



**GEORGIA DEPARTMENT OF HUMAN SERVICES
Human Resources Policy #1601**

PROGRESSIVE DISCIPLINE

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References: Rules of State Personnel Board 478-1-.26 – Adverse Actions for Classified Employees
DHS Human Resources Policy #504 – Criminal History Record Checks
DHS Human Resources Policy #1006 – Absence from Work
DHS Human Resources Policy #1101 – Classification and Compensation
DHS Human Resources Policy #1201 – Conduct Standards and Ethics in Government
DHS Human Resources Policy #1301 – Alcohol and Drug-Free Workplace
DHS Human Resources Policy #1302 – Alcohol and Drug Testing Programs
DHS Human Resources Policy #1504 – Reprimand Review Process
DHS Human Resources Policy #1601 A1 – Progressive Discipline Guidelines
DHS Human Resources Policy #1601 A2 – Classified Employee Disciplinary and Dismissal Actions
DHS Human Resources Policy #1601 A3 – Unclassified Employee Disciplinary and Dismissal Actions
DHS Human Resources Policy #1901 – Employment Separations
O.C.G.A. §45-20-1 et seq. – Unclassified Service

The Department of Human Services (DHS) has established standards of performance, conduct, and conditions of employment (e.g., attendance, appropriate dress, etc.) that are reasonable, job-related, and non-discriminatory. The intent of the policy is to establish guidelines for correcting inappropriate conduct or performance deficiencies unless the offense committed is one for which dismissal is the immediate appropriate remedy. It is further designed to establish guidelines and procedures for managing discipline that are clear and understandable to both employees and supervisors.

SECTION A: SCOPE

1. This policy applies to all DHS classified and unclassified employees. Procedures for Adverse Actions must be followed with “Classified Employees.” (See definitions of “Classified Employees” and “Unclassified Employee” below.) The procedures for Adverse Actions may be applied with “Unclassified Employees” but nothing in this policy alters the at-will status of such employees. All employees in unclassified positions serve at the will and pleasure of the appointing authority.

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SECTION B: POLICY

1. All employees should understand the importance of their work and how the community and organization value it. It is our expectation and belief that all employees will live up to the established standards of performance and conduct.
2. Supervisors have a responsibility to inform employees about their job expectations and any relevant information (i.e., rules, policies, standards, etc.) that will assist employees in carrying out job duties. Employees have a responsibility to satisfactorily perform job duties and be familiar with the rules, policies, and standards of the workplace. At a minimum, this should include an initial orientation and review of assignments at frequent intervals. It is especially important that changes in duties or standards be communicated as soon as practicable.
3. Supervisors are responsible for achieving the highest performance possible from employees under their supervision. Therefore, it is incumbent upon all supervisors to lead by example and to address unacceptable performance, workplace conduct, or conditions of employment by their employees. Subject to the provisions in this policy, supervisors are expected to choose the best available method to address unacceptable performance or workplace conduct considering the overall circumstances. With these responsibilities, supervisors are accountable for implementing disciplinary action, where appropriate, that is fair, prompt, legally sufficient and that is applied uniformly and without malice, harassment, intimidation, bias, or favoritism.
4. All rules, policies and standards should be consistently enforced. Consistency in enforcement does not mean that the penalty for violation must be precisely the same in every instance. The penalty may vary because of the severity of the offense, presence or absence of the intent, the previous work record of the employee, or other relevant factors. Similar situations should be handled in a comparable manner.
5. Supervisors and employees should be aware that it is not necessary or required to implement every step in the progressive disciplinary process in every situation (i.e., corrective action, written reprimand, adverse action). Over a period, it may be appropriate to use several approaches, including disciplinary action, to address an employee's problem(s). Some situations, on the other hand, may require immediate dismissal. The basic guideline in each situation should always be to use the form of discipline that is most appropriate for the inappropriate conduct or performance deficiency.
6. Discipline should not be imposed with the purpose of punishing the employee. The purpose of each action, except for dismissal, should be to effectively correct the inappropriate conduct or performance deficiency.

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SECTION C: DEFINITIONS

1. "Adverse Actions" are disciplinary actions that result in suspension without pay, reduction in salary, demotion, or dismissal of an employee. It does not include actions resulting from reduction in force, insufficient funds, decrease in funds, or change in departmental needs.
2. "Designee" is a person who is authorized by law or delegated authority by the Commissioner to make employment decisions.
3. "Classified Employee" means an employee with procedural appeal rights set forth in O.C.G.A. §§ 45-20-8 and 45-20-9 who was in a classified position on June 30, 1996 and who has remained in a classified position without a break in service since that date.
4. "Reviewing Official" means any official of DHS who has been assigned the responsibility of reviewing proposed adverse actions.
5. "Unclassified Employee" means officers and employees excluded from the classified service by law, including employees in all positions filled on or after July 1, 1996.

SECTION D: PRELIMINARY CONSIDERATIONS

1. Under progressive discipline, performance deficiencies and workplace conduct should always be addressed as soon as recognized by the appropriate authority, and with increasing severity for repeated offenses. While progressive discipline is the preferred method of correction, situations may warrant disciplinary action up to and including dismissal for a first offense, depending on the facts and circumstances. Employees serve "at will" and this policy neither confers any change in that status nor creates any entitlement to a job.
2. The corrective or disciplinary action imposed for each occurrence of an infraction should be the least severe action that is likely to correct the problem. Where a range of corrective or disciplinary action is set forth in the "**Progressive Discipline Guidelines**," attached to this policy, DHS supervisors will consider the following factors:
 - a. The nature and severity of the employee's violation(s) including current and previous violations;
 - b. The impact of the violation(s) upon the ability of the employee and his/her co-workers to perform their assigned duties;
 - c. The overall work record of the employee; and

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- d. Which disciplinary action will effectively improve the employee's conduct or performance.
3. When a violation of a DHS policy or standard occurs, supervisors, and managers should:
 - a. Report any knowledge of any ethics violation as outlined in DHS Policy #1201: Conduct Standards and Ethics in Government to both the DHS Inspector General and the DHS Ethics Officer.
 - I. Supervisors are responsible for reporting such violations and for forwarding any such reports from any member of the supervisor's staff to the DHS Inspector General and the DHS Ethics Officer. The duty to report is mandatory under DHS ethics policies. Where an ethics violation is identified, the findings of fact by the DHS Inspector General and the recommendations by the DHS Ethics Officer should be considered in the determination of appropriate action.
 - b. Research the facts and circumstances before deciding on the appropriate disciplinary action.
 - I. In matters involving attendance and performance, a one-time observation may be sufficient basis for determining the type of disciplinary action that should be taken.
 - II. In matters involving conduct, an extensive investigation may be necessary to determine the full extent of the problem before deciding on the type of disciplinary action.
 - c. Determine the appropriate disciplinary action by considering several factors including but not limited to:
 - I. The nature of the offense;
 - II. The seriousness of the offense;
 - III. The employee's work record of conduct and performance; and,
 - IV. Applicable rules, policies, practices, and standards.
4. Take appropriate action promptly, observing the correct procedural requirements.
5. The Progressive Discipline Guidelines (Attachment #1) should be reviewed by supervisors and managers in determining appropriate disciplinary actions.

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SECTION E: CORRECTIVE MEASURES

1. Supervisors are encouraged to take action that enables the employee to correct his or her deficiencies and contribute to the success of the organization. In addition, or prior to taking disciplinary action, corrective measures (e.g., coaching, counseling, verbal warnings) may be effective to correct attendance issues, inappropriate conduct, or work deficiencies. Some examples of corrective measures include the following:
 - a. **Attendance Plan** – In cases where an employee does not meet attendance requirements (e.g., chronic tardiness, absenteeism, or abuse of leave), an Attendance Plan may be implemented. An Attendance Plan outlines specific expectations required of the employee. Medical or other supporting documentation may be required if an employee has demonstrated excessive use of accrued leave banks. If attendance standards are not met, disciplinary action may be taken.
 - b. **Unauthorized Leave Without Pay** – An employee who is absent without documentation to support their need for leave and approval of the supervisor may be placed on unauthorized leave without pay for the period of absence, up to a maximum of fifteen (15) calendar days. This unauthorized leave without pay may be used as a basis for disciplinary action. The use of annual leave or personal leave is a privilege that may be used only upon approval.
 - c. **Work Plan** – A Work Plan (frequently called a “Corrective Action Plan” or Performance Improvement Plan) is a written statement of specific work expectations. The plan is designed to give the employee the opportunity to raise performance to an acceptable level. If performance standards are not met, disciplinary action may be taken. The Plan should specify the period covered, factors and reasons for not meeting established work standard.
 - d. **Memo of Concern and Expectations** – A Memo of Concern and Expectations (MOC) may be issued to an employee to outline concerns and expectations with the employee’s current conduct and/or performance. The memo should specify the improvement(s) expected.
 - e. **Denial of Performance-Based Salary Increases** – An employee who received an annual performance evaluation rating of “Unsatisfactory Performer” in either the Section 1: Core/Individual Competencies, Section 2: Individual Goals, Section 3: Job Responsibilities, or Section 6: Overall Summary of the Performance Management Form (PMF) will not receive a performance-based salary increase. The employee is to be placed on an Attendance Plan or Work Plan, as appropriate.

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SECTION F: REPRIMANDS

1. A **Written Reprimand and/or Written Reprimand Final Warning** are formal documents which must be placed in the official personnel file maintained by the **Office of Human Resources (OHR)**. The written reprimand and/or written reprimand final warning will be forwarded to the applicable Division/Office Director for review, then shared with the OHR Deputy Director or Director before issuance to the employee. After issuance, the written reprimand and/or written reprimand final warning should be sent to OHRPersonnelRecords@dhs.ga.gov for placement in the employee's personnel file.
2. A **Written Reprimand and/or Written Reprimand Final Warning** should contain the following information:
 - a. The date, time and/or place of the inappropriate conduct, attendance, or performance deficiency;
 - b. Future expectations of the employee; and
 - c. The consequences should the inappropriate conduct, attendance, or performance deficiency continue to be repeated.
3. The employee will be issued a Written Reprimand and/or Written Reprimand Final Warning, and he/she should acknowledge having read and discussed the document by signing their name. If the employee fails to sign the document, the supervisor must make a notation on the reprimand that the **employee refused to sign** and indicate the **date the reprimand was presented to the employee for signature**. A copy of the reprimand must be given to the employee.
4. A Written Reprimand and/or Written Reprimand Final Warning is eligible for review under DHS Policy #1504: Reprimand Review Process.
5. Supervisors should always consult with their assigned HR Representative regarding the appropriateness of the action as well as the contents of the reprimand before issuing a Written Reprimand and/or Written Reprimand Final Warning to the employee.

SECTION G: SUSPENSION WITHOUT PAY AND DISMISSAL

1. Suspension Without Pay and Dismissal are both formal actions which must be properly documented in the employee's official personnel file maintained by **OHR**. The request for Suspension Without Pay or Dismissal will be forwarded to the applicable Division/Office Director for review then shared with the OHR Deputy Director or Director before next steps are taken. Once the OHR Deputy Director or

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Director determines the next step, the Suspension Without Pay or Dismissal request will be forwarded to the OHR Deputy Commissioner for review and approval. After approval, the Suspension Without Pay or Dismissal should be sent to OHRPersonnelRecords@dhs.ga.gov for placement in the employee's personnel file.

For additional information or assistance, please contact your designated Human Resources Representative.