can be taken and shall be reserved for such egregious acts of misconduct or poor performance that DCF has determined that the employer/employee relationship is irreparable. Such action may also be taken when ongoing performance or conduct issues have been addressed, but not corrected by imposition of lesser disciplinary action.

HUMAN RESOURCE MANAGEMENT

Corrective Discipline

Policy 7-13

Definitions

Formal counseling means a supervisory intervention that is characterized by the same interactions between the supervisor and the employee as in a counseling to address matters of concern. In general, a formal counseling is used when counseling has not been successful to correct an ongoing issue. Formal counseling shall be reduced to writing with the original of the formal counseling memo being retained in the supervisory file and a copy being issued to the employee. The memo shall not be included in the official personnel file. Formal counseling may or may not be reflected in the annual performance evaluation depending upon the individual circumstances but shall not in and of itself result in an unsatisfactory rating in any individual category or overall. Employees do not have a right to union or legal representation during a counseling session as it is not disciplinary in nature.

Suspension means unpaid time off from work for disciplinary reasons. Suspensions may be of varying lengths and shall always be cited in working days. Suspension shall be used when a written reprimand has not corrected the conduct or performance issues, or when misconduct or poor performance is of such a level that a more serious disciplinary response than written reprimand is warranted. Suspensions shall be unpaid and served in consecutive work days; holidays falling during a period of suspension shall be designated as a day of suspension and shall not be paid. For ease of scheduling and documenting, an employee on a suspension of more than ten days shall be placed on a Monday through Friday schedule; however, such change shall not impact the employee's regular schedule upon return to duty. Suspensions will generally not exceed 30 days in length. For misconduct or performance issues that warrant disciplinary action greater than suspension for 30 days, DCF shall generally impose termination of employment. Suspensions shall be documented in the employee's annual performance evaluation and may result in an unsatisfactory rating depending on the circumstances surrounding the disciplinary action.

Written reprimand means the first level of formal disciplinary action and, in general, shall be issued when misconduct or performance issues have not been corrected following counseling and formal counseling sessions. In some cases, a situation may be serious enough to warrant a written reprimand as the initial response to misconduct or poor performance. A written reprimand shall state the matters of concern, any steps that have been taken to assist the employee in correction, suggestions for improvement as appropriate, and a statement that failure to correct or that engaging in such conduct in the future shall result in more serious disciplinary action. Each written reprimand shall include information for the employee about the availability of the Employee's Assistance Program. Written reprimands shall be placed in the employee's official personnel file and shall be documented in the employee's annual performance evaluation. A written reprimand in and of itself shall not be grounds for an unsatisfactory annual performance evaluation.

HUMAN RESOURCE MANAGEMENT

Corrective Discipline

Policy 7-13

Authority to Discipline The authority to impose discipline rests with the Commissioner or designee who is a manager. Disciplinary authority shall never be delegated to a bargaining unit employee.

Standard for Discipline The standard for any disciplinary action shall be "just cause." Just cause shall be established through an investigation conducted by Human Resource Management in accordance with DCF policy. No disciplinary action resulting in a loss of pay may be imposed prior to the completion of a pre-disciplinary meeting (sometimes known as a "Loudermill hearing").

Cross reference: DCF Policy [7-12](#).

Right to Challenge Disciplinary Action Any bargaining unit employee subjected to disciplinary action (written reprimand, suspension, disciplinary demotion or termination of employment) shall have the right to challenge such action in accordance with his or her collective bargaining agreement.

Non-unionized employees shall have the right to challenge disciplinary action (suspension, disciplinary demotion or termination) to the Employee Review Board.

Documentation A written notice of discipline shall be given to the employee with copies maintained in the supervisory file and the employee's official personnel file.

All disciplinary action shall be reflected in the employee's performance evaluation for the year in which the conduct occurred or the year in which disciplinary action was imposed, should that be different. Should the action and the imposition of discipline span two review periods, the action shall not be reflected in both annual evaluations.

Disclosure of Disciplinary Notice Copies of notices of disciplinary action shall be provided to the employee's supervisor and managers within the employee's chain of command. The notice shall also be maintained in the HR labor file related to the investigation. For employees covered by a collective bargaining agreement, a copy of the notice shall be provided to the employee's union representative. For non-unionized employees who have obtained representation during the investigatory process, a copy of the notice shall be provided to the representative.

Note: Disciplinary documents may be required to be disclosed pursuant to the Freedom of Information Act, a court order or other legal process.

HUMAN RESOURCE MANAGEMENT

Corrective Discipline

Policy 7-13

Modification of Discipline

In cases in which the employee and DCF come to an agreement to modify an imposed level of discipline, the original disciplinary notice shall be removed from all sources except the labor file and shall be replaced with notice of the new level of discipline or the written agreement that alters the original level of discipline.

Should the agreement involve rescission of disciplinary action with no alternate level of discipline being imposed, no documentation shall be maintained in any file except the labor file.

If there is an agreement that counseling shall occur, documentation shall be in accordance with the level of counseling as indicated in this policy.

Note: Disciplinary documents may be required to be disclosed pursuant to the Freedom of Information Act, a court order or other legal process.

Expunging of Disciplinary Notices

Disciplinary notices shall be maintained in the official personnel file permanently unless removal is required by the employee's collective bargaining agreement, by statute or through the authority of the designated grievance process.

Requests for expunging disciplinary notices shall be directed to the Director of Human Resource Management in writing with sufficient information supporting the reason for the request for a decision to be made.

Absent any statutory or collective bargaining authority for removal, the decision of the Director of Human Resource Management shall be final.

Definitions

Mission means the unique purpose and function of the organization. It serves as the focus of attention and the common rallying point of the efforts of the Department of Children and Families.

Strategies are coherent sets of actions that contribute to the accomplishment of the agency's mission and goals. Strategies may include the actions and contributions of external partners as well as the work of DCF staff.

HUMAN RESOURCE MANAGEMENT

Corrective Discipline

Policy 7-13

Seven Cross-Cutting Themes

The following cross-cutting themes shall guide all DCF operational units in advancing the mission and strategies of the agency:

1. implementing strength-based family policy, practice and programs;
 2. applying the neuroscience of early childhood and adolescent development;
 3. expanding trauma-informed practice and culture;
 4. addressing racial inequities in all areas of our practice;
 5. building new community and agency partnerships;
 6. improving leadership, management, supervision and accountability; and
 7. becoming a learning organization.
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