



Disciplinary Policy

Purpose

The purpose of this Disciplinary Policy is to inform employees of general guidelines regarding disciplinary action for The Ohio Department of Agriculture (ODA).

Scope

This policy sets forth requirements to administer discipline for all ODA employees in the classified service under Ohio Revised Code 124.11(B) in accordance with the principles of progressive discipline and just cause. Probationary employees are an exception because they may be removed at any time.

Authority

- a. O.R.C. § 124.34
- b. Ohio Admin. Code Chapter 124
- c. OCSEA Articles 24

Procedures

General Guidelines

This Policy is to be used where the employer must take corrective action against an employee to correct the employee's behavior. This Policy is merely a guideline; the list of offenses and suggested discipline is merely illustrative and is not all inclusive. Where appropriate, ODA will adhere to the principle of progressive discipline. Progressive discipline need not be triggered by the same or similar infraction.

Some factors that ODA may consider in applying the appropriate penalty include the employee's past work history and disciplinary record, the severity of the offense, and any mitigating factors or aggravating factors. While every effort will be used to ensure consistency in the application of discipline, the Employer is not required to administer the exact same level of disciplinary action specified in the Disciplinary Guidelines the same way in each and every instance. Each instance of a violation of the Disciplinary Guidelines turns on its own facts and distinguishing variables. The discipline record will be placed in the discipline files. Written reprimands stay active for two years; suspensions for three years if there is no intervening discipline.

Corrective Counseling

Corrective counseling is not discipline. It is a written statement recalling prohibited behavior and serves as warning to the employee that any future engagement of similar misconduct will result in discipline. Corrective counseling may be issued by a supervisor at any time.

Forms of Discipline

The following penalties, as referenced in the attached "Disciplinary Guidelines" will be utilized to impose discipline, in order of severity:



- a. Written Reprimand
- b. Working Suspension
 - a. Minor – one (1) day working suspension
 - b. Medium – two (2) to four (4) day working suspension
 - c. Major – five (5) day working suspension
- c. Suspension
 - a. Minor – one (1) day suspension
 - b. Medium – two (2) to four (4) day suspension
 - c. Major – five (5) day suspension
- d. Removal

Procedures

- a. Bargaining Unit Employees

The disciplinary process and grievance and appeal procedures for bargaining unit employees are set forth in Article 24 of the applicable collective bargaining agreement. Employees should contact a union steward or representative for additional information. The following are the grievance appeal procedures for ODA:

- Step 1: Division Administrator
- Step 2: HR Director and Labor Relations Officer
- Step 3: Alternative Dispute Resolution (ADR)
- Step 4: Arbitration

- b. Exempt Employees

The following employees are entitled to notice of proposed disciplinary action and to request a hearing prior to the implementation of the recommended discipline:

- i. Exempt employees with a recommended discipline of a reduction in pay or removal;
- ii. Exempt employees with a recommended discipline of a suspension or fine for thirty two (32) or more work hours or removal; and
- iii. Exempt and overtime eligible employees with a recommended discipline of a suspension or removal.

Disciplinary Guidelines

The following disciplinary guidelines apply uniformly to all employees except probationary employees, who may be removed at any time.

(Discipline Guidelines on Following Page)





Disciplinary Guidelines

WR	Written Reprimand
S	Suspension (minor, medium, major)
R	Removal

Attendance		First Offense	Second Offense	Third Offense	Fourth Offense
A1	Failure to work specific hours when required	WR	S	S - R	R
A2	Failure to call in to notify of an impending absence within the time allowed or failure to comply with Department call off procedure.	WR	S	S - R	R
A3	Pattern abuse/misuse of sick leave, excessive absenteeism or any violation of the State of Ohio Sick Leave Policy Art. 29.04; O.R.C. 124.382 and OAC 123:1:32-05.	WR	S	S - R	R
A4	Failure to provide documentation of absence or physician's verification when required or does not provide within the required timeline.	WR	S	S - R	R
A5	Failure to return from an approved leave of absence.	WR	S	S - R	R
A6	Job abandonment of 3 or more consecutive workdays without proper notice.	R			
A7	Failure to comply with department time and attendance policy.	WR	S	S - R	R
A8	Absent from or leaving the work area and/or office without permission of a supervisor.	WR	S	S - R	R
A9	Misuse of approved leave.	WR	S	S - R	R
A10	Unexcused tardiness	WR	S	S - R	R
A11	Absent without approved leave, using more leave than available (0 to 8 hours Leave without Pay in a pay period).	WR	S	S - R	R
A12	Absent without approved leave, using more leave than available (more than 8 hours Leave without Pay in a pay period).	S	S - R	R	
A13	Misuse of sick leave, using sick leave for purposes other than which intended for, excessive absenteeism, or abuse of leave	WR	S	S - R	R
Convictions					
C1	Failure to disclose a felony conviction	R			



C2	Failure to report any personal criminal charge or conviction to Human Resources	S - R	R		
Dishonesty					
D1	Falsifying or fraudulently altering any official or public document (e.g., work documents, travel reports, attendance records, employment application, physician's verification, etc.)	S - R	R		
D2	Theft of public property or funds, theft of money or property of another.	Determination based on the severity of the incident and may include termination of employment			
D3	Unauthorized use of state phones, supplies, equipment on state paid time.	WR - S	S - R	R	
D4	Any act of dishonesty that may discredit, embarrass or interfere with the mission of the Ohio Department of Agriculture	Determination based on the severity of the incident and may include termination of employment			
D5	Failure to obtain approval for any secondary employment, occupation or business outside ODA.	WR - S	S - R	R	
Dangerous Wild Animals (DWA)					
D2-a	Inhumane treatment of animals	Determination based on the severity of the incident and may include termination of employment			
D2-b	Disobeying a clearly stated order in a way that conveys a deliberate challenge to authority and jeopardizes the safety, security and orderly operation of the DWA facility	Determination based on the severity of the incident and may include termination of employment			
D2-c	Willfully tampering with, damaging or blocking a locking device, fence, door, gate, window or other security safety device	Determination based on the severity of the incident and may include termination of employment			
D2-d	Inappropriate conduct with a visitor that presents a threat to the security or orderly operation of the DWA facility	Determination based on the severity of the incident and may include termination of employment			
D2-e	Being in an unauthorized area. Failing to report as directed or follow check-in/check-out procedures	Determination based on the severity of the incident and may include termination of employment			
D2-f	Failure to follow safety or sanitation regulations	Determination based on the severity of the incident and may include termination of employment			
D2-g	Intentionally causing death or injury to animal	Determination based on the severity of the incident and may include termination of employment			
D2-h	Failure to act, disregard safety policy and procedures endangering self and/or others	Determination based on the severity of the incident and may include termination of employment			
D2-i	Leaving workplace without authorization	Determination based on the severity of the incident and may include termination of employment			
D2-j	Allowing unauthorized individuals access to the DWA facility	Determination based on the severity of the incident and may include termination of employment			
Ethics					
E1	Violation of Ohio Ethics Law	Determination based on the severity of the incident and may include termination of employment			
E2	Violation of ODA Ethics Policy	Determination based on the severity of the incident and may include termination of employment			
E3	Failure to complete annual ethics training	S	S - R	R	
Failure of Good Behavior					
F1	Discourteous and/or rude treatment of another	WR - S	S - R	R	



F2	Immoral or indecent conduct	WR - S	S - R	R	
F3	Failure to abide by the terms and conditions of a last chance agreement	R			
F4	Unauthorized display, solicitation, and/or distribution of literature	Determination based on the severity of the incident and may include termination of employment			
Harassment and Discrimination					
H1	Violation of ODA's Anti-Sexual Harassment Policy	Determination based on the severity of the incident and may include termination of employment			
H2	Violation of ODA's EEO Policy	Determination based on the severity of the incident and may include termination of employment			
H3	Intentional acts of discrimination or insult on the basis of race, color, sex (including sexual harassment), age, religion, national origin, disability, sexual orientation, or gender identity.	Determination based on the severity of the incident and may include termination of employment			
Information Technology					
IT1	Violation of ODA's IT Policy	Determination based on the severity of the incident and may include termination of employment			
Insubordination					
I1	Failure/Refusal to carry out a work assignment	WR	S	S - R	R
I2	Failure to follow a direct order of a superior.	WR	S	S - R	R
I3	Failure to follow a written policy of ODA	WR	S	S - R	R
I4	Interfering with, failing to cooperate in, or lying during the course of an official investigation or inquiry.	WR	S	S - R	R
I5	Insubordinate, disrespectful, or discourteous actions against a supervisor	WR	S	S - R	R
Neglect of Duty					
N1	Sleeping on duty	WR	S	S - R	R
N2	Failure to obtain, maintain, falsify and/or keep current any certification or license that is required to perform the duties of the position or to meet the minimum qualifications of the position.	R			
N3	Failure of a supervisor to discipline employee(s) as provided in this policy.	WR - R	S - R	R	
Overtime					
O1	Failure to report for or work mandatory overtime.	WR	S	S - R	R
O2	Misuse/Working unauthorized overtime	WR	S	S - R	R
Performance Evaluations					
PE 1	Failure to complete an employee's evaluation within 30 days of due date.	WR	S	S - R	R
PE 2	Not completing or misuse of performance evaluation	WR	S	S - R	R



PE 3	Failure to follow performance evaluation policy	WR	S	S - R	R
PE 4	Not completing or following the Performance Improvement Plan (PIP)	WR	S	S - R	R
Prohibited Political Activity					
P1	Engaging in political activities prohibited by O.R.C 124.57.	S - R	R		
State Property					
S1-a	Intentional use, release, misuse or removal of confidential material or office-related information.	Determination based on the severity of the incident and may include termination of employment			
S1-b	Loss of control of any instrument, device, document, or record that could result in a breach of security or jeopardize the security, privacy, or safety of others.	Determination based on the severity of the incident and may include termination of employment			
S1-c	Misuse of and/or carelessness with state property.	Determination based on the severity of the incident and may include termination of employment			
S1-d	Unauthorized use/misuse of state vehicle (including violation of a traffic code & accidents).	Determination based on the severity of the incident and may include termination of employment			
S1-e	Unauthorized use/misuse of state cell phone.	Determination based on the severity of the incident and may include termination of employment			
S1-f	Willfully falsifying, altering, or removing any official document or record.	Determination based on the severity of the incident and may include termination of employment			
S1-g	Failure to report any citation in a state vehicle	Determination based on the severity of the incident and may include termination of employment			
S1-h	Violation of ODA Fleet Policy	Determination based on the severity of the incident and may include termination of employment			
Strike					
S2-a	Participation in a work stoppage strike, sit out, illegal strike, or any other activity that would interfere with the operation of a department facility, installation or program.	S - R	R		
Substance Abuse (Drug Free Workplace)					
S3-a	Violation of ODA's Drug Free Workplace Policy.	S - R	R		
S3-b	Positive test for illegal/illicit drugs or reporting to work under the influence.	S - R	R		
S3-c	Consumption or possession of alcoholic beverages or illegal drugs while on duty and/or while operating a state motor vehicle.	S - R	R		
S3-d	Positive alcohol test at or above 0.02% and below 0.04%	S - R	R		
S3-e	Positive alcohol test above 0.04%	S - R	R		
S3-f	Refusal to test	S - R	R		
Unauthorized Weapons					
U1	Violation of ODA's Unauthorized Weapons Policy which includes but is not limited to carrying or storing weapons in state offices or in state vehicles, including but not limited to guns, knives, clubs tear gas, or other items used to threaten bodily harm.	S - R	R		



Vaccinations					
V1-a	Failure to obtain job-required vaccinations required by their position to have such vaccinations or failure to supply proper exemption documentation.	R			
Violations Otherwise Unspecified					
V1	Any violation of O.R.C. 124.34 for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or acts of misfeasance, malfeasance, or nonfeasance in office.	Determination based on the severity of the incident and may include termination of employment			
V2	Other actions that could compromise or impair the ability of the employee to effectively carry out his or her duties as a public employee.	Determination based on the severity of the incident and may include termination of employment			
V3	Any failure of good behavior that may discredit, embarrass, or interfere with the mission of the Ohio Department of Agriculture	Determination based on the severity of the incident and may include termination of employment			
V4	Any violation of any ODA Policy or procedure not specified herein.	Determination based on the severity of the incident and may include termination of employment			
Workplace Violence					
W1	Deliberate destruction, damage, and/or theft of state property, property of visitors to ODA facilities, or property of another employee during working hours.	S	S - R	R	
W2	Threat or act of physical violence.	S - R	R		
W3	Other actions or threats that could harm or potentially harm the employee, a fellow employee, or a member of the general public.	S - R	R		
W4	Striking or inappropriately touching or shoving a fellow employee.	S - R	R		





Contact

The Human Resources Director is available for questions or consultation regarding the provisions of this Policy.

This Policy supersedes any previously issued directive or policy and will remain effective until cancelled or superseded.

Revision History

Date	Description of Change
8/2012	Policy Issued
10/2012	Revisions to Policy Issued
2/2013	Revisions to Policy Issued
7/2013	Revisions to Policy Issued
7/2015	Revisions to Policy Issued

