



Administrative Policy No. 18.40

Title: Discipline

Information Contact: DSHS Human Resources

Authorizing Sources: RCW 41.06
WAC 357-40
WAC 357-52

Effective Date: July 1, 2005

Revised: January 30, 2013^{Housekeeping 3/25/13}

Approved By: original signed by Glen G. Christopherson
Senior Director, DSHS Human Resources

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.

Policy:

A. Possible Actions

An Appointing Authority may take the following disciplinary actions for just cause:

1. Oral Reprimand
2. Written Reprimand
3. Suspension –without-pay
4. Reduction- in- pay
5. Demotion
6. Dismissal

B. Action Requirements

1. Oral Reprimand:
 - a. The Appointing Authority may delegate the authority to issue an Oral Reprimand to managers and supervisors in the employee's chain of command.
 - b. The manager or supervisor must state to the employee that they are issuing an Oral Reprimand. Written documentation of the reprimand will be placed in the Supervisory File for the employee.
 - c. The manager or supervisor is not required to inform the employee of the pending action prior to delivering the Oral Reprimand.
2. Written Reprimand:
 - a. The Appointing Authority may delegate the authority to issue Written Reprimands to managers and supervisors in the employee's chain of command.
 - b. A copy of the Written Reprimand will be placed in the employee's personnel file
 - c. The manager or supervisor is not required to inform the employee of the pending action prior to delivering the Written Reprimand.
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 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. 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 multiple penalties.
 - c. For overtime exempt employees suspensions must be for full workweek increments. For example if the workweek begins on Sunday a one week suspension must run from Sunday to Saturday or a three week suspension must run from Sunday to the following third Saturday. However, where there is a violation of safety rules of major significance the suspension can be for 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– a very high standard.

- d. The written notice to the employee of the Suspension Without Pay must include the specific charge(s), duration of the suspension, and the employee's right to appeal to the Personnel Resources Board 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 reasons 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 an opportunity to respond. The employee may respond in writing if he or she prefers.
- 2) A pre-disciplinary meeting with the Appointing Authority is considered time worked.

- b. The Appointing Authority must provide written notice of the Reduction In Pay to the employee at least fifteen (15) calendar days before the effective date of the reduction in base salary.

- 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 preventions of **serious danger** in the workplace or to other employees, such as rules prohibiting smoking around explosives or flammables-a very high standard.

- d. The written notice must include the specific charge(s), the amount of reduction, and the employee's right to appeal to the Personnel Resources Board (WAC 357-52).

5. Demotion:

- a. Prior to imposing a demotion, the Appointing Authority must inform the employee, in writing, of the reasons 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 an opportunity to respond. The employee may respond in writing if he or she prefers.
- 2) A pre-disciplinary meeting with the Appointing Authority is considered time worked.

- b. The Appointing Authority must provide written notice of the Demotion to the employee at least 15 calendar days before the effective date of the demotion.

- c. The written notice of Demotion must include the specific charge(s), the job class/working title to which the employee is being demoted, and the employee's right to appeal to the Personnel Resources Board

6. Dismissal:

- a. Prior to imposing a dismissal, the Appointing Authority must inform the employee, in writing, of the reasons 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 an opportunity to respond. The employee may respond in writing if he or she prefers.
 - 2) A pre-disciplinary meeting with the Appointing Authority is considered time worked.
- b. The Appointing Authority may dismiss an employee with 15 calendar days' written notice or without 15 calendar days' notice as follows:
 - 1) An employee may be dismissed effective immediately *WITH* pay in lieu of the 15 calendar days' notice period.
 - 2) An employee may be dismissed effective immediately *WITHOUT* pay in lieu of the 15 calendar days' notice period 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 Personnel Resource Board under [WAC 357-52](#). If dismissal is issued without 15 calendar days notice, the written notice must also include the reasons for immediate action.

C. Notification Requirements

1. Notice of suspension, salary reduction, demotion, or dismissal must be provided 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.

D. Home Assignment

An employee may be placed on alternate or home assignment during the course of an investigation for legitimate business reasons.

1. Before placing an employee on home assignment, a request for authorization to take this action must be submitted to the Senior Director, DSHS Human Resources, or in

the Senior Director's absence, the Assistant Secretary for Administration and External Relations, using the Home Assignment Request Form, 03-474.

2. If there is a need for immediate assignment to home due to safety and security issues, the appointing authority/designee may assign the employee to home for up to 48 hours pending notification and review by the Senior Director, DSHS Human Resources, or in the Senior Director's absence, the Assistant Secretary for Administration and External Relations.
3. The employee may receive verbal notice of the home assignment. In the remote circumstance a home assignment is approved beyond 48 hours, the employee must receive written confirmation of the home assignment within five working days.
4. The start and end date of the home assignment must be entered into the Human Resource Management System using the Department's established processes.

ⁱ Updated titles and references related to agency reorganization

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