



## Ohio Administrative Code

### Rule 3358:17-20-04 Employee disciplinary action.

Effective: [March 21, 2015](#)

---

The purpose of employee disciplinary action is to modify or correct unacceptable employee behavior. In general, progressive discipline rises through the following levels: verbal warning, written reprimand, disciplinary probation, and termination. Any of the levels may be omitted, added to, imposed singularly or in combination with any of the other levels at the discretion of the college.

(A) The non-exhaustive list of misconduct for which an employee may be disciplined includes:

(1) Professional incompetence or failure to maintain an acceptable quality of job performance.

(2) Insubordination or refusal to perform duties properly assigned as part of the employee's obligations to the college.

(3) Violations of stated rules and policies of the college or damage to college property.

(4) An act involving moral turpitude, punishable by a criminal statute of the state of Ohio. Includes serious misconduct of moral, social, or physical nature unbecoming of a professional.

(5) Others - gross neglect of work or duty, absenteeism, failure to report to work and not notifying appropriate personnel for up to two workdays, voluntary abandonment of position, habitual tardiness or failure to observe assigned work hours, leaving work without authorization, abuse of leave, excessive use of leave, unauthorized leave, interference with work of other employees, failure to maintain satisfactory working relations with other employees, students, or the public, refusal to cooperate with administrative investigations or to answer a work-related inquiry, theft, sleeping while on duty, gambling during work hours, excessive use of telephone for personal matters, falsification of records, unauthorized release of confidential information, or acts that jeopardize the safety of oneself or others.

(B) Formal steps for employee disciplinary action up to and including termination of employment.



Unless stated otherwise in this policy, the following procedures should be used for imposing discipline. The procedures in this section do not apply to employees in their introductory period.

No disciplinary actions beyond a written reprimand may be taken without being authorized by an appropriate member of the college's administration or designee after consultation with human resources. The steps for disciplinary action are as follows:

(1) Verbal counseling.

(a) Ordinarily, an employee should be verbally counseled for minor misconduct. The employee's supervisor should talk privately with the employee and cover the following:

(i) Review exactly what is expected of the employee and why.

(ii) Explain to the employee why his/her conduct is unsatisfactory.

(iii) Allow the employee to give his/her side of the story.

(iv) Specify what disciplinary action will be taken if similar problems continue.

(b) The employee's supervisor must make a written record of the date of the interview with the employee and information covered in the interview using the verbal counseling form. The supervisor must also have the employee sign and date the form. The "written" oral reprimand should be placed in the employee's file in human resources. It will become a permanent part of the employees file.

(2) Written warning for disciplinary action.

If, because of the seriousness of the offense, or if the employee has repeated the first offense covered by the "written" oral reprimand, and the employee's supervisor determines that a written reprimand is warranted, the following action should be taken:

(a) The written warning must be on the written warning form. Prior to obtaining the written warning



form, a copy of earlier "written" verbal counseling(s) pertaining to the current situation must be made available to the human resources office. The written warning must specify details of the employee's misconduct. The written warning should also include the corrective action needed, if any, and a statement that a recurrence of the same type of conduct could result in additional disciplinary action leading to and including termination.

(i) Types of violations.

(a) If the employee has repeated the violation covered in the prior "written" verbal counseling, the supervisor should review again with the employee the points covered in the "written" verbal warning.

(b) If the offense is the first, and of such serious nature as to warrant more than a verbal counseling but does not warrant suspension or termination, then a written warning should be given to the employee.

(b) The supervisor should review the written warning with the department head, appropriate executive administrator or designee prior to delivering it to the employee. The supervisor should then review the warning with the employee. It should be signed by the employee with an indication that it has been received. If the employee refuses to sign, the supervisor should have another supervisor witness by signing the written warning that the written warning was delivered to the employee.

A copy of the written warning must be forwarded to the human resources office. It will become a permanent part of the employee's file.

(C) Suspension.

The appropriate executive administrator or designee is authorized to affect a suspension with approval from the president. If because of the seriousness of the offense or if the employee has repeated the offense which calls for a suspension and the supervisor determines that a suspension is warranted, the following action should be taken:

(1) The employee's supervisor submits a written summary, which is reviewed by the department



head, of the cause and it is sent to the vice president or designee.

(2) The executive administrator or designee will review the case and, if possible, meet with the employee to give the employee an opportunity to respond to the charges. The executive administrator or designee will then consult with the director of human resources and will recommend to the president a letter of suspension, if warranted.

(3) The suspension letter will be written and signed by the president and given to the employee with a copy to the supervisor, department head, and human resources. The president's decision to issue a suspension letter is final. The letter will include the following:

(a) Any previous disciplinary steps or counseling sessions relating to the deficiencies in conduct.

(b) The detailed reasons for the disciplinary action.

(c) The corrective action needed by the employee.

(d) The specific dates of the suspension.

(e) That termination may result in the case of recurrence.

(D) Termination.

An employee may be terminated due to the frequency or nature of serious misconduct. Very serious offenses may be cause for immediate termination without prior progressive disciplinary steps. If, because of the seriousness of the offense, or if the employee has repeated the offenses which ultimately call for a termination, and the appropriate executive administrator determines that termination is warranted, the following action should be taken:

(1) The supervisor prepares a written summary of the case with all previous disciplinary steps outlined, which is reviewed by the department head, and sent to the appropriate executive administrator or his designee prior to any disciplinary action being taken.



(2) The executive administrator or his/her designee will review the case and, if possible, meet with the employee to give the employee an opportunity to respond to the charges. The executive administrator or his/her designee will then consult with the director of human resources and will recommend to the president a letter of termination, if warranted.

(3) The president will write and sign the termination letter and it will be given to the employee with a copy to human resources. The president's decision to terminate an employee is final. The termination letter shall include the following:

(a) Previous disciplinary steps;

(b) The reason for termination;

(c) The effective date of the termination; and;

(d) The record will be placed in the employee's file in human resources. Pay for time worked in the pay period in which the employee is terminated will be paid on the next immediate pay date.

(E) Reassignment or demotion may be considered as an alternative to the above disciplinary actions.

(F) In the event of reassignment or demotion, the following action should be taken:

(1) The employee's supervisor prepares a written summary of the case and any previous disciplinary steps, which is reviewed by the department head and sent to the appropriate executive administrator or designee.

(2) The executive administrator or designee will review the case and, if possible, meet with the employee to give the employee an opportunity to respond to the charges. The president will then authorize a letter of reassignment or demotion if warranted.

(3) The president or designee will write and sign the letter and it will be given to the employee. The president's decision to reassign or demote the employee is final. The letter shall include the following:



- (a) Previous disciplinary steps;
- (b) The reason for reassignment or demotion and;
- (c) The effective date of the reassignment or demotion.
- (d) The record will be placed in the employee's file in human resources.
- (G) Health or safety risks.

The above policy/procedure is not required to be specifically followed if the president after consultation with the director of human resources and/or the director of public safety and security and/or other appropriate individuals, reasonably believes that the employee will pose a health or safety risk to the college.

(H) Suspension or dismissal for arrest or conviction of division (D) of section 3345.23 of the Revised Code.

Without limiting the grounds for discipline or the procedures the college can use to impose discipline, if the college receives notification that a faculty, staff member, or employee of the college is arrested or convicted of an offense listed in division (D) of section 3345.23 of the Revised Code, as may be amended from time to time, the college may also use the procedures set forth in section 3345.22 of the Revised Code, et seq., as may be amended from time to time, to effect an immediate suspension or automatic dismissal of the faculty, staff member, or employee.