

Attachment A: Examples of Offenses Grouped by Level

Level of Offense	Types of Offenses <u>Not intended to be all inclusive.</u>	Normal Disciplinary Action*	Active Life from Issuance Date	Effects of Accumulated Offenses
Group I	<p>This level of offense generally includes offenses that have a relatively minor impact on agency business operations but still require management intervention.</p> <p><u>Examples:</u> Tardiness; poor attendance; abuse of state time; use of obscene language; disruptive behavior; conviction of a <u>minor</u> moving traffic violation while using a state-owned or public use vehicle; unsatisfactory work performance.</p>	<p><u>First Offense:</u> Typically, counseling is appropriate although an agency has the discretion to issue a Group I Written Notice.</p> <p><u>For Repeated Violations of the Same Offense:</u> An agency may issue a Group II Written Notice (and suspend without pay for up to ten workdays) if the employee has an active Group I Written Notice for the same offense in his/her personnel file.</p>	2 Years	<p>Upon accumulation of three active Group I Written Notices an agency should normally suspend the employee for at least five workdays but may not exceed ten workdays.</p> <p>The fourth active Group I Written Notice normally results in discharge. In lieu of discharge, the agency may: (1) suspend without pay for up to 30 workdays, and/or (2) demote or transfer with disciplinary salary action.</p>
Group II	<p>This level generally includes acts of misconduct of a more serious nature that significantly impact agency operations.</p> <p><u>Examples:</u> Failure to follow supervisor's instructions or comply with written policy; violation of a safety rule or rules (where no threat of bodily harm exists), leaving work without permission, failure to report to work without proper notice; unauthorized use or misuse of state property; refusal to work overtime.</p>	<p><u>First Offense:</u> Group II Written Notice. In addition to the Group II Notice, the agency has the option of suspending the employee without pay for up to ten workdays.</p> <p><u>Second Offense:</u> Discharge. In lieu of discharge, the agency may: (1) suspend without pay for up to 30 workdays, and/or (2) demote or transfer with disciplinary salary action.</p>	3 Years	<p>The second Group II or a Group II in addition to three active Group I Written Notices normally results in discharge. In lieu of discharge, the agency may: (1) suspend without pay for up to 30 workdays, and/or (2) demote or transfer with disciplinary salary action.</p>
Group III	<p>This level generally includes acts of misconduct of a most serious nature that severely impact agency operations.</p> <p><u>Examples:</u> Absence in excess of three workdays without authorization; falsification of records and/or any misuse or unauthorized use of state records; willfully or recklessly</p>	<p><u>First Offense:</u> Written Notice and discharge. In lieu of discharge, the agency may: (1) suspend without pay for up to 30 workdays, and/or (2) demote or transfer with disciplinary salary action.</p>	4 Years	<p>If the employee is not discharged upon the issuance of the Group III Written Notice, the employee should be advised that <u>any</u> subsequent Written Notice during the active life of the Written Notice may result in discharge.</p>

Policy 1.60
 Effective April 16, 2008

	damaging state records/property; theft or unauthorized removal of state records/property; abuse or neglect of clients; gambling on state property or during work hours; physical violence; threatening others; violating safety rules (where threat of bodily harm exists); sleeping during work hours, participating in work slowdown; unauthorized possession of weapons; criminal convictions for illegal conduct occurring on or off the job that clearly are related to job performance or are of such a nature that to continue employees in their positions could constitute negligence in regard to agencies' duties to the public or to other state employees.			
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*Note that in certain extreme circumstances, an offense listed as a Group II Notice may constitute a Group III offense. Agencies may consider any unique impact that a particular offense has on the agency. (For instance, the potential consequences of a security officer leaving a duty post without permission are likely considerably more serious than if a typical office worker leaves the worksite without permission.) Similarly, in rare circumstances, a Group I may constitute a Group II where the agency can show that a particular offense had an unusual and truly material adverse impact on the agency. Should any such elevated disciplinary action be challenged through the grievance procedure, management will be required to establish its legitimate, material business reason(s) for elevating the discipline above the levels set forth in the table above.

Also, an agency may always mitigate discipline if circumstances compel a reduction in the level to promote the interests of fairness and objectivity. However, management should be mindful to treat similarly situated employees in a like manner.

Finally, violations of Policies 1.05, *Alcohol and Other Drugs*, 2.30, *Workplace Harassment*, or 2.05, *Equal Employment Opportunity*, may, depending on the nature of the offense, constitute a Group I, II, or III offense.