



## Examples of Offenses Grouped by Level (Not intended to be all inclusive.)

### Group I, Active Life 2 Years

Types of Offenses	Normal Disciplinary Action*	Effects of Accumulated Offenses
<p>This level of offense generally includes offenses that have a relatively minor impact on agency business operations but still require management intervention.</p> <p>Examples: Tardiness; poor attendance; abuse of state time; use of obscene language; disruptive behavior; conviction of a minor moving traffic violation while using a state-owned or public use vehicle; unsatisfactory work performance.</p>	<p>First Offense: Typically, counseling is appropriate although an agency has the discretion to issue a Group I Written Notice.</p> <p>For Repeated Violations of the Same Offense: An agency may issue a Group II Written Notice (and suspend without pay for up to ten workdays) if the employee has an active Group I Written Notice for the <b>same offense</b> in his/her personnel file.</p>	<p>Upon accumulation of three active Group I Written Notices an agency should normally suspend the employee for at least five workdays but may not exceed ten workdays.</p> <p>The fourth active Group I Written Notice normally results in discharge. In lieu of discharge, the agency may: (1) suspend without pay for up to 30 workdays, and/or (2) demote or transfer with disciplinary salary action.</p>

### Group II, Active Life 3 Years

Types of Offenses	Normal Disciplinary Action*	Effects of Accumulated Offenses
<p>This level generally includes acts of misconduct of a more serious nature that significantly impact agency operations.</p> <p>Examples: Failure to follow supervisor's instructions or comply with written policy; violation of a safety rule or rules (where no threat of bodily harm exists); disruptive behavior; leaving work without permission; failure to report to work without proper notice; unauthorized use or misuse of state property; refusal to work overtime.</p>	<p>First Offense: Group II Written Notice. In addition to the Group II Notice, the agency has the option of suspending the employee without pay for up to ten workdays.</p> <p>Second Offense: Discharge. In lieu of discharge, the agency may: (1) suspend without pay for up to 30 workdays, and/or (2) demote or transfer with disciplinary salary action.</p>	<p>The second Group II or a Group II in addition to three active Group I Written Notices normally results in discharge. In lieu of discharge, the agency may: (1) suspend without pay for up to 30 workdays, and/or (2) demote or transfer with disciplinary salary action.</p>

### Group III, Active Life 4 Years

Types of Offenses	Normal Disciplinary Action*	Effects of Accumulated Offenses
<p>This level generally includes acts of misconduct of a most serious nature that severely impact agency operations.</p> <p>Examples: Absence in excess of three workdays without authorization; falsification of records and/or any misuse or unauthorized use of state records; disruptive behavior; willfully or recklessly damaging state records/property; theft or unauthorized removal of state records/property; abuse or neglect of clients; gambling on state property or during work hours; physical violence; threatening others; violating safety rules (where threat of bodily harm exists); sleeping during work hours, participating in work slowdown; unauthorized possession of weapons; criminal convictions for illegal conduct occurring on or off the job that clearly are related to job performance or are of such a nature that to continue employees in their positions could constitute negligence in regard to agencies' duties to the public or to other state employees.</p>	<p>First Offense: Written Notice and discharge. In lieu of discharge, the agency may: (1) suspend without pay for up to 30 workdays, and/or (2) demote or transfer with disciplinary salary action.</p>	<p>If the employee is not discharged upon the issuance of the Group III Written Notice, the employee should be advised that any subsequent Written Notice during the active life of the Written Notice may result in discharge.</p>

\*In certain extreme circumstances, an offense listed as a Group II Notice may constitute a Group III offense. The DOC may consider any unique impact that a particular offense has on the agency. For instance, the potential consequences of a security officer leaving a duty post without permission are likely considerably more serious than if a typical office worker leaves the worksite without permission. Similarly, in rare circumstances, a Group I may constitute a Group II where the DOC can show that a particular offense had an unusual and truly material adverse impact on the agency. Should any such elevated disciplinary action be challenged through the grievance procedure, management will be required to establish its legitimate, material business reason(s) for elevating the discipline above the levels set forth in the table above.

The DOC may mitigate discipline if circumstances compel a reduction in the level to promote the interests of fairness and objectivity. However, management should be mindful to treat similarly situated employees in a like manner.

Violations of DOC Operating Procedures 038.3, *Prison Rape Elimination Act (PREA)*; 145.3, *Equal Employment Opportunity, Anti-Harassment, and Workplace Civility*; 135.3, *Standards of Ethics and Conflict of Interest*; 135.4, *Alcohol and Drug Testing*; 135.2 *Rules of Conduct Governing Employees Relationships with Inmates and Probationers/Parolees*; and 135.5, *Workplace Violence*, may, depending on the nature of the offense, constitute a Group I, II, or III offense.

