



**Missouri Department of
Natural Resources
Administrative Policies and Procedures**

Chapter 1 Employee Relations

Discipline Policy	Effective date	Revised
Number: 1.08	March 29, 2002	January 27, 2014

The Missouri Department of Natural Resources strives to administer equitable and consistent discipline for unsatisfactory conduct, performance and attendance in the workplace. The department’s own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, equitable and impartial.

REFERENCES

State Personnel Law (Merit System) Chapter 36, RSMo

Administrative Hearing Commission Section 621.075, RSMo

Separation, Suspension and Demotion 1 CSR 20-3.070

Related DNR policies

Discipline Procedures 1.08-01

Conduct and Ethics 1.01

Affirmative Action and Employee Relations 1.02

Employee Assistance Program Procedures 1.02-08

Employee Records 1.03

DEFINITIONS

Discipline: A formal written action presented to an employee documenting performance, conduct or attendance concerns, in an effort to assist the employee in achieving success.

Appointing authority: An officer having power to make appointments for employment or other personnel related issues or transactions. In the department the appointing authority to direct personnel action to is the Human Resources Director.

Official personnel file: The file maintained by the Human Resources Program that is the official record concerning employment events or actions for an employee of the department.

Other personnel files: Any record kept by an employee’s supervisor, program and/or division as documentation.

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Reference check: A search into or documentation of a potential employee’s history. A reference check may include, but is not limited to: confirmation of identity, work references, validation of driver’s license, other license validation, assurance of professional certification or degree required for the position, and state income tax compliance.

Supervisor: Individual who directly supervises the work of another employee such as approving time sheets or leave requests, conducting performance appraisals and/or recommending disciplinary action.

Triad: The department’s team that advises the Appointing Authority (Human Resources Director) in reviewing certain personnel actions for equity, consistency, legality and appropriateness comprised of the Human Resources Director, Employee Relations Director and the department’s Legal Counsel. Personnel actions typically reviewed by the Triad include but are not limited to discipline involving employee transfers, unacceptable conduct notices, suspensions without pay, demotions for cause and dismissals

Unclassified employee: An employee of the department whose position is not subject to the same protections as a classified employee within the State Merit System (also referred to as “at will”).

Administrative Hearing Commission: The Administrative Hearing Commission is a neutral, independent, administrative tribunal that conducts hearings and renders decisions on appeals made by employees for personnel related actions.

GENERAL PROVISIONS

It is the responsibility of supervisors to discuss performance, conduct and attendance with their staff regularly, including feedback on good performance, conduct and attendance, as well as areas for improvement. This may also entail coaching staff or providing training on how to improve in specific areas of job performance. Additionally, supervisors can encourage or recommend staff members seek out the Employee Assistance Program (EAP) voluntarily. (See Policy 1.02-08) Mandatory EAP referrals for serious matters (such as drug/alcohol issues, threats of violence, etc.) should be requested by the supervisor through their chain of command to the Employee Relations Office.



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When employee performance, conduct and/or attendance are consistently or significantly below expressed expectations, discipline may be warranted. In general, the purpose of discipline is to ensure the employee understands acceptable behavior or performance and has a reasonable opportunity to correct the problem and provide satisfactory service in the future if circumstances warrant depending on the severity of the conduct. This generally benefits both the employee and the department.

Performance problems will generally be addressed through the PERforM system using special performance plans with specific objectives to assist the employee in performing their duties at a successful level. If performance is not corrected through this avenue, disciplinary action (up to and including dismissal) should be imposed.

Once the need for discipline has been identified it may call for any of several options – verbal reprimand or a letter of caution, written reprimand, unacceptable conduct letter, transfer to another work location, suspension without pay, demotion for cause, or dismissal. The department need not utilize each step in the process, but will base such decisions on the severity of the problem and/or the number of occurrences.

While it is impossible to list every type of behavior that may be deemed a serious offense, the department’s Conduct and Ethics Policy 1.01 and 1 CSR 20-3.070 includes examples of behaviors that may result in suspension or termination of employment.

Supervisors must work with their program chain of command during any disciplinary action(s). All formal disciplinary actions are done with the approval of the Division Director in consultation with Human Resources. Such formal disciplinary actions should not be delivered without prior knowledge/notification of Human Resources. Specifically, these actions include letter of caution, written reprimand, notice of unacceptable conduct, suspension without pay, demotion for cause, and dismissal.

This policy does not apply to probationary or unclassified employees who are considered “at will” employees. However, some steps outlined for discipline may be helpful in dealing with discipline situations for probationary or unclassified employees.

A supervisor’s documentation of actions or discussions held regarding an employee’s performance, conduct and/or attendance is kept in other personnel files maintained by the supervisor. These records will be retained and upon request, the employee may review and copy his/her supervisor’s maintained personnel file. This review should be done in consultation with the supervisor.

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An employee will have an opportunity to show reasons why suspension without pay, demotion for cause, or dismissal should not be made with a Department Deputy Director or designee. Additionally, all employees have the right to appeal disciplinary actions of suspensions without pay that are more than five days, demotion for cause, or dismissal to the Administrative Hearing Commission within 30 calendar days under Section 621.075 RSMo.

Supervisory and managerial responsibilities

Supervisors and managers are responsible and accountable for implementing the provisions of this policy. This responsibility includes, but is not limited to:

- a. Identifying and appropriately documenting employee performance, conduct and/or attendance, whether positive or negative, Discipline should be considered corrective rather than punitive. Performance logs are available on the department’s intranet and may be used for recording this information.
- b. Being impartial and equitable in applying disciplinary measures. When problems occur, discipline should reflect the severity of the problem.
- c. Making all disciplinary decisions on the basis of fact. Supervisors should make reasonable inquiry into possible extenuating factors or circumstances beyond the employee’s control that may affect his or her performance, conduct or attendance.
- d. Supervisors should typically speak with employees directly to obtain their perspective on the matter before making a recommendation for formal disciplinary action. It may be advisable to obtain the employees statement in writing and attach the Employee Incident Report located in the Discipline Procedures Policy 1.08-01.