
CLASSIFIED EMPLOYEES DISCIPLINARY ACTION

PURPOSE: To identify reasons for regulations regarding disciplinary actions for classified employees.

I. General Requirements

Any employee in the state classified service may be dismissed, suspended, demoted or reduced in pay for any of the following causes which occur during the employee's employment:

- A. Failure to perform the duties and carry out the obligations imposed by the state constitution, state statutes, or rules of the department or the Personnel Commission.
- B. Inefficiency, incompetency, or negligence in performing duties.
- C. Physical or mental incapability for performing assigned duties, if no reasonable accommodation can be made for the disabling condition.
- D. Refusal to accept a reasonable and proper assignment from an authorized supervisor.
- E. Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline in the department.
- F. Intoxication on duty.
- G. Careless, negligent, or improper use or unlawful conversion of state property, equipment, or funds.
- H. Use of any influence which violates the principles of the merit system in an attempt to secure a promotion or privileges for individual advantage.
- I. Conviction of official misconduct in office, or conviction of any felony, or conviction of any other crime involving moral turpitude.
- J. Acceptance of gifts in exchange for influence or favors given in an official capacity.
- K. Habitual pattern of failure to report for duty at the assigned time and place.
- L. Habitual improper use of sick leave.
- M. Unauthorized disclosure of confidential information from official records.
- N. Absence without leave.
- O. Misstatement or deception in application for employment.
- P. Failure to obtain or maintain a current license or certificate lawfully required as a condition in performance of duties.
- Q. Prohibited participation in political activities.

II. Progressive Discipline Policy

The following procedures are recommended to the supervisor who feels that employee performance is deficient:

- A. The employee should be verbally advised of the deficiency with regard to his/her performance or behavior and given an appropriate time interval in which to improve and an opportunity to succeed. In other words, if an employee's performance is

unsatisfactory, he/she has a right to be told and to be given supervisor's guidance to correct the problem areas.

- B. If verbal discussions are not effective, the Human Resource Department should be contacted to develop a special progressive discipline plan. This plan may include letters of reprimand, special performance evaluations, disciplinary action or dismissal.
- C. If the supervisor determines that a situation exists which requires immediate disciplinary action, the Director or Associate Director of Human Resources should be contacted.
- D. A recommendation for dismissal or termination should be discussed with the Director or Associate Director of Human Resources. A dismissal recommendation must be documented in writing and approved by the appropriated dean, vice president, Provost or President. This documentation should state the reason(s) for which dismissal is being recommended and outline efforts which have been made to improve the performance of the employee. All supporting documentation should be included.
 - 1. For entry level probation dismissals, refer to the section on Unsatisfactory Completion of Probationary Period.
- E. The Boise State University classified employee's grievance procedure exists for the purpose of affording a classified employee due process in cases of appealable, disciplinary actions recommended by the supervisor. It is our desire that problem situations be resolved internally, rather than involving formal appeal procedure of the Idaho Personnel Commission.
- F. The Human Resources Department will mediate deficiencies upon request if both parties are willing and interested in resolving the issue.
- G. The employee with permanent status has the right to appeal his/her dismissal within thirty-five (35) days to the State Personnel Commission if he/she feels he/she has been treated unfairly, provided the steps available to him/her through the internal grievance procedure have been exhausted.

III. Suspension for Investigation

An appointing authority may suspend with pay an employee for investigation of disciplinary causes enumerated in I. above. Each suspension for investigation shall be superseded by reinstatement to duty, dismissal or disciplinary suspension within thirty (30) calendar days of the suspension for investigation or within such extension of time approved by the Personnel Commission.

IV. Disciplinary Suspension

An appointing authority may suspend without pay an employee for discipline for causes enumerated in I. above. Disciplinary suspension of an employee with permanent status shall be subject to appeal by the employee to the Personnel Commission.

V. Suspension on Felony Charges

An appointing authority may suspend without pay an employee upon the issuance of a complaint, any information or indictment for felony charges. Such suspensions may remain in effect during the time such charges are pending. Full reinstatement of all benefits and salary that the employee would have otherwise been entitled shall be provided by the appointing authority to the employee upon a subsequent finding that charges or information were without grounds or the employee was not found guilty. For the purpose of this section, a

judgment withheld under Rule 33(d) of the Idaho Rules of Criminal Procedure is a conviction.

VI. Notice to State Personnel Director

Whenever an appointing authority considers it necessary to take disciplinary action (dismissal, suspension, demotion, or reduction in pay for cause) against an employee, he or she shall notify the employee and the State Personnel Director concurrently in writing and shall set forth the specific rule(s) violated and the reasons for the action. Suspensions with pay for investigation (III. above) may be made without prior notice to the employee; in this case, the appointing authority shall notify the State Personnel Director as soon as practical.