

Personnel Procedures for Discipline

The highlighted sections below will be removed from Section V: Conditions of Employment. These sections will be revised and included under a new section called Discipline.

These changes are being made to clarify the agency's employee discipline procedures.

SECTION V: Conditions of Employment

- A. As an Equal Opportunity Employer, the Mid-Ohio Psychological Service, Inc., shall adhere to the following practices, when soliciting for employment:
 - a) Notice of vacancies to be filled shall be made known to employees by email and to the public through the use of no less than two separate media.
 - b) Advertising shall include the title of the position available and minimum requirements..
 - c) A non-discriminatory application shall be given to any and all applicants seeking employment.
 - d) Applicants will be informed that the program follows the rules and regulations governing fair employment practices, that the program respects the applicant's right to privacy, and that all inquires for employment will be treated in confidence.
 - e) The Administrative Coordinator will review applications, and the most qualified candidates shall be personally interviewed.
 - f) The three best candidates shall be recommended to the Executive Director for a second interview. The Executive Director and supervisors will make a hiring decision.
- B. Current employees may apply for other positions within the organizations, however no preference will be made for current employees when considering the employment of a person for a particular position. That is, although internal promotion is possible, candidates will not receive preference simply because they are a current employee of the organization.
 - a) New employees shall be subject to a probationary period in accordance with the following guidelines:
 - b) There shall be a probationary period of 120 calendar days in length.
 - c) The probationary period is intended as a working test period and shall be utilized for the purpose of closely observing an employee's work as a final determination of the employee's suitability and qualification for the position.
 - d) Probationary employees may be removed for reasons of unsatisfactory performance between sixty-one and one hundred-twenty calendar days of the probationary period. The decision for removal may be made by the Executive Director by recommendation of the immediate supervisor.
- C. Upon any employee's promotion, a 120-calendar day probationary period will be served.

- D. An employee who has successfully completed a probationary period in accordance with provisions of this policy manual, and who's performance of duties have been satisfactory, shall be considered a regular employee. The tenure of employment shall be during good behavior and effective service.
- E. Terms for the separation of employment with the agency will be in the following manner:
- a) Resignation is the voluntary separation of an employee and should be written and submitted to the Executive Director or supervisor with a four weeks notice.
 - b) Resignation of a supervisory employee or an administrative assistant should be written and submitted with a six weeks notice.
 - c) Retirement can be voluntary. MOPS does not offer a retirement plan.
 - d) Lay-off is temporary, or permanent separation of employment for several reasons. In the event of the necessity for lay-off of classified employees, the following procedures will be followed:
 - i. Employee seniority and performance evaluation results will be important considerations in the lay-off process.
 - ii. Reasons for lay-off may be because of lack of work, budget restraint, and/or position abolishment.
 - iii. Unemployment compensation can be provided by the agency and rate of compensation will be in accordance with the Ohio Department of Unemployment Compensation Services.
 - e) Suspension, reduction, and termination are considered to be serious disciplinary measures and to be taken where more normal methods of supervision have failed to produce the desired results.
 - i. The grounds for these actions are: incompetence, inefficiency, dishonesty, drunkenness, immoral/unethical conduct, insubordination, discourteous treatment of the public, neglect of duty, or violation of policy.
 - ii. The employee may appeal an order of suspension of more than three working days, removal or a reduction in the following order:
 - 1. **To the supervisor**
 - 2. **To the Executive Director**
 - 3. **To the Board**
 - f) Retirement—There shall be no mandatory age at which an employee must retire.
- F. All employees are employed on an “at will” basis unless specifically contracted otherwise.
- G. Mid-Ohio Psychological Services, Inc is committed to providing a safe environment for employees; therefore violence will not be tolerated.
- a) Any employee witnessing violent behaviors or acts such as
 - i. Noticeably erratic or abnormal behavior
 - ii. Making threats or engaging in threatening behaviors
 - iii. Bringing a dangerous instrument to the work premises
 - iv. Participating in an off-duty commission of a violent act

Should report information to the Executive Director or Administrative Coordinator immediately. The employees' activity will be investigated within three working days. If after investigation, it is determined that a violation of this policy has occurred or a threat exists, the Executive Director will take disciplinary action.

H. Mid-Ohio Psychological Services, Inc will not tolerate gross misconduct, including (but not limited to) situations involving conduct detrimental to the welfare of the agency, acts endangering the lives or safety of others, refusal to perform work assigned, insubordination, or disclosure of confidential agency information to unauthorized persons. Violation of this policy will normally result in immediate dismissal. The agency reserves the right to immediately dismiss an employee for any reason which, in its sole discretion, determines to be appropriate.

a) Examples (a non-exhaustive list) of conduct which may result in immediate discharge:

- i. Conduct dangerous to others
- ii. Possession of firearms or weapons on agency premises
- iii. Possession, use, or sale of illegal drugs or substances
- iv. Possession of alcoholic beverages on the agency premises, drinking on premises, or being at work inebriated.
- v. Falsifying or inappropriately changing agency records
- vi. Material misrepresentation of agency services
- vii. Threat of physical violence
- viii. Harassment, of anyone else, including sexual harassment
- ix. Insubordination
- x. Moral turpitude
- xi. Promoting ill-will toward the agency
- xii. Theft of agency property
- xiii. Destroying, defacing, or stealing property, records, money or material belonging to the agency
- xiv. Violation of local, state, or federal regulations or laws which are associated with or related to the employee's employment with the agency
- xv. Inappropriate use of agency computer information resources or electronic media

Below are the additions/changes that we are requesting approval for.

DISCIPLINE

The agency has adopted a progressive discipline procedure to identify and address employee and employment related problems. This procedure applies to any and all employee conduct that the agency, in its sole discretion, determines must be addressed by discipline. No discipline procedure can be expected to address each and every situation requiring corrective action that may arise in the workplace. Therefore, the agency takes a

comprehensive approach regarding discipline and will attempt to consider all relevant factors before making decisions regarding discipline. Progressive steps will be followed in employee disciplinary matters except in matters that the Executive Director and supervisory staff determine need to be addressed outside of the progressive system.

Usually, employee conduct that warrants discipline results from unacceptable behavior, poor performance or violation of the agency's policies, practices or procedures. Discipline may be issued for conduct that falls outside of those identified areas. The agency need not resort to progressive discipline, but may take whatever action it deems necessary to impose in a given situation. Some agency procedures such as attendance contain specific discipline procedures. Normally, the employee's immediate supervisor will administer any appropriate corrective or disciplinary action. Appropriate disciplinary action will be determined based on factors such as severity, frequency, and degree of deviation from expectations and length of time involved. Due to the variety of situations that may arise, the agency may need to make decisions related to employment in a manner other than what is defined here.

Disciplinary actions may take place in several forms. The forms of disciplinary actions are: verbal warning, written reprimand, suspension, and termination. The Executive Director and/or Administrative Coordinator must be consulted before disciplinary action with an employee is taken.

Verbal Warning

An employee will usually be given a verbal warning when he or she engages in problematic behavior, this first step is meant to alert the employee that a problem may exist or that a problem has been identified that must be addressed. Verbal warning may take place between employees and supervisors in situations that are deemed less serious in nature. Every effort to determine and resolve the cause of the problem should be made. At the same time, however, it should be specifically stated that the employee is receiving a formal warning. Documentation of the verbal warning should be made and maintained in the employee's personnel files for six months.

Written Reprimand

A written reprimand is more serious than a verbal warning. A written reprimand will be given when an employee engages in conduct that is more severe than behavior that receives a verbal warning or the employee engages in unacceptable behavior during the period that a verbal warning is in effect. Written reprimands should be documented in a letter or email to the employee. Copies of all written reprimands are to be distributed to the employee and to the employee's personnel file. Written reprimands will remain in the employee's file for at least one year.

Suspension

A suspension without pay is more serious than a written reprimand. An employee will be suspended when the employee engages in conduct that justifies a suspension or the employee engages in unacceptable behavior during the period that a written reprimand is in effect. Suspension is a more severe action that may be used to continue investigations and/or for constructive improvement. Suspensions are issued when it is determined that a second warning would not suffice or that an initial incident is too severe for a warning yet not sufficiently severe to warrant dismissal. Suspensions may vary in length, according to severity of the offense or deficiency. Copies of all suspensions are to be distributed to the employee and to the employee's personnel file.

Suspension notices should indicate the following:

The reasons for the discipline
The inclusive dates of the suspension, and
The employee's right of appeal.

A report of suspension will remain in the personnel file indefinitely.

Termination

An employee's employment may be terminated after other disciplinary measures have failed or when a first time incident occurs that is extremely serious. An employee may be discharged at any time without regard to any progressive steps if he or she commits an offense for which immediate discharge is specified as a penalty or if in the agency's judgment the employee's continued presence would be contrary to the well-being of the agency or its employees. The Agency Director must be consulted before the termination of an employee.

Behaviors That May Result in Disciplinary Action

Employees are prohibited from engaging in conduct listed below and may receive discipline up to and including termination for doing so. This list has been established to serve as examples of behavior that could warrant a range of disciplinary sanctions. Appropriate levels of discipline may be based on the severity of employee behavior. This list is not exhaustive.

- Displaying a disrespectful and/or inappropriate behaviors toward a client, employee or supervisor;
- Refusing to do assigned work or failing to carry out the reasonable assignment of a supervisory figure; any other form of insubordination;
- Being inattentive to duty, incompetence, inefficiency, and loafing

- Falsifying a time card or other agency record or giving false information to anyone whose duty is to make such record;
- Being repeatedly or continuously absent or late, being absent without notice or reason satisfactory to an agency supervisor or leaving one's work area without authorization;
- Failing to report an MUI;
- Smoking within no-smoking areas of the agency that must be entered for the conduct of the agency's business;
- Conducting oneself in any manner which is offensive, abusive or contrary to common decency or morality; carrying out any form of harassment including sexual harassment;
- Operating private vehicles on agency business without proper license or operating any vehicle on agency property or business in an unsafe or improper manner;
- Having an unauthorized weapon, firearm or explosive on agency property.
- Appropriating agency equipment, time or resources for personal use or gain;
- Computer abuse, including but not limited to misuse of computer accounts, unauthorized destruction of files, creating illegal accounts, possession of unauthorized passwords, disruptive or annoying behavior on the computer and non-work related utilization of computer software or hardware;
- Conviction of a felony; conviction of a misdemeanor which adversely reflects on an individual's suitability for continued employment;
- Violation of local, state, or federal regulations or laws which are associated with or related to the employee's employment with the agency.
- Misusing or willfully neglecting agency property, funds, materials, equipment or supplies;
- Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty;
- Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence.
- Interfering in any way with the work of others;

- Stealing, theft, or possessing without authority any equipment tools, materials, or other property of the agency or attempting to remove them from the premises without approval or permission from the appropriate authority;
- Marking or defacing walls, fixtures, equipment, tools, materials or other agency property, or willfully damaging or destroying property in any way;
- Willful violation of safety rules or agency policies, including the agency's code of conduct.
- Negligence
- Malicious use of profane/abusive language to others.
- Conviction of a misdemeanor which adversely reflects on an individual's suitability for continued employment.
- Conduct dangerous to others
- Falsifying or inappropriately changing agency records
- Material misrepresentation of agency services
- Promoting ill-will toward the agency

Appeal

The employee may appeal disciplinary action to the Executive Director and/or agency board in writing within 5 business days of the action. The Executive Director and/or the agency board will provide a written response and decision to the employee within 10 business days. All decisions made in this manner are final.