

## SECTION 6.02      GUIDELINES FOR DISCIPLINE

This discipline policy provides guidelines and suggested penalties for specific offenses; however, the examples of specific offenses given in any grouping are not all inclusive but **serve merely as a guide**. The standards for discipline established in civil service law found in Ohio Revised Code Section 124.34 apply to the discipline of employees, and the guidelines below are only intended to provide guidance and examples of violations and suggested discipline.

These discipline guidelines do not preclude the application of a severe penalty for a given infraction when specific circumstances warrant more severe discipline.

Ohio Revised Code Section 124.34 sets forth the types of misconduct that are the legal basis for discipline of classified employees. These include:

- a. Incompetency;
- b. Inefficiency;
- c. Dishonesty;
- d. Drunkenness;
- e. Immoral conduct;
- f. Insubordination;
- g. Discourteous treatment of the public;
- h. Neglect of duty;
- i. Violation of any Jefferson County Board of Developmental Disabilities (JCBDD) policy, including the JCBDD Personnel Manual or work rule;
- j. Any violation of JCBDD rules;
- k. Any other failure of good behavior;
- l. Any other acts of misfeasance, malfeasance, nonfeasance; or
- m. Conviction of a felony.

Employees are reminded that, by law, any employee who suspects or is aware of abuse, neglect or a major unusual incident involving individuals receiving services must report the abuse, neglect or major unusual incident, as set forth in the Ohio Revised Code and the Ohio Administrative Code. Failure of an employee to make such a report, or to report other violations of Board policies or the law that endanger the health and well-being of individuals receiving services, may result in discipline.

The examples of offenses set forth below are examples of the above types of misconduct and guidelines for determining the appropriate level of discipline for classified employees.

Unclassified employees are also subject to discipline. However, unclassified employees shall not be governed by any grouping of the offenses or the progressive discipline procedures.

Multiple infractions from a group or from more than 1 group may result in more severe discipline. Infractions of standards of conduct not included in the groupings are to be compared to other similar infractions.

The examples in the groupings are not exhaustive. Violations of the standards of conduct or of the policies and rules in this manual or established separately may also form the basis for discipline of employees.

In general, Group I Offenses are those infractions that violate a standard of conduct that would or could cause minimal disruption to the organization in terms of a decrease in organizational productivity, efficiency and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually have only a temporary or minor impact on the organization unless such acts are compounded over time.

Group II Offenses include those infractions that violate a standard of conduct that would or could, cause a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency and/or morale. Group II Offenses, if left undisciplined by proper authority, can have a serious and longer lasting impact on the organization than Group I Offenses.

Group III Offenses include those infractions that violate a standard of conduct of serious or repeated acts of misconduct, negligence or that would or could cause or result in a critical disruption to the organization in terms of decreased productivity, efficiency and/or morale. Group III Offenses, if left undisciplined by proper authority, may have a long lasting and serious impact on the organization.

### **GROUP I OFFENSES**

First Offense	Verbal Warning
Second Offense	Written Warning
Third Offense	Up to 24 hour or 3-day suspension
Fourth Offense	Up to 15-day suspension

Fifth Offense            Up to Termination

1. Discourteous or disrespectful treatment of the public or coworkers.
2. Failure to commence duties at the beginning of the work period or leaving work prior to the end of the work period.
3. Leaving the job or work area during regular working hours without authorization.
4. Preparing to leave work without specific prior authorization before the lunch period, or for any official break time, or before the specified quitting time.
5. Neglect or carelessness in signing in or out or recording time worked.
6. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
7. Distracting the attention of others, unnecessary shouting, demonstration, or otherwise causing disruption on the job.
8. Mischief, horseplay, wrestling, or other undesirable conduct, including use of abusive language.
9. Intimidating, coercing, or interfering with subordinates, supervisors, or other employees.
10. Failure to cooperate with other employees and supervisors.
11. Failure to exercise reasonable care in the use of JCBDD property or equipment.
12. Use or possession of another employee's working equipment without authorization.
13. Neglect or carelessness in observance of official safety rules, or disregard of common safety practices.
14. Failure to observe department, unit and job performance rules, standards of performance and regulations.

15. Obliging JCBDD for any minor expense, service, or performance without authorization.
16. Failure to report accidents, injury, or equipment damage.
17. Disregarding job duties by neglect of work.
18. Unsatisfactory work or failure to maintain required standards of performance.
19. Inefficiency (e.g., lack of application or effort on the job, unsatisfactory performance, failure to maintain required performance standards, etc.)
20. A pattern of use of sick leave or other misuse or abuse of sick leave.
21. Unauthorized use of communications equipment for other than business purposes. This includes, but is not limited to, computers, telephones, fax machines, etc.
22. Smoking in non-designated areas or during non-designated times.
23. Changing work schedule without prior consent.
24. Failure to adhere to rules regarding personal grooming, appearance, dress codes, hygiene, etc.
25. Failure to attend a mandatory meeting.
26. Violation of any policy and/or work rule.

#### **GROUP II OFFENSES**

First Offense            Up to 3 days or 24-hour suspension

Second Offense        Up to 15-day suspension

Third Offense          Up to Termination

1. Sleeping, disregarding job duties, or neglecting work during working hours.

2. Reporting for work or working while unfit for duty (Group III offense for CDL holders).
3. Being in possession of, being under the influence of, or drinking alcoholic beverages or using illegal drugs during working time (Group III offense for CDL holders).
4. Unauthorized use or neglect or carelessness in the use of JCBDD property or equipment.
5. Performing private work on JCBDD time or with JCBDD equipment or with JCBDD supplies.
6. Willful failure to sign in or out when required.
7. Willful failure to make required reports.
8. Failure to obey an order of a supervisor or failure to carry out work assignments, including verbal instructions.
9. Failure to report for overtime work without good reason after being scheduled to work.
10. Solicitation on JCBDD premises without authorization.
11. The making or publishing of false, vicious, defamatory, or malicious statements concerning employees, supervisors, JCBDD, members of the public, the department, or its operations.
12. Refusing to give testimony or submit statements when accidents are being investigated.
13. Giving false testimony or refusing to provide testimony or statements during a complaint, grievance, investigation, or hearing.
14. Unauthorized posting, removal, or changing notices or signs from bulletin boards.
15. Distributing or posting written or printed matter of any description on JCBDD premises unless authorized.

16. Unauthorized presence on JCBDD property.
17. Willful disregard of department rules/policies.
18. Use of abusive or threatening language toward supervisors, coworkers, or the public.
19. The unauthorized release of records.
20. Failure to "report off" work for any absence.
21. Unauthorized absence from work for 1 or 2 consecutive workdays.
22. Disregard of health and safety rules and regulations.
23. Engaging in off-duty employment activities that JCBDD has determined to be an interest conflict or time conflict.
24. Violation of any work rule and/or policy.

### **GROUP III OFFENSES**

First Offense                      Up to and including termination

1. Neglect or failure in the performance of assigned duties or in the care, use, or custody of any JCBDD property or equipment. Abuse or deliberate destruction in any manner of JCBDD property, tools, equipment, or the property of employees.
2. Approving or altering other employees' timecards, or unauthorized altering of own timecard.
3. Falsifying testimony when accidents are being investigated, falsifying, or assisting in falsifying or destroying any JCBDD records, including work performance reports, or giving false information or withholding pertinent information called for in making application for employment.
4. Making false claims or misrepresentation to obtain any benefit from JCBDD.

5. Revealing confidential information.
6. Illegal gambling during business hours.
7. Stealing or similar conduct, including destroying, damaging, or concealment of any property of JCBDD or of other employees.
8. The illegal use of drugs or the use of alcohol during working hours, or the sale of narcotics on the premises or during working hours.
9. Fighting or attempting to cause injury to other employees, supervisors, or persons.
10. Carrying or possession of firearms, explosives, or weapons on JCBDD property at any time without proper authorization.
11. Knowingly concealing a communicable disease (such as TB) that may endanger other employees.
12. Misuse or removal of JCBDD records or information without prior authorization or in violation of the public records policy.
13. Instigating, leading, or participating in any illegal walkout, strike, sit down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work.
14. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are: falsification of records; theft; pilfering; opening desks assigned to other employees without authorization; theft and pilfering through lunch boxes; tool kits; or other property of JCBDD or other employees without authorization; making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made inaccurate or false reports concerning any absence from work.
15. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of supervisors.
16. Failure to obtain, maintain, and/or report the loss of required licenses, certifications, or other qualifications of an employee's position.

17. Physical or verbal abuse, demeaning, verbally abusing and/or humiliating an employee, supervisor or other person.
18. Engaging in discriminatory harassment, including committing an act of discrimination, sexual harassment, or engaging in conduct giving insult or offense on the basis of race, color, sex, age, religion, national origin, disability, or other protected class.
19. Being convicted of a felony within the meaning of Ohio Revised Code Section 124.34, even if prior discipline has been issued for the underlying conduct or conviction of any violation of law which may adversely affect the public's trust in the employee's ability to perform the duties of the employee's position.
20. For CDL Holders: Reporting to work or working while unfit for duty; being in possession of, being under the influence of, or drinking alcoholic beverages or using illegal drugs during work time.
20. Unauthorized absence from work for 3 or more consecutive workdays without calling off or reporting to work as scheduled.
21. Engaging in prohibited political activity.
22. Violation of ethics standards for public employees.
23. Violation of any work rule and/or policy.

### **Multiple Infractions**

Discipline levels are determined by various factors. Discipline will be based on those factors and the infractions by an employee. All multiple policy infractions will generally be addressed by following the system of progressive discipline set forth below:

1. multiple offenses that are unrelated are progressively disciplined in the groups in which the offenses are classified; and
2. multiple offenses which are related are progressively disciplined regardless of the groups in which the offenses are classified and regardless of the order in which the offenses occur.

3. multiple offenses that are closely related in time, even if unrelated or in different groups, hereunder, may be combined to result in discipline that exceeds the severity of the total sum of the separate offenses.

Discipline for multiple offenses should be consistently and uniformly applied. The below examples are for illustrative purposes only and do not impede the Employer's discretion when considering the implementation of discipline:

- A. If an employee, as a first offense, is found to have violated Group I Offense #11, failure to exercise reasonable care in the use of JCBDD property or equipment, unless there are special circumstances, he would receive an instruction and cautioning. If that employee commits no other related offense during the next 24 months, the record of such verbal warning will cease to have force and effect. Then, if the employee subsequently commits the same offense, absent special circumstances, he will still just receive the verbal warning.
- B. If an employee is found to have committed a Group I Offense where there are not any special circumstances, he would receive verbal warning. If, 2 months later, the employee is found to have committed another unrelated Group I Offense, he would, absent special circumstances, receive a written warning. If, 3 months later, the employee is found to have committed still another unrelated Group I Offense, barring special circumstances, he would receive up to a 3-day (24 hour) suspension.
- C. If an employee is found to have committed a Group I Offense for which he receives verbal warning and then commits an unrelated Group II Offense, his/her discipline, absent special circumstances, would be verbal warning and a 2 day (16 hour) or 3 day (24 hour) suspension.
- D. If an employee, as a first offense, is found to have violated the Group I Offense #8, use of abusive language, he would receive, absent special circumstances, verbal warning.  
  
If, however, the same employee subsequently is found to have violated the Group II Offense #18, use of abusive or threatening language toward supervisors—a related Group II Offense—he, absent special circumstances, would receive up to a 15 day suspension.
- E. If an employee is found to have committed a Group II Offense, (i.e. Offense #7, willful failure to sign in when required) which results in his/her receiving a 24

hour suspension and then is found to have committed a related group I Offense (i.e., Offense #5, neglect or carelessness in signing in), absent special circumstances, he would receive up to a 15 day suspension.

F. If an employee is found to have committed a Group II Offense for which he receives verbal warning and a 24 hour suspension and then is found to have committed an **unrelated** Group I Offense, absent special circumstances, he would receive verbal warning.