

Administrative Policy No. 18.40

Subject:	Discipline
Information Contact:	DSHS Human Resources Division
Authorizing Source:	Chapter 41.06 RCW State Civil Service Law Chapter 357-01 WAC Definitions Chapter 357-40 WAC Discipline Chapter 357-52 WAC Appeals
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Approved By:	<u>Original signed by Wendy Long</u> Senior Director, Human Resources Division

Purpose

This policy identifies the disciplinary process in the Department of Social and Health Services (DSHS).

Scope

This policy applies to all classified DSHS employees who are not represented under a collective bargaining agreement ([CBA](#)).

Additional Guidance

[DSHS administrative policy 18.37 performance management](#)
[DSHS administrative policy 18.89 investigations](#)

Definitions

Appointing authority: An individual lawfully authorized to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees. [WAC 357-01-025](#)

Demotion: Movement of an employee from a position in one class to a position in another class that has a lower salary range maximum. [WAC 357-01-095](#)

Dismissal: The termination of an individual's employment for disciplinary purposes. [WAC 357-01-120](#)

Oral reprimand: A written record of the oral reprimand, documenting the policy violation, placed in the supervisor's file, with a copy provided to the employee.

Reduction in pay: An employee's individual pay rate is reduced for disciplinary purposes, while the employee remains in the same position.

Suspension: An absence from the workplace without pay ordered by the employer for disciplinary purposes. [WAC 357-01-325](#).

Written reprimand: A written notice, delivered to an employee, detailing the specifics of a policy violation, with specific examples of the employee's actions, including any prior warnings given, as well as the potential consequences for further violations.

Policy

Appointing authorities must consult with their Human Resources Division ([HRD](#)) [business partners](#) prior to determining whether to proceed with discipline and the level of discipline to impose.

A. General

1. The purpose of a disciplinary action is to:
 - a. Prevent recurrences of the act(s);
 - b. Deter employees from similar conduct;
 - c. Maintain the integrity of DSHS.
2. In general, disciplinary actions are progressive. An appointing authority may respond as they deem appropriate to the incident under consideration.
3. An appointing authority may delegate the imposition of oral reprimands and written reprimands to the supervisor or manager in the employee's chain of command.

B. Management responsibilities

1. **Oral reprimand**
 - a. The supervisor or manager must inform the employee that they are issuing an oral reprimand and the reason for the reprimand. The supervisor or manager must document in writing the date, reason(s), and circumstance(s) of the reprimand.

- b. A copy of the oral reprimand must be maintained in the supervisor's file for the employee.
- c. The supervisor or manager is not required to inform the employee of the pending disciplinary action prior to delivering the oral reprimand to the employee.

2. **Written reprimand**

- a. The supervisor or manager must provide the employee with written documentation of the reason(s) for the reprimand.
- b. The supervisor or manager must provide HRD with a copy of the written reprimand for placement in the employee's personnel file maintained by HRD.
- c. The supervisor or manager is not required to inform the employee of the pending disciplinary action prior to delivering the written reprimand to the employee.

3. **Suspension without pay**

- a. Prior to imposing a suspension without pay, the appointing authority must inform the employee, in writing, of the reason(s) for the proposed disciplinary action and an explanation of the evidence.
 - 1) The appointing authority will schedule a pre-disciplinary meeting to provide the employee with an opportunity to respond. The employee may choose to attend the meeting or respond in writing.
 - 2) A pre-disciplinary meeting with the appointing authority is considered time worked.
- b. After the employee has been offered the opportunity to respond, if the appointing authority decides to impose a suspension, the appointing authority must provide written notice of the suspension to the employee no later than one day after the suspension takes effect. [WAC 357-40-035](#).
- c. A permanent employee may not be suspended without pay for more than 15 calendar days as a single penalty, or more than 30 calendar days in any one calendar year as an accumulation of several penalties. [WAC 357-40-045](#)
- d. For overtime exempt employees, suspensions must be in increments of full workweeks. However, suspensions for violations of safety rules of major significance, suspensions may be less than a full workweek. Safety rules of major significance include those related to the prevention of **serious danger** in the workplace or to other employees, such as rules prohibiting smoking around explosives or flammables.
- e. Written notice to the employee of the suspension without pay must include the specific charge(s), the duration of the suspension, and the employee's right to appeal to the Personnel Resources Board ([PRB](#)) under [WAC 357-52](#).

4. **Reduction in pay**

- a. Prior to imposing a reduction in pay, the appointing authority must inform the employee, in writing, of the reason(s) for the proposed disciplinary action and an explanation of the evidence.
 - 1) The appointing authority will schedule a pre-disciplinary meeting to provide the employee with an opportunity to respond. The employee may choose to attend the meeting or respond in writing.
 - 2) A pre-disciplinary meeting with the appointing authority is considered time worked.
- b. After the employee has been offered the opportunity to respond, if the appointing authority decides to impose a reduction in pay, written notice of the reduction must be provided to the employee at least 15 calendar days prior to the effective date.
- c. For overtime exempt employees, a reduction in pay can only be imposed for violations of safety rules of major significance. Safety rules of major significance include those related to the prevention of **serious danger** in the workplace or to other employees.
- d. The written notice must include the specific charge(s), the amount of pay reduced, and the employee's right to appeal to the [PRB](#) under [chapter 357-52 WAC](#).

5. Demotion:

- a. Prior to imposing a demotion, the appointing authority must inform the employee, in writing, of the reason(s) for the proposed disciplinary action and an explanation of the evidence.
 - 1) The appointing authority will schedule a pre-disciplinary meeting to provide the employee with an opportunity to respond. The employee may choose to attend the meeting or respond in writing.
 - 2) A pre-disciplinary meeting with the appointing authority is considered time worked.
- b. After the employee has been offered the opportunity to respond, if the appointing authority decides to impose a demotion, written notice of the demotion must be provided to the employee at least 15 calendar days prior to the effective date.
- c. The written notice of demotion must include the specific charge(s), the job class or working title to which the employee is being demoted, and the employee's right to appeal to the [PRB](#) under [chapter 357-52 WAC](#).

6. Dismissal

- a. Prior to imposing a dismissal, the appointing authority must inform the employee, in writing, of the reason(s) for the proposed disciplinary action and an explanation of the evidence.

- 1) The appointing authority will schedule a pre-disciplinary meeting to provide the employee with an opportunity to respond. The employee may choose to attend the meeting or respond in writing.
 - 2) A pre-disciplinary meeting with the appointing authority is considered time worked.
- b. After the employee has been offered the opportunity to respond, if the appointing authority decides to impose dismissal, written notice of the dismissal must be provided to the employee at least 15 calendar days before the effective date, with the following exceptions:
- 1) An employee may be dismissed effective immediately **with** pay in lieu of 15 calendar days' notice.
 - 2) An employee may be dismissed effective immediately **without** pay in lieu of 15 calendar days' notice if the appointing authority determines the employee's continued employment jeopardizes the good of the service.
- c. The written notice of dismissal must include the specific charge(s) and the employee's right to appeal to the [PRB](#) under [chapter 357-52 WAC](#). If dismissal is issued without 15 calendar days' notice, the written notice must also include the reason(s) immediate action is necessary.

C. Means of notification

1. Notice of suspension, reduction in pay, demotion, or dismissal must be provided to the employee by personal service or certified letter through the United States Postal Service.
2. The notice will be regarded as served when personal delivery has been accomplished or upon deposit of a certified letter in the United States mail properly stamped and addressed to the employee's last known home address. [WAC 357-40-050](#).

⁰¹ Link updates 2024 SharePoint move.