

LCCS POLICY 474

Pre-Disciplinary Meetings

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Reason for Obsoleting/Combining:	Combined Policies 474-A and 474-B
See new Policy #:	474

Scope:	All Staff
Responsibility:	Agency Management Staff & Human Resources Supervisor
Purpose:	To establish guidelines for requesting pre-disciplinary meetings for suspensions, reductions (in pay, position, or vacation leave), or removals.
Legal Cite:	O.R.C. § 5153.11

POLICY STATEMENT

Prior to implementing disciplinary actions involving suspension, reduction, or removal, LCCS managers will request a pre-disciplinary meeting after conferring with their immediate superior and the Human Resources Supervisor.

LCCS subscribes to a philosophy of progressive discipline, whereby reasonable efforts are made to improve the performance or change the behavior. Disciplinary action may vary, however, depending on the severity of the offense; some offenses are so severe that they warrant skipping levels in progressive discipline or moving directly to removal/termination.

PROCEDURE

The manager will investigate the performance or behavior concern and will meet with the Employee to hear his/her perspective regarding the concern. (If the Employee requests representation at this meeting, the manager will allow it.)

The manager will determine if sufficient just cause exists to warrant potential disciplinary action.

The manager will consult with his/her immediate superior and the Human Resources Supervisor when s/he believes that suspension, reduction, or removal, is imminent or warranted.

The manager will determine his/her course of action within five (5) working days of gathering all available information related to the offense.

If the manager decides to initiate a suspension, reduction or removal, s/he will inform the Employee and send an E-mail to the Human Resources Supervisor to request a pre-disciplinary meeting with a Hearing Officer. This short memo must include:

- Employee's name;
- short synopsis of Employee's behavior/performance;
- why discipline is recommended;
- what level of discipline is recommended;
- if suspension, number of days requested.

The Human Resources Supervisor will consult with the Prosecutor's Office, if necessary, and immediately assign a HR Representative to the disciplinary case, who will:

- schedule a meeting with the Hearing Officer, within five (5) working days, when possible;
- send a written notice to all participants of the date, time and place of the meeting. The Employee will receive, at least, three (3) days notice of the meeting. (The notification will include a brief synopsis of the charges, but will contain enough detail so that the Employee/representative can prepare a defense to the charges. In the event the original charges are amended, the Employee will be notified of the amendment prior to the meeting being commenced). The notice will also advise the Employee that they may have a representative attend the meeting. (Note: NBU employees may not be represented by any bargaining unit employee, LCCS Attorney or HRD member.) The pre-disciplinary meeting affords the Employee an opportunity to present evidence in his/her own behalf and to present and/or question witnesses. (Note: An Employee who does not intend to contest the proposed disciplinary action may waive, in writing, his/her right to a pre-disciplinary meeting.);
- meet with the manager to discuss his/her presentation for the pre-disciplinary meeting. (This discussion will include dates, documentation and/or information that should or should not be presented, and what to expect in the pre-disciplinary meeting);
- provide materials related to the disciplinary action to the Hearing Officer prior to the meeting.

NOTE: Employees may not use paid work time to meet with representatives or prepare for disciplinary meetings. Representatives who are also agency employees (except official "Representatives of the Union") may not use paid work time to meet, prepare for, or attend disciplinary meetings.

The Pre-Disciplinary Meeting:

The following will be present at the meeting:

- The Employee and/or his/her representative
- The Immediate Supervisor
- A HR Representative
- The Hearing Officer (An administrator outside of the Employee's chain-of-command)

Additional persons may also be present at the meeting, including:

- The Immediate Supervisor's Manager or Assistant Manager
- The Human Resources Supervisor

- Witnesses

Verbatim recordings (tape, stenographic, etc.) of the pre-disciplinary meeting will not be allowed.

The HR Representative will open the meeting by giving a brief synopsis of the case.

The manager will follow with his/her disciplinary presentation. The Hearing Officer may ask or permit clarifying questions, and may establish time parameters for the presentation. The manager will end his/her presentation by stating what level of discipline is sought and why.

The Employee/representative will follow with his/her rebuttal presentation. The Hearing Officer may ask or permit clarifying questions, and may establish time parameters for the rebuttal.

Pre-Disciplinary Findings:

The Hearing Officer will issue a finding and recommendation, to the Executive Director, usually within five (5) working days, of the pre-disciplinary meeting. The Executive Director determines the disciplinary level to be imposed by accepting, rejecting, or modifying the recommendation of the Hearing Officer.

The HR Representative will provide a copy of the Hearing Officer's finding and recommendation, along with the Executive Director's decision, to the Employee/representative.

A disciplinary action may take the form of an oral reprimand, a written reprimand, an unpaid suspension, a working (paid) suspension, a reduction (in position, in pay, or in deduction of vacation leave of 1-3 days), or removal. **Note for Exempt Employees Only:** To conform to Fair Labor Standards Act (FLSA) regulations, unpaid disciplinary suspensions of exempt (salaried) employees of less than full workweeks may only be imposed for workplace conduct rule infractions or for infractions of safety rules of major significance.

If the discipline is an **oral** or **written** reprimand, the HR Representative will contact the manager to coordinate the drafting of the appropriate document(s).

If the discipline is **suspension**, the HR Representative will contact the manager to identify the dates to be served. The suspension should, when possible, begin within ten (10) days of the Executive Director's decision.

If the discipline is a **reduction in position**, the HR Representative will facilitate a discussion with the losing and receiving managers regarding a transfer date.

If the discipline is a **reduction in pay**, the HR Representative will contact the manager to discuss the effective date.

If the discipline is a **reduction in vacation leave**, the HR Representative will contact the manager and Payroll to identify the effective pay period(s).

If the discipline is **removal**, the HR Representative will contact the manager to identify the termination date.

The manager and the HR Representative will deliver the reprimand or suspension/reduction/removal order to the Employee and the date of the delivery becomes the effective date of the disciplinary action.

Bargaining Unit employees may timely appeal a disciplinary action through the grievance process identified in the applicable collective bargaining agreement.

Non-Bargaining Unit employees may timely appeal suspensions over three (3) days, reductions and removals to either the State Personnel Board of Review or through the internal grievance process. Suspensions of three (3) days or less may only be appealed through the internal grievance process. If an action is appealed to the SPBR, a member of the Lucas County Prosecutor's Office serves as the agency's representative.

Suspensions and reductions in vacation leave of up to five (5) days are removed from the Employee's personnel file if there are no additional disciplinary actions during the ensuing twenty-four (24) months of work. However, if an Employee is on an extended period of leave of more than twenty (20) consecutive working days, the time that the disciplinary action remains in the personnel file will be extended equal to the working days spent on leave. Suspensions over five (5) days, reductions in pay, reductions in position, and removals remain permanently in the Employee's personnel file.

CASE PRACTICE GUIDES

Discipline is used to send a strong message to an employee regarding inadequacies in performance and/or the inappropriateness of specific behaviors. Discipline is not punishment; it is a corrective measure, to be used when performance coaching and informal corrective steps have not produced the desired, agreed upon results, or when the offense was so egregious as to render coaching or informal steps unacceptable.

RELATED POLICIES and FORMS

Discipline Checklist (LCCS Form #8784)