

<b>POLICY OF</b>  <b>STATE OF DELAWARE</b>	<b>POLICY NUMBER</b>  9.12	<b>PAGE NUMBER</b>  1 of 2
<b>DEPARTMENT OF CORRECTION</b>	<b>RELATED ACA STANDARDS:</b>  2-CO-1C-04	
<b>CHAPTER:</b> 9 Human Resources and Employee Management Relations	<b>SUBJECT: EMPLOYEE DISCIPLINARY ACTION</b>	
<b>APPROVED BY THE COMMISSIONER:</b>		
<b>EFFECTIVE DATE:</b>  4/2/15		
<b>APPROVED FOR PUBLIC RELEASE</b>		

I. **AUTHORITY:** 11 *Del. C.* §6517, 29 *Del. C.* §8903, State of Delaware Merit Rule 12.0

II. **PURPOSE:** The purpose of this policy is to establish guidelines to:

1. Ensure that employees are held accountable for their actions.
2. Ensure that just cause, as defined herein, is established for taking disciplinary action.
3. Ensure that an appropriate penalty is imposed for the behavior.
4. Ensure that disciplinary action is applied consistently department-wide.

III. **APPLICABILITY:** This policy applies to all Department of Correction Merit System employees. This policy applies only to administrative disciplinary action. It does not apply to criminal investigations, charges or proceedings, which have a different standard. Any provision for employee disciplinary actions, included in their respective collective bargaining agreements, supersedes that which is set forth in this policy. Any collective bargaining agreement which provides for a different disciplinary procedure for the members of a given collective bargaining unit shall preempt and supersede the requirements of this policy to the extent of the difference.

IV. **DEFINITIONS:**

1. Disciplinary Action – measures taken by management to hold employees accountable for their actions or behavior. Formal disciplinary action includes: written warnings, written reprimands, suspensions (without pay and paper), demotions and dismissal.
2. Documentation – can include, but is not limited to: incident reports, memoranda, timecards, pictures, witnesses’ statements, telephone records, any electronic data format and other material that documents facts relevant to the investigation.
3. Just Cause – means that management has sufficient reason for imposing accountability. In no way is this definition of just cause related to or similar to the unemployment compensation standard for just cause. The definition of “just cause” from the jurisprudence of unemployment compensation requires a higher standard of proof and is a more narrowly defined term than that contemplated herein.

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4. Official Personnel File – the employee personnel file maintained by the Department’s Human Resources Office that includes all of an employee’s employment records.

**V. POLICY:**

It is the policy of the Department of Correction to hold all employees accountable for their conduct. Employee disciplinary actions will be imposed to correct employee behavior. Disciplinary actions will be imposed for just cause. Disciplinary action will be progressive, where applicable, and as prompt as is reasonably possible under the circumstances of each case. Disciplinary actions will be applied consistently throughout the Department taking into account the circumstances of each occurrence and any aggravating or mitigating factors. Formal disciplinary actions include written warnings, written reprimands, suspensions (paper or time off without pay), demotions and dismissal.

Except where precluded or modified by a legally valid and enforceable collective bargaining agreement, prior to the imposition of disciplinary action, management must conduct an investigation and give the charged employee a meaningful opportunity to respond to the charges. Documentation relative to imposed disciplinary action will be placed in the employee’s Personnel File maintained by the Department’s Human Resources Office.

The Department of Correction’s Human Resources Office will maintain procedures to support this policy.