

**INDIANA DEPARTMENT OF CHILD SERVICES
ADMINISTRATIVE POLICIES AND PROCEDURES**

Policy Number: HR-2-4

Effective Date: July 1, 2005

Version: 1.0

POLICY TITLE: DISCIPLINARY ACTION

OVERVIEW: DCS Employees are expected to conduct themselves according to established policies and procedures, codes of conduct, and DCS values. Additionally, DCS employees are expected to perform duties in a professional and appropriate manner and comply with applicable laws, rules and regulations. Misconduct will not be tolerated and will be met with appropriate counseling and/or disciplinary action (written reprimands, suspensions, demotions, and/or dismissals).

I. DEFINITIONS

- a. Letters of counseling: A memo that details the misconduct, behavioral expectations, and consequences should the misconduct continue.
- b. Disciplinary Action (in order of escalating severity): Reprimand, Suspension, Demotion, and Dismissal.

II. REFERENCES

- a. [State Personnel Discipline Policy](#)

III. POLICY

- a. DCS expects employees to:
 - i. Perform assigned duties in a professional and appropriate manner; and
 - ii. Comply strictly with all laws, rules and regulations applicable to their activities; and
 - iii. Conduct themselves according to:
 1. Established policies and procedures; and
 2. Established codes of conduct; and
 3. DCS values
- b. Failure to follow any of the expectations outlined in section III-a will result in verbal warnings, counseling and/or disciplinary action.
- c. DCS will generally follow the principles of progressive discipline as set forth in the [State Personnel Discipline Policy](#); however, DCS reserves the right to impose discipline commensurate with the offense.
- d. All supervisors are required to complete "Progressive Discipline" training within six (6) months of accepting the responsibility for managing one or more employees. Supervisors are also expected to complete the training again every four (4) years thereafter, or more frequently if needed to effectively supervise employees.
- a. As set forth in the [State Personnel Discipline Policy](#), the appropriate action will be determined by taking into account such factors as the seriousness of the offense and the record of the employee's service with the State.

IV. PROCEDURE

- a. As set forth in the [State Personnel Discipline Policy](#), the appropriate action will be determined by taking into account such factors as the seriousness of the offense and the record of the employee's service with the State.

- b. Supervisors at all levels are required to monitor their subordinates' behavior and address problems as they arise by notifying employees when they exhibit behavior that is not acceptable.
- c. Possible responses to misconduct include, in escalating order (*Please note that although verbal warnings may be used at the discretion of the supervisor, they are neither counseling nor disciplinary action as no documentation is created*):
- i. Counseling
 - ii. Disciplinary Action
 1. Written reprimands
 2. Suspensions
 3. Demotions
 4. Dismissals
- d. Counseling
- i. The purpose of counseling is to make the employee aware that he/she has exhibited/is exhibiting behavior that is not acceptable.
 - ii. A Letter of Counseling is prepared by the supervisor and discussed with the employee. The letter details the misconduct, behavioral expectations, and consequences (i.e., disciplinary action) should the misconduct continue.
 - iii. Supervisors, unit managers, program managers, and/or local directors may deliver counseling. Certain situations may warrant the escalation of this responsibility to a deputy director or regional manager.
 - iv. The original Letter of Counseling will be retained in the employee's reference file; a copy will be given to the employee.
- e. Disciplinary Action
- i. Written Reprimands
 1. Program managers, unit managers, and/or local directors may issue written reprimands. This responsibility may be escalated.
 2. If the person issuing the written reprimand is not the employee's direct supervisor, he/she will consult with the employee's direct supervisor regarding the specifics of the employee's behavior and will review all written documentation on the employee.
 3. The employee will be presented with a document that contains: The date of the incident or issue; a description of the problem; specific corrective actions to be taken by the employee; and notification of probable consequences should additional instances of misconduct occur.
 4. The employee will be asked to review and sign the written reprimand. See section IV-e-vi, for employee signature procedure. A copy of the document will be given to the employee. A second copy will be placed in the employee's reference file. The original document will be sent to DCS Central Office Human Resources for inclusion in the employee's personnel file.

ARCHIVED - Effective 7/1/05-6/30/11

ii. Predeprivation Meetings

1. A predeprivation meeting must be held prior to any suspensions, demotions and dismissals with the exception of emergency suspensions (see Section IV-e-iii-2).
2. The purpose of the meeting is to allow the employee to respond to allegations of misconduct.
3. Regional managers or deputy directors are responsible for conducting predeprivation meetings. However, the authority to conduct a predeprivation meeting may be delegated in writing and on a case-by-case basis to a program manager or local director. Final decision authority for taking disciplinary action rests with the predeprivation officer.
4. Refer to the [State Personnel Discipline Policy](#) and Predeprivation Manual for additional procedural steps and guidance, including documentation of the predeprivation results.

iii. Suspensions

1. Suspensions are without pay for a definite period of time.
2. Suspensions for employees who are exempt from the overtime provisions of the FLSA shall be made in increments of full calendar weeks.
3. The suspension notice shall be shared with the employee and a copy placed in his/her personnel file. See section IV-e-vi, for employee signature procedure.
4. Personnel/ Payroll Action Forms shall be completed by DCS Human Resources and submitted to SPD. A copy of the predeprivation results shall be attached.
5. Emergency suspensions may be imposed where the continued presence of the employee is a disruption or danger or interferes with an investigation or other operational need.
 - a. Emergency suspensions do not require a predeprivation meeting to be held in advance.
 - b. Refer to Merit Rule [31 IAC 2-12-2\(b\)](#) for details.
 - c. Emergency suspensions do not require advance approval by SPD.
 - d. SPD approval is required if an emergency suspension extends beyond thirty (30) calendar days. Approval should be coordinated through DCS Human Resources.
6. Refer to the [State Personnel Discipline Policy](#) for additional procedural steps and guidance.

iv. Demotion

1. Demotion changes an employee from his/her current classification to a classification with a lower maximum salary rate. Disciplinary demotions generally require loss of salary and in all circumstances the employee's salary must be within the range of the new classification.

2. Demotion is appropriate for incidents of misconduct that indicate the employee is unfit for his/her current level of responsibility or authority but can still be effective in a lower level position.
3. The demotion notice shall be shared with the employee and a copy placed in his/her personnel file. See section IV-e-vi, for employee signature procedure.
4. Personnel/ Payroll Action Forms shall be completed by DCS Human Resources and submitted to SPD. A copy of the predeprivation results shall be attached.

v. Dismissal

1. Dismissal ends state employment.
2. Dismissal requires a suspension without pay for thirty (30) days prior to the effective date of the termination.
3. The dismissal notice shall be shared with the employee and a copy placed in his/her personnel file. See section IV-e-vi, for employee signature procedure.
4. Personnel/ Payroll Action Forms shall be completed by DCS human resources and submitted to SPD. A copy of the predeprivation results shall be attached.

vi. Employee Signature Procedure

1. If a written reprimand or suspension/demotion/dismissal notice is presented in person, the employee will be asked to review and sign the notice. If the notice is mailed to the employee, record of the mailing address and return receipt requested documentation should be retained.
2. The employee's signature certifies that the document was explained and presented to the employee. The signature does not signify that the employee agrees with the information contained in the document.
3. If employee refuses to sign the document, a manager (above the level of the employee receiving the written reprimand) will be requested to immediately join the meeting to serve as a witness to the refusal. The witness will sign the document and write "My signature serves as witness that the employee received the document and refused to sign it."

DATE 06/13/05

James W. Payne, Director

Department of Child Services

Assigned copy is on file.