

Disciplinary Action Procedures for Local Extension Office Professionals and Program Assistants

Policy

K-State Research and Extension is committed to providing a positive, supportive, and harmonious work environment where employees can perform to their best ability. KSRE recognizes also that there are times when disciplinary action is necessary. First, it is important that performance and discipline problems be settled at the earliest state possible through timely and appropriate verbal and written counseling by the employee's immediate supervisor. If, however, these local level actions do not correct the situation, the guidelines in this policy address formal disciplinary measures for office professionals and program assistants who violate policies, fail to perform work satisfactorily or behave in a manner detrimental to K-State Research and Extension.

Consider Prior to Taking Disciplinary Action

- Did the employee clearly understand the rule or policy that was violated?
- Did the employee know in advance that such conduct would be subject to disciplinary action? (dependent on conduct)
- Was the rule violated reasonably related to the safe, efficient and orderly operation of the organization's business?
- Is there substantial evidence that the employee actually did violate the rule?
- Is the action planned reasonably related to the seriousness of the offense, the employee's record with the organization, and to action taken with other employees who have committed a similar offense?

Grounds for Disciplinary Actions

- A. PERSONAL CONDUCT. Grounds for decision-making leave (suspension with pay), demotion, or dismissal of an employee for personal conduct detrimental to service includes, but is not limited to, the following:
1. Gross or immoral conduct unbecoming an employee
 2. Conviction of a criminal act
 3. Immoral conduct
 4. Willful abuse or misappropriation of funds, materials, property or equipment
 5. Making a false statement in the employee's application for employment
 6. Participation in any action that would in any way seriously disrupt or disturb the normal operation of the local office or K-State Research and Extension
 7. Trespassing on the property of any local unit employee for the purpose of harassing or forcing dialogue or discussion from the occupants or owners of such property
 8. Willful damage to or destruction of county/district property
 9. Careless, negligent, or improper use of county/district property

10. Willful endangerment of the lives or property of others, or both
11. Possession of unauthorized firearms or other lethal weapons while on the job
12. Performing duties in a brutal manner, mistreating or neglecting a person in the employee's care
13. Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination)
14. Being under the influence of alcohol or drugs while on the job
15. Knowingly releasing confidential information from official records
16. Use of the employee's position, use of the employee's time on the job, or use of county or district property or facilities by the employee in connection with a political campaign
17. Sexual harassment arising out of, or in connection with, employment
18. Gross carelessness or gross negligence
19. Grossly improper use of property

B. **WORK PERFORMANCE.** Grounds for decision-making leave (suspension with pay), dismissal or demotion, of a permanent employee for deficiencies in work performance include, but are not limited, to the following:

1. Inefficiency or incompetency in the performance of duties, or inability to perform the duties
2. Negligence in the performance of duties
3. Careless, negligent, or improper use of property
4. Failure to maintain satisfactory and harmonious relationships with the public and/or fellow employees
5. Habitual or flagrantly improper use of leave privileges
6. A habitual pattern of failure to report for duty at the assigned time and place or to remain on duty

Disciplinary Procedures

Prior disciplinary actions of a year or more past will not ordinarily be included in current requests for disciplinary procedures.

Nothing in these procedures prevents an office from immediately requesting a decision-making leave (suspension with pay), demotion, or dismissal of an employee for actions warranting such a measure.

A. DISCIPLINARY ACTION

1. Oral Reminder

- a. In preparation, the immediate supervisor should gather information, observe the situation first-hand when possible, and plan a meeting designed to help the employee recognize the problem.
2. During that private conference, the supervisor should avoid the role of adversary, trying instead to guide the employee as follows:
 - State the problem clearly
 - Identify the changes that are expected
 - Ask for and listen to the employee's point of view
 - Encourage the employee to offer solutions
 - Reach agreement on actions that will be taken and a timetable for that action

3. Immediately after the meeting, the supervisor should document the discussion and the resulting agreement in a memo to the employee, a copy of which may be retained in the supervisor's working file rather than a personnel file. The employee should be informed that such a notation is being made.

B. Written Reminder

1. If the problem continues, the supervisor should send the employee a copy of the above memo or form with a cover note stating that the problem has not been resolved and that a second conference is necessary.
2. During the second counseling session, the supervisor should continue to pursue a problem-solving approach, rather than a punitive one. The objective is to prevent recurring problems, not to punish for prior wrongdoing. A problem-solving approach, however, does not prevent a supervisor from expressing concern over an employee's continued unacceptable behavior. Each of the points to be included in the written notification, outlined below in B(3), should be covered orally during the meeting.
3. Following that meeting, the supervisor should provide the employee written notification that includes the following:
 - A statement that this is a written reminder
 - A clear, objective statement of the problem
 - The desired changes not made to date
 - An additional opportunity to correct the problem and the time period
 - An offer of assistance as their supervisor
 - Disciplinary consequences
4. The employee's signature is requested to acknowledge receipt, not necessarily agreement; one copy of the notification is given to the employee and one copy is placed in the personnel file.

C. Suspension with Pay (Decision-Making Leave)

1. The purpose of a decision-making leave day is to provide an employee with some critical thinking time. During this paid leave, an employee must decide whether he or she wishes to continue employment and, if so, what positive steps the employee will take to correct past deficiencies.
2. An office requesting a decision-making leave day for an employee should consult with the area extension director and local board chair.
3. Immediately upon return from a decision-making day, the employee will meet with the local unit director to discuss the employee's decision. If the employee elects to remain employed, he or she will be advised as follows:
 - Immediately correct the problem situation; maintain fully acceptable performance and conduct in every area of the job, whether immediately related to the current problem or not. Any further problems that require disciplinary action may result in dismissal.

D. Dismissal

1. An office requesting dismissal of an employee must submit documentation to the board and area director, including why the action is being requested, what prior steps were taken to correct the situation, and any other pertinent documentation and information.

This procedure is adapted from the K-State Policy and Procedures Manual, Chapter 4020