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| GEORGIA DEPARTMENT OF JUVENILE JUSTICE | Transmittal # 18-9 | Policy # 3.80 |
| Applicability: <input checked="" type="checkbox"/> All DJJ Staff <input type="checkbox"/> Administration <input type="checkbox"/> Community Services <input type="checkbox"/> Secure Facilities | Related Standards & References: O.C.G.A. §§ 45-20-1, 47-2-2, 47-2-123 State Personnel Board Rules 478-1-.26, 478-1-.27 DJJ 3.23, 3.31, 3.83, 23.1 | |
| Chapter 3: PERSONNEL | Effective Date: 5/7/18 | |
| Subject: Employee Progressive Discipline | Scheduled Review Date: 5/7/19 | |
| Attachments: | Replaces: 12/28/17 | |
| None | Office of Human Resources | |
| APPROVED:  <hr/> Avery D. Niles, Commissioner | | |

I. POLICY:

The Department of Juvenile Justice emphasizes quality and excellence in all aspects of its operations. Employees will be treated with dignity and respect. The Employee Progressive Discipline (EPD) process, managed by the Office of Human Resources (OHR), is used to correct attendance problems, performance deficiencies, and inappropriate behaviors as they arise, unless the offense committed is one for which dismissal is the appropriate action. It is designed to assist with employee commitment to the organization, and to encourage/promote the development of effective working relationships between supervisors and their subordinate employees. The EPD process does not negate a manager’s responsibility for regular coaching of employee performance.

II. DEFINITIONS:

Adverse Action: A disciplinary action taken against an employee, which results in suspension without pay, demotion, or termination. It addresses an employee’s work-related problems in the areas of attendance, performance, or conduct when lesser disciplinary actions have not corrected the problem or where the problem is significant.

Appointing Authority: The person or groups of persons authorized by law or delegated authority to make appointments to fill positions. The term also includes any person properly designated by the Appointing Authority to perform any of his or her official duties.

Attendance Plan: A document which may accompany or be issued prior to other disciplinary action, which notifies an employee of an attendance issue and specifies the steps to improve attendance.

Classified Employee: An employee with rights of appeal as set forth in O.C.G.A. §§ 45-20-8 and 45-20-9 who was in the classified service as of June 30, 1996, and who has remained in a classified position without a break in service since that date.

Employee Progressive Discipline (EPD): A process managed by the DJJ Office of Human Resources. The process consists of a series of disciplinary actions, or steps, that are progressively more severe and which lead either to an employee’s improved performance or to dismissal from employment. The seriousness of the employee’s deficiency or misconduct will determine the severity of the disciplinary action taken. A supervisor may take increasing levels of discipline when lesser levels have failed to correct the problem, unless the infraction requires immediate dismissal. The disciplinary steps by level of

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severity are Memorandum of Concern, Written Reprimand, Written Reprimand with Final Warning, and Adverse Action.

Informal Coaching: Informal discussions between a supervisor and an employee concerning the need to improve in the area of attendance, performance, or conduct.

Involuntary Demotion: An adverse action that results in the movement of an employee to a job on a lower pay grade.

Memorandum of Concern: A Memorandum of Concern is a corrective action that is the least punitive step in the progressive discipline process. It addresses an employee's specific problem in the area of attendance, performance, or behavior. The objective is to ensure that the employee recognizes that a problem exists, to mutually develop an effective solution, and to avoid the need for further progressive disciplinary action.

Performance Improvement Plan: An optional document either accompanying or separate from a disciplinary action, which identifies performance or behavioral issues that need to be corrected or modified, and it establishes a written plan of action to guide the improvement or corrective action.

Personnel File: The official and permanent employment file kept by OHR in the Central Office. Only adverse and disciplinary actions will be maintained in the employee personnel file.

Productivity File: A file kept locally by the supervisor. Productivity files include all adverse, disciplinary, and corrective actions issued to the employee, and should be transferred to receiving supervisors when employees transfer within DJJ.

Unclassified Employee: An employee who was hired after June 30, 1996, or who has occupied an unclassified position at any time since July 1, 1996. Unclassified employees have employment-at-will status, with limited exception for employees with more than 18 years of service who established ERS membership prior to April 1, 1972.

Written Reprimand: A documented disciplinary action. The document addresses an employee's continuing or significant work-related problem in the areas of attendance, performance, or behavior.

Written Reprimand with Final Warning: A documented disciplinary action. The document addresses ongoing concerns in the areas of attendance, performance or behavior, or concerns of a highly egregious nature that alerts an employee of pending separation should concerns not be corrected immediately.

III. GENERAL PROVISIONS:

1. Employees of the Department are employees-at-will and, as such, can be terminated from employment for any lawful reason. This policy is not to be considered an express or implied contract between the Department and any employee or group of employees or to create an expectation of continued employment.
2. When an employee has a significant or continuing attendance, performance, or behavior problem, the supervisor should contact OHR for consultation on potential corrective or disciplinary action.

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3. This policy is intended as a guideline to address deficient work performance in a consistent manner.
4. A supervisor's failure to follow all steps in this process or in order does not negate the action or provide the employee with additional rights.
5. All full-time and part-time DJJ employees are subject to the Employee Progressive Discipline process.
6. Should an employee have a significant or continuing attendance, performance, or conduct problem, the employee may be given an Adverse Action as warranted.
7. Disciplinary actions are of a sensitive nature and should be discussed only with relevant parties involved. Therefore, such matters should be addressed in a confidential manner.
8. Classified employees retain the right of appeal.

IV. PROGRESSIVE DISCIPLINE:

1. Each of the steps in the progressive discipline process is intended to assist the employee in rectifying deficient performance by alerting him or her to deficiencies and outlining steps for improvement as well as consequences for failure to improve in identified areas. Corrective and disciplinary documents should be presented by the issuing supervisor face-to-face. The progressively severe documents are Memorandum of Concern, Written Reprimand, and Written Reprimand with a Final Warning. All disciplinary actions including those outlined here must be implemented in coordination with the Office of Human Resources, Employee Relations unit. Once issued and signed by manager, a copy of the disciplinary action must be provided to OHR copying the Director of OHR and the Employee Relations file.
2. For attendance issues, including abuse of leave, such as frequent absences, a pattern of absences around weekends, holidays, pay days or certain assignments, supervisors shall request the assistance of OHR in composing a written attendance plan.
3. Employees have the right to submit a written statement to be attached to Written Reprimands and Reprimands with Final Warnings and placed in the official personnel file.
4. The issuing supervisor shall provide a copy of each disciplinary action to the affected employee.
5. A copy of each action or Plan shall be placed in the employee's productivity file maintained by the supervisor and the Employee Relations work file maintained by the Office of Human Resources
6. Copies of Written Reprimands, Written Reprimands with Final Warning, any PIP, and all Adverse Actions shall be maintained in the affected employee's official Personnel file.
7. The employee's supervisors will continue to coach and monitor the employee's performance and progress.

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8. Any Adverse Actions, Written Reprimand, and Written Reprimand with Final Warning will be reflected in the employee's performance evaluation and placed in the personnel file.
9. If an employee under disciplinary action wishes to transfer to another DJJ facility/office, it is the responsibility of both the receiving supervisor and the current supervisor to communicate all disciplinary actions of transfers prior to making a final hiring decision. Once an employee has transferred the productivity file should be transferred to the receiving manager.

V. ADVERSE ACTION:

A. General:

1. The Appointing Authority must submit a request to impose an Adverse Action to the OHR.
 - a) OHR may forward Adverse Action requests to the Office of Legal Services at its discretion.
2. Adverse Action normally occurs when other EPD steps have failed to bring about a positive change in an employee's work attendance, performance, or behavior.
3. However, an employee may receive Adverse Action without going through the progressive discipline process when a single problem is so severe that the application of the ordinary progressive discipline process is not an appropriate remedy.
4. As part of the progressive discipline process, an employee may receive multiple Adverse Actions other than termination if appropriate to address the employee's problem.
5. Adverse Actions may include suspension without pay (for 3, 5, or 10 days), involuntary demotion, or termination. Adverse Actions for FLSA exempt employees will be limited to suspensions without pay (suspensions for exempt employees must be for one or more full days imposed in good faith for workplace misconduct or violating general applicable written policy), involuntary demotion, and termination. A request to impose an Adverse Action will be submitted by the supervisor to OHR for consultation. OHR will notify the supervisor of their response and compose the Adverse Action.
6. An employee involuntarily demoted is ineligible for transfer or promotion for 12 months from the effective date of their demotion; however, the employee may apply for positions at the demoted or lower pay grade.
7. Adverse Action(s) must be reflected in the employee's current Performance Evaluation.
8. If the employee does not correct the problem, the employee may receive additional Adverse Action, including Dismissal.
9. The Appointing Authority will send a copy of the Adverse Action Form and a PIP, if issued, to the Office of Human Resources, Employee Relations Section. These documents will be placed in the employee's official personnel file.

B. Dismissal

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1. Dismissals will occur in accordance with DJJ 3.83, Separation from Employment.
2. Dismissal normally occurs when lesser progressive disciplinary steps/measures, including lesser Adverse Actions, have failed to bring about a positive change in an employee's work attendance, performance, and/or behavior conduct. However, dismissal may occur when a single problem is so severe that dismissal is warranted.
3. OHR may forward dismissal requests to the Office of Legal Services at its discretion.

VI. EMPLOYEE PROGRESSIVE DISCIPLINE ISSUES INVOLVING YOUTH

1. Employee misconduct and/or negligence involving youth will be investigated by the DJJ Office of Investigations. Investigative findings will be forwarded to OHR for the processing of any applicable employee disciplinary action.

VII. EPD FOR EMPLOYEES IN THE CLASSIFIED SERVICE:

1. All actions including Written Reprimands and any Adverse Actions for Classified Employees will be developed and implemented by OHR in consultation with the Office of Legal Services.
2. A classified employee shall be provided at least fifteen days advance written notice of the proposed Adverse Action stating the specific charges or reasons for which the action is to be taken and reasonable time in which to refute such charges; and written determination of the final action.
3. All Disciplinary actions for classified employees occurring in response to infractions involving youth will be investigated by DJJ's Office of Investigations. Their findings will be forwarded to the Office of Legal Services who will be consulted on the appropriate disciplinary action.
4. Employees in Classified status maintain their Classified status in accordance with State Personnel Board Rules.

VIII. APPEAL PROCESS FOR EMPLOYEES IN THE CLASSIFIED SERVICE:

1. All Adverse Actions, Written Reprimands, and Written Reprimand with Final Warning shall be issued by the Office of Human Resources in consultation with the Office of Legal Services.
2. An employee in Classified status may appeal a Written Reprimand, Written Reprimand with Final Warning, Adverse Action, or Dismissal as defined in State Personnel Board Rule 27.
3. The Department's failure to abide by the time frames or follow any other steps in the appeal process as set forth in this policy will not prevent the disciplinary action from being implemented or grant the employee with a private right of action under state or federal law.
4. An employee in Classified status who fails to follow the appeals procedure as defined in State Personnel Board Rule 27 forfeits their right of appeal.

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IX. LOCAL OPERATING PROCEDURES REQUIRED: NO