

DISCIPLINE AND DISCHARGE

Applicability: This policy applies to all Oak Hill employees.

Oak Hill's approach to staff supervision provides opportunities for employees to correct their actions and to generally improve their performance. This approach has the following additional goals:

- To address issues and concerns before they become disciplinary problems
- To provide a consistent, fair and impartial treatment of infractions
- To treat all employees fairly and equitably
- To empower supervisors to correct employee behavior and performance and to take disciplinary action when appropriate
- To encourage employees to take responsibility for their own actions
- To improve staff morale
- To comply with all requirements of state and federal law

When employees violate policy and procedures or fail to correct their actions or behavior, they become subject to discipline and discharge. The purpose of Oak Hill's discipline system, therefore, is to maintain performance standards, improve employee conduct and to ensure that all employees are following the same rules and share the same goals. Oak Hill will not impose discipline or discharge in an arbitrary, capricious or illegal manner.

The discipline and discharge of employees who are represented by the New England Health Care Employees Union, District 1199 (Union Employees) is governed by the collective bargaining agreement between Oak Hill and the Union as well as Oak Hill's policies and procedures. The discipline and discharge of nonunion employees, including professional, supervisory and administrative employees, are governed by Oak Hill's policies and procedures.

Nonunion employees are considered "at will" employees under Connecticut state law. Oak Hill reserves the right to discipline and discharge nonunion employees at any time and for any reason consistent with state and federal law. No Oak Hill employee is guaranteed continued employment nor is any employee considered to have a contract of employment unless such contract is in writing and signed by the employee and the President of Oak Hill.

Generally, Oak Hill imposes progressive discipline; i.e., the level of discipline is based on an employee's past discipline history as well as the seriousness of the infraction. Under progressive discipline principles, Oak Hill uses the lowest level of discipline necessary to correct behavior and moves to higher levels if the infraction continues. Generally, levels of discipline include written warning, suspension without pay, final warning and discharge. A most serious infraction may result in discharge even for the

first occurrence. A most serious infraction is one that either: (a) imperils the health or safety of others, (b) is generally considered a felony, (c) interferes considerably with Oak Hill's ability to manage the organization, (d) causes considerable property loss, or (e) demonstrates a wanton and reckless disregard for Oak Hill's mission. While progressive discipline is a useful tool, it may not be appropriate in all situations or for all types or levels of employees.

Oak Hill both recognizes the special contributions of its supervisors and professionals and holds them to a higher standard of conduct as agents and official representatives of the agency. In those infrequent instances when disciplinary action is necessary, such action will be reflective of their status within Oak Hill and will be commensurate with the issue or concern being addressed.

Each supervisor is authorized to administer counseling and written warnings without any prior approval in accordance with Oak Hill's policies and procedures. Each supervisor is authorized to recommend a suspension without pay subject to approval by a department head or his/her designee. Any discharge must be approved by a department head and the Director of Human Resources who will consider the recommendation of the supervisor in deciding whether to discharge an employee.

Union employees may challenge their discipline through the grievance and arbitration process of the collective bargaining agreement. Any nonunion employee who is disciplined or discharged may request, in writing, that such discipline or discharge be reviewed by the President of Oak Hill. Such request shall be made within ten days of the imposition of the discipline or discharge. In reviewing the discipline or discharge, the President may take any actions he/she deems appropriate including meeting with the affected employee. Within thirty days of the initial request for review, the President shall inform the employee, in writing, of the results of his/her review which shall be Oak Hill's final and binding decision regarding the discipline or discharge.

Cross-reference: Employment at Will
 Standards of Conduct and Workplace Behavior

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