
OFFICE OF COURT ADMINISTRATION DISCIPLINARY AND TERMINATION POLICIES

PURPOSE AND APPLICATION OF POLICIES

Purpose

These guidelines for corrective disciplinary action are intended to promote effective operations and appropriate behavior, prevent violations of policy, assist in counseling, facilitate personnel actions related to job performance and promote consistent and equal treatment of all employees. The application of these guidelines is discretionary with management, depending on each situation.

Application

These disciplinary and termination policies apply to headquarters staff of OCA, and do not apply to Title IV-D masters, assistants, or court monitors, foster care court staff, or to other staff of the administrative judicial regions.

At-Will Status

OCA is an “at-will” employer. Every employee is subject to disciplinary measures, up to and including involuntary dismissal. Employees may be terminated for any reason that does not violate the law, including for the convenience of the agency.

REASONS FOR DISCIPLINARY ACTIONS

**Reasons for Disciplinary
Actions**

Disciplinary action may be taken for many reasons. Some, but not all, of these reasons are described below:

Inadequate Job Performance – Job Performance and/or productivity below that expected or required.

Misconduct – Improper, unacceptable, and/or unlawful behavior. Some examples of misconduct include, but are not limited to:

- acting or communicating in a manner contrary to directions from management;
- physical or verbal abuse of other employees or judges, clerks, or other individuals conducting business with the OCA;
- deliberately disrupting normal office routine or the performance of other employees;
- falsifying time or travel reports;
- using the actual or apparent authority of the agency for personal gain;
- knowingly or negligently disclosing confidential information to an individual not authorized to receive it;
- outside employment or business interests that constitute a conflict of interest;
- failure to report any conflict of interest;
- inappropriate comments which might be insulting or demeaning to others, including ethnic, racial, or sexual comments; or
- behavior that constitutes harassment or illegal discrimination.

Excessive Absenteeism or Excessive Tardiness – Occurs when an employee is unable to adequately perform the job due to absenteeism or tardiness or when the normal day-to-day work activities of the office are disrupted.

Unscheduled or Unapproved Leave – Any leave not approved

in advance.

Policy Violations – Employee conduct inconsistent with the policies and procedures established by the agency.

DISCIPLINARY ACTION GUIDELINES

Corrective Action

When using these guidelines, a supervisor should determine the appropriate corrective action(s). While disciplinary actions may be administered in a progression, no specific disciplinary action is a prerequisite for any other disciplinary action. The existence of any counseling or disciplinary process does not constitute an entitlement or right to such process.

Determining Appropriate Disciplinary Actions

Any one or a combination of the following disciplinary actions may be taken depending on:

- the severity or degree of the problem with the employee's job performance;
- the type and severity of the misconduct offense;
- the employee's work record; and/or
- the mitigating circumstances surrounding these situations.

Other appropriate actions may also be taken depending on the circumstances. Because OCA is an employment-at-will agency, employees may be terminated for any reason that does not violate the law, including for the convenience of the agency.

Types of Disciplinary Actions

Disciplinary action may take any or a combination of the following forms:

- *Oral Counseling:* A supervisor may meet informally with an employee to discuss particular actions or performance.
- *Written Reprimand:* A supervisor may prepare a written statement of an employee's actions or performance that do not meet agency policy or individual job responsibility. The statement should state with particularity the acts or performance at issue and describe the supervisor's expectations for improvement. The supervisor must obtain approval of the department manager and the administrative director before issuing a written reprimand. A copy of the written reprimand will be forwarded to Human Resources for placement in the employee's personnel file. The employee also may forward a response to Human Resources for placement in the employee's personnel file. Human Resources will provide a copy of any response to the supervisor.
- *Probation:* The supervisor may place the employee on probation when an employee's actions or performance demonstrate an unsatisfactory course of conduct or a significant breach of agency policy or individual job responsibility. The supervisor must obtain approval of the department manager and the administrative director before placing an employee on probation. When an employee is placed on probation, the supervisor will provide the employee with a copy of a memo describing the terms of the probation. The probationary period may range from 15 to 90 days. The supervisor will use the probationary period to assess the employee's conduct and performance and to determine whether improvement can occur or dismissal is warranted. The probationary period may be extended if the supervisor again receives approval

from the department manager and the administrative director and again writes a memo describing the terms of the extended probation. A copy of the probationary memo(s) will be put in the employee's personnel file.

- *Suspension:* Suspension may occur when allegations have been made about an employee's conduct which require investigation by the agency. Depending on the nature and severity of the allegations and the likelihood that they are true, suspension may be with or without pay. A supervisor or department manager must have the approval of the administrative director or his or her designee to suspend an employee without pay, and such suspension may not last longer than two weeks.
- *Dismissal:* Dismissal may occur: 1) when an employee's actions or performance have not improved sufficiently in the course of a probationary period; 2) for unsatisfactory conduct or breach of agency policy or individual job responsibility; or 3) for other reasons determined by the supervisor or department director to merit termination. The supervisor or department director must document in writing the reasons for the recommended termination and obtain approval of the administrative director before dismissing an employee. When an employee is dismissed, the supervisor will provide the employee with documentation stating the reason(s) for termination, and a copy will be placed in the employee's personnel file.

APPEAL PROCEDURES

Appeal from Probation or Termination Decision

Employees who are placed on probation or dismissed may appeal that decision in the following way. The employee has three (3) working days from the adverse action to prepare an

employee response and provide it to the supervisor. The employee response should be as complete as possible. If the employee believes that the employment action is based on improper or illegal reasons, the response should state the factual basis for the belief. Within four (4) working days of receipt of the employee's appeal, the administrative director or his or her designee and the supervisor shall convene an informal meeting with the employee to discuss the merits of the appeal. Within one (1) day of the meeting, the administrative director or designee shall issue the agency's final determination on the probation or termination, and shall so inform the employee, both orally and in writing.