

Disciplinary Action Procedures for Local Extension Office Professionals and Program Assistants

K-State Research and Extension

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. In support of this commitment, the local extension board provides a process of positive discipline for most problems dealing with an employee's conduct, behavior, or performance. Two important factors in positive discipline are (1) the attitude of the supervisor and (2) the supervisor's ability to place the decision for improving the employee's conduct, behavior, or performance in the employee's hands. If a capable employee knows what is expected, it is his or her responsibility to perform accordingly and to correct unacceptable behavior, conduct, or performance. Adequate guidelines and direct, appropriate feedback will help the employee fulfill the job responsibilities. Maintaining written records of any disciplinary actions taken will support rational decisions if suspension, demotion or dismissal is eventually necessary.

Nothing in this procedure limits the employer's right to terminate an employee at any time without using the procedures outlined here.

It is important that performance and discipline problems be settled at the lowest level possible. Timely and appropriate counseling by the employee's immediate supervisor will usually improve or correct the situation. However, if counseling does not achieve the desired results, the local extension board has an established disciplinary procedure to follow.

Positive Disciplinary Procedures

Necessary discipline should not be avoided by a supervisor. To ensure that intended actions are justified, fair, and will withstand scrutiny, the following questions should be answered "yes" prior to initiating disciplinary action.

- ▶ Has the employee been given notice or warning of performance, conduct or behavior problems?
- ▶ Is the reason for discipline one that appears to be fair and can be legitimately related to the business of the County Extension Council/District Governing Body?
- ▶ Does sufficient evidence exist that the employee engaged in the conduct in question?
- ▶ Has the area director been notified regarding the performance, conduct, or behavior?

* Adapted from K-State's Policies and Procedures Manual - Chapter 4020

Steps in Positive Discipline

1. Oral Reminder

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.

During that private conference, the supervisor will 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

Immediately after the meeting, the supervisor should document the discussion and the resulting agreement in a memo to the employee.

2. Written reminder

- A. If the problem continues, the supervisor should send the employee a copy of the above memo with a cover note stating that the problem has not been resolved and that a second conference is necessary.
- B. 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, as outlined in #1 above, should be covered orally during the meeting.
- C. Following that meeting, the supervisor should provide the employee written notification which 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 frame
 - An offer of assistance as their supervisor
 - Disciplinary consequences if the problem is not corrected
- D. The employee's signature should be requested to acknowledge receipt, not necessarily agreement. One copy of the notification is given to the employee and one copy is placed in the employee's personnel file. Provide a copy to the area director.

3. One-Day Suspension With Pay (Decision-Making Leave)

- A. Should the problem continue, the immediate supervisor should request in writing that the local board approve a one-day decision-making leave with pay for the employee in question. During the paid leave, the employee is then notified in writing that they must decide whether he, or she, wishes to continue employment and the steps he, or she, will take to correct past deficiencies. Provide a copy to the area director.

This letter should include the nature of the problem, the steps taken to address the problem, and why a suspension is being requested.

- B. Immediately upon return from a decision-making leave day, the employee must meet with the local director and board chairman, or representative, to discuss the employee's decision. If the employee elects to continue employment, 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.

4. Demotion or Dismissal

- A. Demotion or dismissal may be requested by the supervisor if the problem remains.
- B. At a final meeting with the local board, the employee may offer reasons why the proposed demotion or dismissal should not be approved. The final determination will be made by the board.

Reasons for Disciplinary Actions

Grounds for suspension, demotion, or dismissal of an employee for personal conduct detrimental to service or deficiencies in work performance include, but are not limited to, the following:

A. Personal Conduct

- ◆ Gross or immoral conduct unbecoming a county/district employee.
- ◆ Conviction of a criminal act.
- ◆ Willful abuse or misappropriation of funds, materials, property or equipment.
- ◆ Making a false statement in the employee's application for employment.
- ◆ 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.
- ◆ Willful damage to or destruction of county/district property.
- ◆ Careless, negligent, or improper use of county/district property.
- ◆ Willful endangerment of the lives or property of others, or both.
- ◆ Possession of unauthorized firearms or other lethal weapons while on the job.
- ◆ Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination).
- ◆ Being under the influence of alcohol or drugs while on the job.
- ◆ Knowingly releasing confidential information from official records.
- ◆ 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.
- ◆ Sexual harassment arising out of, or in connection with, employment.
- ◆ Gross carelessness or gross negligence.

B. Work Performance

- ◆ Inefficiency or incompetency in the performance of duties, or inability to perform the duties.
- ◆ Negligence in the performance of duties.
- ◆ Failure to maintain satisfactory and harmonious relationships with the public and/or fellow employees.

- ◆ Habitual or flagrant improper use of leave privileges.
- ◆ A habitual pattern of failure to report for duty at the assigned time and place or to remain on duty.

PROBATION

Probation is a working test of the employee's ability to render satisfactory service in the position in which the person is employed. A probationary period of ninety (90) days is recommended. Completion of the probationary period does not change the right of either party to terminate the employment at any time.

If at any time during the initial probationary period the employing authority determines that the service of an employee has been unsatisfactory, the employee may be dismissed.

GRIEVANCES AND HEARINGS

All employees are responsible to the local extension director and/or other extension agents. Any employee having a grievance shall submit his or her grievance to the said director for review before the local board, whose purpose on review shall be to determine whether or not there is a factual basis for the action of the director, or if the action of the director was arbitrary or capricious. Upon request for such review, the director shall immediately contact the board who shall place the matter on the agenda at the next meeting, or as soon thereafter as is reasonably convenient for said board. All such review before the board shall be supported by written documentation or other competent evidence supporting the grievance alleged. The final decision as to whether, or not, the employee will be retained will be made by the board.