



HUMAN RESOURCES

Georgia Building Authority / State Properties Commission / Georgia State Financing & Investment Commission

HR-13: Disciplinary Action (effective: 12/04/2019)

Purpose

This policy sets guidelines and establishes processes and procedures for the discipline program. The Georgia Building Authority (GBA), State Properties Commission (SPC), and Georgia State Financing and Investment Commission (GSFIC) are committed to a discipline program that focuses on both communicating an expectation of change and improvement in a respectful way and individual responsibility and accountability, while maintaining concern for the seriousness of the situation. Each procedural level of the program serves as a reminder of expected performance.

Applicability

Only full-time, regular employees are governed by the discipline program. Excluded from this discipline program are employees who are supervisors and employees who report directly to the State Property Officer.

Types Of Discipline Problems

Discipline problems are divided into three main categories:

- Attendance
- Performance
- Behavior/Conduct

Procedure

No disciplinary conversation or action, even if deemed informal, shall occur prior to notification to the Human Resources Department.

If an employee exhibits attendance, performance, or behavior/conduct problems, the discipline program is to be utilized as soon as the problem is identified. Failure by a supervisor to utilize the disciplinary process to correct an employee's absenteeism, performance, or conduct infraction in a timely manner may result in the discipline of that supervisor.

It is not required that all disciplinary steps in the discipline process be administered in sequential order or that all disciplinary steps be taken prior to termination from employment. For example, should an employee commit a serious offense, the employee may be given a Level Two Warning or placed on Suspension Without Pay. Additionally, an individual may immediately be terminated from employment when an offense is so severe that the application of the discipline program is unwarranted or inappropriate. Additionally, if an employee has a pattern of repeating problems after the end of the active period of a disciplinary step, progression to a more serious step of the program may be warranted. These steps represent employment consequences if there is failure to improve or the employee engages in increasingly serious and/or repetitive infractions. As unclassified employees, GBA, GSFIC, and SPC employees may not appeal disciplinary actions.

The Following Discipline Steps Are Listed In Order Of Severity

1. **Verbal Warning** refers to casual, informal coaching conversations between managers and employees to solve minor problems and reinforce expectations. The manager is responsible for documenting the warning and maintaining documentation in his/her managerial files.
2. **Work Action Plan** is an informal, structured, documented plan mutually developed by the supervisor and the employee to identify goals to bring about an effective solution to the problem. The Work Action Plan should be used to address a problem in the area of performance only. The objective is to help the employee recognize that a problem exists and to avoid the need for further, formal disciplinary action. The Work Action Plan must include documented biweekly meetings between the employee and supervisor to address progress in implementing the plan. These meetings must occur for a minimum of three (3) months. At the end of the 3-month meeting period, in consultation



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with Human Resources, the supervisor will determine if the employee has met the goals of the plan. If the employee has not met the goals of the Work Action Plan, the supervisor may propose one (1) 3-month extension to the plan or choose to proceed to formal disciplinary action. *An employee is eligible for a Work Action Plan only if the employee does not have other active disciplinary actions. Work Action Plans and any subsequent extension must be approved by Human Resources prior to presentation to the employee.*

3. Written Warnings

- *Level One (L1) Warning* is a formal step in the discipline process that occurs when an issue of attendance, performance or behavior/conduct requires formal notification to the employee of the need for change. A conversation is held between the supervisor and employee about the problem that must be corrected. The supervisor must document the conversation by using the Discipline Worksheet provided by Human Resources. The Discipline Worksheet shall be submitted to Human Resources and a copy must be retained by the supervisor. *The Level One Warning remains active for six (6) months.*
- *Level Two (L2) Warning* is the more severe of the written warnings and occurs when: the Level One Warning has been unsuccessful in bringing about a performance improvement; a repeated infraction involving either attendance or behavior/conduct; or when a situation arises which by itself is sufficiently serious to justify this more severe step in the discipline process. A conversation is held between the supervisor and employee about the problem that must be corrected. The supervisor must document the conversation by using the Discipline Worksheet provided by Human Resources. The Discipline Worksheet shall be submitted to Human Resources and a copy must be retained by the supervisor. *The Level Two Warning remains active for nine (9) months.*

4. **Demotion** is a formal disciplinary step and occurs when there is no improvement or resolution to an employee's attendance, performance, or behavior/conduct after a Work Action Plan, Level One Warning or Level Two Warning, or when a policy violation is so egregious that it warrants severe corrective action. The supervisor submits justification to Human Resources for approval. If approved, the supervisor completes the Discipline Worksheet provided by Human Resources and holds a conversation with the employee about the problem(s) that warranted the action. The Discipline Worksheet shall be submitted to Human Resources and a copy must be retained by the supervisor. A demotion will result in a five (5) percent decrease in annual salary. However, a demotion percentage cannot be less than the pay grade minimum. A demotion may remain permanently active. Restoration of the employee to the salary and/or position held prior to a demotion shall be solely at the discretion of the State Property Officer. For an individual already in an entry-level position, only a salary reduction may be applied.
5. **Suspension Without Pay** is a formal disciplinary step that may be used when a situation arises which, by itself is sufficiently serious to justify an employee's absence from the workplace for a period of time. Suspension Without Pay may not be used for performance or attendance related issues; rather, this form of discipline may only be used for serious misconduct such as violations of the organization's policies regarding unlawful harassment, sexual harassment, drug and alcohol use, or for violations of state or federal laws. The supervisor shall submit justification to Human Resources for approval of use of the Suspension Without Pay step. If approved, the supervisor completes the Discipline Worksheet provided by Human Resources and holds a conversation with the employee about the policy violations that warranted the action and the need for immediate correction. Suspension Without Pay may be for a period of one (1) full workday up to five (5) full workdays. Upon return to a paid status, the employee must perform at a fully acceptable level in all areas of his/her job or face termination from employment. *Paid leave may NOT be used to cover any absence due to Suspension Without Pay, and the employee is NOT allowed to make up time upon return from Suspension Without Pay.* The Suspension Without Pay status remains active for twelve (12) months.
6. **Termination** from employment occurs when the disciplinary process has failed to bring about a positive change in an employee's attendance, performance, or behavior, or the employee commits a violation or infraction that is so severe it warrants immediate dismissal from employment.



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Administrative Guidelines

- **Repeating Disciplinary Steps:** The maximum number of Level One Warnings that may be active at one time is three (3), with no more than one (1) in any category. Should another attendance, performance, or behavior/conduct problem occur in a category where an employee has received three (3) Level One Warnings in different categories within a period of six (6) months, the next step in the discipline process is normally a Level Two Warning, with disciplinary action escalating depending on the severity of the infraction.

The maximum number of Level Two Warnings that may be active at one time is two (2). These warnings cannot occur in the same category. Should another attendance, performance, or behavior/conduct problem occur after an employee has received two (2) Level Two Warnings within a period of nine (9) months, the discipline level may escalate, depending on the severity of the infraction, to termination from employment.

The maximum number of Demotions that an employee may receive is one (1) in a twelve (12) month period. If another attendance, performance, or behavior/conduct problem occurs within 12 months of a demotion of the employee, the appropriate action is termination.

Because Suspension Without Pay requires the employee to perform at a fully acceptable level in all areas of his/her job, an employee may receive only one (1) in a twelve (12) month period. If another attendance, performance, or behavior/conduct problem occurs within 12 months of an active Suspension Without Pay, the appropriate action is termination.

- **Records Retention:** Supervisors and managers shall maintain records of disciplinary actions in their office files. A copy of the disciplinary action record shall be provided to the Sr. Human Resources Manager. Records of disciplinary actions are to be maintained in a file separate from the employee personnel files and shall not be sent with the personnel file when an employee transfers to another agency. In addition, expired disciplinary actions will not be used in making any personnel decisions within GBA, SPC, or GSFIC.
- **Transfers during Formal Discipline:** To encourage employees to correct discipline problems, an employee under any step of formal discipline may not transfer to another position within the GBA, SPC, or GSFIC until after deactivation of formal discipline occurs. This provision may be waived by the State Property Officer if it is determined to be in the best interest of GBA, SPC, or GSFIC.

Disclaimer

This policy shall not be construed as an explicit or implied contract between GBA, SPC, or GSFIC and any employee. GBA, SPC, and GSFIC reserve the right to adapt, modify, or abandon this policy at any time for any reason, with or without notice to any employee.