

Georgia Department of Public Safety

Policy Manual

SUBJECT DISCIPLINE	POLICY NUMBER 8.01
DISTRIBUTION ALL EMPLOYEES	DATE REVISED 9/8/2015

8.01.1 Purpose

The Department has established standards of performance, conduct and conditions of employment (e.g. attendance, appropriate dress, etc.) that are reasonable, job-related and non-discriminatory. The purpose of this discipline policy is to establish guidelines for managing employees in these areas that are inconsistent with Departmental policies and procedures.

8.01.2 Policy

- A. The Department of Public Safety is committed to treating its employees as mature, respected professionals. All personnel should understand the importance of their work and how the community and the organization value it. It is our expectation and belief that all personnel will live up to the established standards of performance and conduct, thereby creating a professional law enforcement organization and work environment that is a source of pride to all.
- B. It is the policy of the Department of Public Safety to provide for progressive discipline, where necessary and appropriate, to promote the best development of its employees and the most professional service possible to the citizens that it serves. While progressive discipline is the preferred method of discipline, certain situations may require disciplinary action up to and including termination for a first offense dependant on the facts and circumstances of each incident(s). Examples of conduct that may result in termination for a first offense include, but are not limited to, involvement in incidents of domestic violence, reporting to duty under the influence of drugs and/or alcohol, engaging in unlawful or prohibited harassment or discrimination, engaging in sexual relations of any kind while on duty or in uniform, negligence or inefficiency in the performance of duties, insubordination, theft, breach of duty, and violations of the oath of office entered into by a law enforcement officer.
- C. Supervisors are responsible for achieving the highest performance possible from the activities under their control. Therefore, it is incumbent upon all supervisors to lead by example and to address unacceptable performance, conduct or conditions of employment by their employees. Subject to the provisions in this policy, supervisors are expected to choose the best available method to address unacceptable performance or conduct in light of the overall circumstances. With these responsibilities, supervisors are also accountable for the fair and proper use of these tools.
- D. This policy is intended to create an efficient and appropriate system of disciplining employees and promoting professional personnel management. It is adopted for the benefit of the Department and does not create any rights or benefits for employees of

the Department or for any other person. No disciplinary action shall be considered invalid for failure to follow any procedure contained in this policy.

8.01.3 Definitions

- A. Adverse Actions - An adverse action is any disciplinary action that affects the employee's salary, status or permanent rank. These actions are disciplinary suspensions without pay, disciplinary salary reductions, involuntary disciplinary demotions and involuntary disciplinary terminations of employment. A demotion or a dismissal as a result of a failure of a working test is not an adverse action and is not subject to this policy. A separation, demotion, suspension without pay or salary reduction resulting from a non-disciplinary reason (reorganization, budget reductions, discretionary personnel action, etc.) is also not an adverse action and is not subject to this policy.
- B. Discretionary Personnel Action. A discretionary personnel action is one taken by the Commissioner against an employee who does not hold permanent status in a classified position and that has been identified by the Commissioner as a discretionary action. A discretionary action is not an adverse action and is not subject to this policy.
- C. Probationary Period or Working Test – Probationary period or working test are interchangeable terms used to describe an initial period of service in a new job or classification after an initial appointment (new hire or transfer from another state agency) or promotion. This probationary period will last for twelve (12) months unless otherwise specified (e.g. the probationary period for the job of Trooper is eighteen (18) months). Persons separated by an appointing authority (limited or otherwise) during the probationary period or demoted by an appointing authority (limited or otherwise) to a previously held job during a probationary period following a promotion shall be considered to have failed their probationary test or their working test. The action shall not be considered an adverse action subject to this policy or to any review.
- D. Appointing Authority - An Appointing Authority is a person who is authorized by law or by delegated authority to make appointments to fill positions or to take action to demote or dismiss an employee.
- E. Commissioner or Commissioner of Public Safety - The Commissioner of Public Safety is the ultimate Appointing Authority for all employees of the Department of Public Safety (Georgia State Patrol).
- F. Department – Department means the Department of Public Safety. For purposes of this policy the terms “Department,” “Department of Public Safety,” and “DPS” are used interchangeably to refer to the Department of Public Safety.
- G. Limited Appointing Authority - A limited Appointing Authority is anyone who has been delegated some appointing authority by the Commissioner. The Lt. Colonels, the Commanding Officer, the Headquarters Adjutant or the Chief of Motor Carrier Compliance; also the Directors of Legal Services, Human Resources, Office of Professional Standards, the Chief Financial Officer and the Comptroller are limited Appointing Authorities for the positions under their chains of command. In the Appointing Authority’s absence, the Appointing Authority may name a designee.
- H. Supervisor - Supervisors are managers who are not delegated as limited Appointing Authorities. Supervisors may impose any disciplinary action up to a Corrective

Interview. They may not initiate an adverse personnel action nor suspend an employee with pay except for emergency situations involving employee and/or public safety as outlined within this policy.

- I. Reviewing officer - Any official of the Department who has been assigned the responsibility of reviewing proposed personnel adverse actions.
- J. Charges - This term as related to in this policy refers to a formal accusation in personnel actions which may or may not be required in addressing certain personnel action based on an employee's employment status.
- K. Days – Days means calendar days unless otherwise specified.
- L. Employment File – An Employment File is a file maintained on an employee at the local office or post that would be forwarded to future supervisors. It is used for documentation at the local level. The Employment file is also referred to as the post file.
- M. Verbal Warnings - An unwritten interaction between an employee and his or her supervisor that illustrates minor improper or unwarranted conduct or poor performance and what action is required to perform properly. Verbal warnings should be documented as outlined in Georgia Gain training and maintained permanently in the post file.
- N. Oral Reprimand – The Department does not issue Oral Reprimands.
- O. Letters of Instruction – An informal written memorandum or directive that documents corrective instructions that are given to an employee for minor employment problems. Letters of Instruction may be issued by any supervisor and they are maintained permanently in the post file. There is no appeal or review of a letter of instruction.
- P. Corrective Interview – A formal written document issued on the proper form listing deficiencies in performance, violations of policy, or other employment relation problems. This may result from situations where verbal warnings and/or letters of instruction may have been issued for the same actions or it may result from first time violations where the supervisor does not believe a verbal warning or a letter of instruction would be appropriate. There are two types of corrective interviews; (1) the letter of concern and (2) the letter of reprimand (or written reprimand). The letter of concern may be issued by any supervisor. The letter of reprimand (or written reprimand) may be issued only by appointing authorities (limited or otherwise) or their designees. Corrective Interviews will be forwarded through the chain of command to the supervising limited Appointing Authority for review and then to Human Resources for filing in the employee's 201 personnel file. It is also maintained permanently in the post file along with other associated documentation.

8.01.4 Procedures

- A. Supervisors
 - 1. As part of their overall responsibility for the activities under their control, supervisors are required to lead by example and to monitor the performance, conduct and conditions of employment of their subordinate employees.
 - 2. Supervisors should follow these steps in arriving at an appropriate method to deal with unacceptable performance or conduct by an employee.

3. If an employee's performance, conduct or condition of employment is questionable, the supervisor must determine the facts. The type of investigation required depends on the nature of the problem involved and the possible disciplinary consequences. The supervisor should document the facts, including taking written statements where appropriate.
4. After determining what has happened, the supervisor must endeavor to determine why the employee's performance, conduct or condition of employment has been unacceptable.
5. The supervisor must then determine the appropriate method to deal with the problem at hand. If appropriate, supervisors are encouraged to take action that enables the employee to correct their deficiencies and contribute to the success of the workplace. Such action might consist of providing advice, orientation, and training to the employee or referring them to other resources as appropriate. While such measures are often effective, they are not a prerequisite to the imposition of discipline.
6. If discipline is appropriate and before deciding on the discipline to be imposed, supervisors and/or the proper chain of command should consider the following factors, but not limited to: the nature and severity of the violation, its impact on the activity of the unit involved and/or on the operation of DPS as a whole, the work history of the employee, and any other aggravating or mitigating circumstances.
7. Progressive Discipline -The Department follows the policy of progressive discipline where appropriate. Under progressive discipline, performance deficiencies and/or employment problems should always be addressed as soon as possible, and with increasingly greater sanctions for repeated offenses. While progressive discipline is the preferred method of discipline, certain situations may require disciplinary action up to and including termination for a first offense, dependant on the facts and circumstances of each incident(s).
8. The same offense need not always warrant the same punishment. Supervisors have the responsibility to evaluate the context of each incident individually, and to apply any appropriate discipline without personal favoritism. These disciplinary actions should be directed at correcting, improving and training the employee towards proper performance.
9. Troop/Region and/or Post Commanders or the civilian equivalent Supervisor may utilize tools available to their command to guide employees towards improved performance and compliance with policy and guidelines. While not all-inclusive those actions may include any or all of the following; field training, classroom training, coaching, verbal warnings, letters of instruction and corrective interviews.
10. It is highly recommended that training be a means for improving employee productivity, performance and effectiveness through positive and constructive methods.
11. It is also recommended that, so far as possible, instruction which may embarrass an employee or is of a corrective nature be conducted in the absence of the employee's peers.

B. Levels

1. Disciplinary Actions (verbal warnings, letters of instruction, letters of concern and written reprimands.)
 - a. Any supervisor may initiate a disciplinary action, other than a written reprimand or an adverse action, against a subordinate employee. If the action is in writing, then the employee will be afforded an opportunity to prepare a written response if the employee so desires. With regards to the letter of instruction, the response is filed with the letter in the employment or local file. If, within ten (10) days of receipt, the employee submits a response to a Corrective Interview (letters of concern and written reprimands), the response will initiate a review. Otherwise, a copy is forwarded with any employee's response through the limited Appointing Authority to the Director of Human Resources for filing in the employee's 201 personnel file and to the Director of the Office of Professional Standards for filing.
 - b. In some circumstances, someone other than the employee's immediate supervisor within the employee's chain-of-command can initiate disciplinary actions, other than adverse actions. In these situations, the employee will also be afforded an opportunity to prepare a written response if he or she so desires.
 - c. Where there has been a timely response to a corrective interview, the disciplinary action with the response will be forwarded through the chain of command to the employee's limited Appointing Authority or their designee for review. This reviewing authority can approve, disapprove or modify the disciplinary action. After the action has been reviewed, a copy is forwarded with the employee's response to the Director of Human Resources for filing in the employee's 201 personnel file and to the Director of the Office of Professional Standards for filing.
 - d. Except as required by state law there will be no appeal and no hearing regarding the imposition of any disciplinary matter that is not an adverse action.
2. Adverse Actions -- Classified Employees
 - a. Adverse Actions (suspension without pay, disciplinary salary reduction, involuntary disciplinary demotions and involuntary disciplinary termination of employment) may be imposed only by an Appointing Authority. Limited Appointing Authorities may initiate an adverse action against an employee holding permanent status in the Classified Service in accordance with the procedure set forth below:
 - 1) The Limited Appointing Authority initiates the action by proposing the adverse personnel action with charges against the employee. The proposed action with charges must be in writing and, except in emergency circumstances, must be given to the employee at least fifteen days before the effective date of the action.
 - 2) Before initiating or proposing an adverse action, the respective Limited Appointing Authority should confer with the Director of Human Resources and the Director of Legal Services or their designees.

b. Intra-Agency Review

- 1) Any employee, who is subject to an adverse action, may have that action reviewed by a reviewing officer. For Divisions or other units that report directly to a Lt. Colonel, the Lt. Colonel will either serve as the reviewing officer or the Lt. Colonel or the Commissioner will appoint a reviewing officer. For all other Divisions and units, the Commissioner will either conduct the review or appoint a reviewing officer.
- 2) Unless otherwise stated in writing by the reviewing officer, the requesting of a review will not delay the effective date of the adverse personnel action.
- 3) If the employee wishes to have the matter reviewed but does not wish to have a personal meeting with the reviewing officer, then the employee must serve a written request on the reviewing officer which sets forth all of the employee's concerns and objections. The reviewing officer must receive this request within ten days after the employee received the notice of adverse action.
- 4) If the employee wishes to personally meet with the reviewing officer, the employee must serve a written request for a meeting on the reviewing officer. The reviewing officer must receive this request within ten days after the employee received the notice of the adverse action. Once the request is received, the reviewing officer will schedule a meeting with the employee to hear his or her concerns and may meet with any other person on this matter or consider any other information.
- 5) During the review, the employee may respond to the charges or may address any other concern, e.g. unlawful discrimination, retaliation, or other alleged inappropriate basis for the adverse action.
- 6) Copies of any proposed adverse action shall be forwarded to the Commissioner, the reviewing officer, the Director of Human Resources and the Director of Legal Services. If no review was requested in a timely fashion, the proposed action becomes the final adverse action of the Department and all further appeal rights including any appeal to the State Personnel Board are waived.
- 7) If a review was requested in a timely fashion, then the reviewing officer issues the final adverse action. The reviewing officer has the authority to sustain the proposed action, reverse it, modify it, or even increase the sanction, provided that if the sanction is increased and the reviewing officer is someone other than the Commissioner, the reviewing officer will issue a new proposed adverse action and the employee may request an additional review. Copies of the final adverse action will be forwarded to the Commissioner, the proposing appointing authority, the Director of the Office of Professional Standards, the Director of Legal Services, the Director of Human Resources and the payroll section of the Comptroller.
- 8) When a final adverse action is issued, there shall be no further review by the Department. Even though no employee may request any additional intra-departmental review of the Final Adverse Action, the Commissioner may, on his own initiative, set aside any final action or authorize an additional review.

3. Unclassified/Merit Exempt Employees (at-will employees)
 - a. Adverse Actions (suspension without pay, disciplinary salary reduction, involuntary disciplinary demotions and involuntary disciplinary termination of employment) may be imposed only by an appointing authority. Limited Appointing Authorities may initiate an adverse action against an employee in the Unclassified Service or other at-will employees in accordance with the procedure set forth below:
 - 1) A Limited Appointing Authorities may initiate or propose an adverse action.
 - 2) No charges will be made in the adverse action letter. However, the Appointing Authority must still serve a written adverse action letter on the employee advising the employee of the action's effective date and should include a general reason for the action.
 - 3) Before initiating or proposing an adverse action, the respective Limited Appointing Authority should confer with the Director of Human Resources and the Director of Legal Services or their designee.
 - b. Intra-Agency Review
 - 1) Any employee who is subject to an adverse action may have that action reviewed by a reviewing officer. For Divisions or other units that report directly to a Lt. Colonel, the Lt. Colonel will either serve as the reviewing officer or the Lt. Colonel or the Commissioner will appoint a reviewing officer. For all other Divisions and units, the Commissioner will either conduct the review or appoint a reviewing officer.
 - 2) Unless otherwise stated in writing by the reviewing officer, the requesting of a review will not delay the effective date of the adverse personnel action.
 - 3) If the employee wishes to personally meet with the reviewing officer, the employee must serve a written request for a meeting on the reviewing officer. The reviewing officer must receive this request within five days after the employee received the notice of the adverse action. Once the request is received, the reviewing officer will schedule a meeting with the employee to hear his or her concerns and may meet with any other person on this matter or consider any other information.
 - 4) If the employee wishes to have the matter reviewed but does not wish to have a personal meeting with the reviewing officer, then the employee must serve a written request on the reviewing officer which sets forth all of the employee's concerns and objections. The reviewing officer must receive this request within five days after the employee received the notice of adverse action.
 - 5) During the review, the employee may respond to the action or may address any other concern, e.g. unlawful discrimination, retaliation, or other alleged inappropriate basis for the adverse action.
 - 6) Copies of any proposed adverse action shall be forwarded to the Commissioner, the reviewing officer, the Director of Human Resources and the Director of Legal Services. If no review was requested in a timely

fashion, the proposed action becomes the final adverse action of the Department.

- 7) If a review was requested in a timely fashion, then the reviewing officer issues the final adverse action. The reviewing officer has the authority to sustain the proposed action, reverse it, modify it, or even increase the sanction. Copies of the final adverse action will be forwarded to the Commissioner, the proposing appointing authority, the Director of the Office of Professional Standards, the Director of Legal Services, the Director of Human Resources and the payroll section of the Comptroller.
 - 8) When a final adverse action is issued, there shall be no further review. Even though no employee may request any additional review of the Final Adverse Action, the Commissioner may, on his own initiative, set aside any final action or authorize an additional review.
4. Suspension/Administrative Leave with Pay is not a disciplinary action.
 - a. Any Limited Appointing Authority has the authority to place an employee on suspension with pay pending a proposed demotion or dismissal.
 - b. Any limited Appointing Authority has the authority to place an employee on administrative leave with pay or suspension with pay for investigative purposes.
 - c. The Troop/Region Commander/Post Commander or the civilian equivalent Supervisor, in an emergency situation (where they have determined that the retention of the employee in active duty status may result in damage to property or may be disruptive, detrimental or injurious to the employee, fellow workers, persons under the employee's charge or the public), may place the employee on suspension/administrative leave with pay. The Troop/Region Commander/Post Commander or the civilian equivalent Supervisor must notify their Adjutant or Division Director through the chain-of-command as soon as practicable and in no event greater than eight hours of any such action.
 5. If the adverse action results in dismissal, the Director of Human Resources will provide to the employee:
 - a. Status of fringe and retirement benefits after dismissal, and
 - b. Content of the employee's employment record relating to the dismissal.
 6. Emergency Adverse Actions
 - a. With the approval of the Commissioner, a limited appointing authority may take immediate final adverse action. This approval may be verbal; however, it should be reduced to writing by the Appointing Authority as soon as practicable. Failure to place the approval in writing will not invalidate the action.
 - 1) Emergency situations
 - a) It is likely that the employee has committed a felony or other crime involving moral turpitude, or

b) The retention of the employee in active duty status may result in damage to property or may be disruptive, detrimental or injurious to the employee, fellow workers, and persons under the employee's charge or the public.

c) Immediate dismissal is required by law.

7. Uniforms

a. Sworn members that have been demoted to a non-sworn position shall turn in all uniform items that identify them as a sworn officer.

C. Disciplinary actions shall be entered into the Employee Tracking System (ETS) by the appropriate Troop/Region/Unit.