

Chapter: Discipline, Grievances, and Mediation	<b>Effective Date: 1/1/15</b>
<b>Title: Disciplinary Action</b>	Page: 1 of 13
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(a) **Policy.**

Employees of the Texas Juvenile Justice Department (TJJJ) are expected to abide by employee rules of conduct and all TJJJ policies and procedures that apply to the position they hold. TJJJ uses a progressive employee disciplinary system designed to ensure timely, fair, and consistent disciplinary action when performance or behavior is unacceptable.

TJJJ makes no promise or representation that compliance with the employee rules of conduct is a guarantee of continued employment. The progressive employee disciplinary system does not limit the agency's authority to terminate an employee at will.

(b) **Additional Resources.**

- (1) [TJJJ Employee Handbook \(handbook\)](#) – The employee rules of conduct are listed and described in the handbook, which is an appendix to this manual. The absence of a specific rule does not mean an act is condoned and would not result in disciplinary action.
- (2) [TJJJ Employee Disciplinary Hearing Guidelines](#) – When disciplinary action has been approved as an appropriate action after a local or [official investigation](#) has been completed, the employee must be provided the opportunity to attend an employee disciplinary hearing. The purpose of this hearing is to allow the employee a final opportunity to influence the approved disciplinary action by presenting new, factual information regarding the alleged violation. The TJJJ Employee Disciplinary Hearing Guidelines, which are an appendix to this manual, explain the responsibilities of the employee and his/her representative, expectations for conduct during the hearing, how to request an ADA accommodation, and whether time and travel will be paid by TJJJ.
- (3) [PRS.11.09](#) – This policy describes when it is appropriate to administratively suspend an employee with or without pay pending completion of an investigation into alleged misconduct.
- (4) [PRS.35.03](#) – This policy establishes the employee grievance process, including employee grievances about disciplinary actions.
- (5) [PRS.35.06](#) – This policy establishes the independent dismissal mediation procedures for employees who choose this option after being terminated through the disciplinary process.

(c) **Definitions.**

Except as noted below, see the [PRS Glossary](#) for definitions of certain terms used in this policy.

- (1) **Employee Relations Coordinator (ERC)** - A Human Resources employee responsible for coordinating the disciplinary process for assigned locations in close collaboration with the supervisor responsible for issuing discipline.
- (2) **Employee Relations Specialist** – A Human Resources employee located in the Austin Office whose responsibilities include providing technical guidance and consultation to employee relations coordinators.
- (3) **Local Investigation** – An investigation conducted by an employee's supervisor in collaboration with the employee relations coordinator when an official investigation is not conducted. These investigations involve obtaining an employee's written response to a report of alleged misconduct and may involve obtaining written responses from witnesses to additional questions submitted by the employee.

- (4) **Preliminary Investigation** – For purposes of the employee disciplinary process, a limited-scope inquiry by an employee’s supervisor to verify whether an allegation merits completion of a Report of Employee’s Alleged Misconduct, [HR-200a](#), or a limited-scope review or inquiry by an official investigator to verify that the alleged misconduct warrants an official investigation instead of a local investigation.

(d) **Corrective Actions other than Disciplinary Actions.**

When appropriate, supervisors are expected to issue a written counseling memo to address an employee’s unacceptable performance or behavior before pursuing disciplinary action. Supervisors are also expected to pursue disciplinary action if the employee does not change his/her conduct after receiving a counseling memo or if disciplinary action is appropriate to the situation. In addition to any counseling memos or discipline issued, a supervisor may also issue a corrective action plan. Written counseling memos and corrective action plans must be objective, job-related, and used in a consistent manner.

(1) **Contents of a Written Counseling Memo.**

A counseling memo must identify one of the following:

- (A) the specific unacceptable performance or behavior and the appropriate action to be taken when a similar situation occurs in the future; or
- (B) the specific ongoing area of concern and a specific timeframe to correct the unacceptable performance or behavior (e.g., immediately, three months, six months);

(2) **Contents of a Corrective Action Plan.**

A corrective action plan must include goals with specific target dates for the employee to accomplish the goals.

(3) **Review and Distribution.**

- (A) The supervisor must provide the counseling memo and, if applicable, the corrective action plan to the appropriate ERC for approval before providing them to the employee.
- (B) After obtaining the ERC’s approval, the supervisor:
  - (i) reviews the document with the employee;
  - (ii) requests the employee to sign the document;  

Note: If the employee refuses to sign the document, the supervisor writes “employee refused to sign” on the document.
  - (iii) provides the employee with a copy of the document; and
  - (iv) provides the original document to the ERC to maintain in the employee’s personnel file.

(e) **Termination Due to Failure to Have a Negative Alcohol/Drug Test Result.**

When the agency receives notification from a collection site or medical review officer that an employee has failed to have a negative alcohol/drug test result, termination is the only appropriate disciplinary action. Therefore, the procedures in (f) below do not apply.

- (1) The employee is suspended without pay in accordance with [PRS.11.09](#) until the human resources director or designee issues the Record of Employee Termination Due to Failure to Have a Negative Alcohol/Drug Test Result, [HR-200dd](#) form, which terminates the employee.

- (2) Because the termination is directed by this policy:
  - (A) the employee does not have the option to request independent dismissal mediation; and
  - (B) the only grievable issue is whether the medical review officer changed a verified positive test result to a negative test result after the employee was terminated.

Note: Refusing to test, tampering with a specimen, and having a verified, confirmed positive alcohol or drug test result are considered failure to have a negative test result. See [PRS.02.17](#) for additional information regarding a refusal to test and specimen tampering.

(f) **Procedures.**

All required actions in the disciplinary process should occur as soon as reasonably possible.

(1) **Reporting Alleged Violations and Preliminary Investigation.**

The following procedures are in addition to the requirement established by [GAP.07.03](#) to immediately report a critical incident, serious incident, and suspected mistreatment of youth to the Office of Inspector General – Incident Reporting Center (IRC). When applicable, reporting an incident to the IRC is the first priority before taking the following steps.

- (A) If a supervisor other than an employee’s immediate supervisor observes an employee committing a violation of the Employee General Rules of Conduct or any other rule/policy violation, the observing supervisor must send an email to the employee’s immediate supervisor with a copy to the ERC. The email must describe the observed misconduct in detail.
- (B) When an employee’s immediate supervisor observes a rule/policy violation or receives email notice of a rule/policy violation and it appears that an official investigation is warranted because the rule/policy violation involves or potentially involves an equal employment opportunity (EEO) violation, youth abuse, neglect, or exploitation (ANE violation), or a criminal offense, the supervisor summarizes the incident on an [HR-200a](#) form.
  - (i) The supervisor must not discuss the alleged violation with the employee or witnesses while an official investigator is deciding whether an official investigation is warranted or while an official investigation is being conducted.
  - (ii) If the official investigator decides that a local investigation is appropriate and an official investigation is not warranted, the supervisor proceeds with a local investigation.
- (C) When an employee’s immediate supervisor observes a rule/policy violation or receives email notice of a rule/policy violation and it appears that an official investigation is **not** warranted, the supervisor must conduct a preliminary investigation to determine whether:
  - there is sufficient reason to believe that a rule/policy violation occurred; and
  - submission of an HR-200a form is appropriate.
  - (i) The immediate supervisor must take the following steps before submitting a completed HR-200a form:
    - (I) review any relevant documentation or video evidence; and
    - (II) discuss the incident with the employee and first-hand witnesses to obtain their version of relevant events. If at any point in the discussion it becomes obvious that an official investigation is warranted, the supervisor must stop the discussion and not have any further discussions with the employee or witnesses.

Note: If the employee or a witness is on leave, the supervisor should consult the ERC on how to proceed.

- (ii) If the supervisor is not sure whether the incident involves a rule/policy violation even after obtaining available information, the supervisor should request assistance from the ERC in determining if a rule/policy violation occurred.

(2) **Case Number Assignment.**

Upon receipt of an [HR-200a](#) form, the ERC:

(A) assigns a case number using:

- (i) the letters "DISC" to identify the case number as part of the employee disciplinary process;
- (ii) the letters "FY" and the last two digits of the fiscal year in which the report is made;
- (iii) the two-digit location code; and
- (iv) a three-digit number corresponding with the number of reports already received for that fiscal year and location; and

Example: The case number for the first HR-200a form received in Fiscal Year 2015 would be DISCFY15-two-digit location code-001.

- (B) begins completing a Disposition of Alleged Misconduct form, HR-200f, which serves as a tracking log for the disciplinary process.

(3) **Employee Status Pending Outcome of Investigation.**

The employee's supervisor may decide based on available information that there is good cause to suspend an employee pending the outcome of the investigation. See [PRS.11.09](#), Suspension Pending Investigation Outcome or Termination.

(4) **Local Investigation.**

(A) **When an Official Investigation is Not Conducted.**

- (i) When an official investigation is not conducted, the ERC proceeds with coordinating a local investigation after receiving the HR-200a form.
- (ii) The ERC provides the employee with:
  - (I) a copy of the HR-200a form; and
  - (II) an Employee's Statement in Response to Alleged Misconduct form, [HR-200b](#), for his/her completion and signature.
- (iii) Upon receipt of the HR-200b form for completion, the employee:
  - (I) agrees that the description of his/her conduct on the HR-200a form is an accurate description; or
  - (II) provides additional, relevant information. When additional, relevant information is provided, the employee may:
    - (-a-) identify first-hand witnesses from whom he/she wants the ERC to obtain a witness statement regarding the additional information; and
    - (-b-) list questions that he/she wants the ERC to ask the witnesses regarding the additional information.

Note: Statements will not be obtained from character witnesses or witnesses with "hearsay" information.

- (iv) Upon receipt of the completed HR-200b form from the employee, the ERC:
    - (I) prepares a separate Witness Statement Regarding Alleged Misconduct form, [HR-200c](#), for each first-hand witness identified by the employee as having knowledge of the employee's additional, relevant information; and
    - (II) reviews any questions submitted by the employee and:
      - (-a-) omits any questions from the HR-200c form that are obviously not applicable to the additional, relevant information or are intimidating, hostile, offensive, or discriminatory in nature; and
      - (-b-) incorporates minor edits as necessary to clarify the intent (e.g., correction of grammatical errors); and

Note: The ERC must be prepared to explain why a question was omitted. The ERC must collaborate with the employee when necessary to ensure any edits do not change the intent.

  - (III) provides the appropriate HR-200c form to the witness for completion.
- (v) The ERC provides the immediate supervisor with the following if the employee does not request statements from any witnesses or upon the ERC's receipt of the HR-200c forms from witnesses:
  - (I) completed [HR-200b](#) form;
  - (II) completed HR-200c forms, if applicable;
  - (III) information regarding the employee's previous disciplinary history; and
  - (IV) original [HR-200a](#) form.
- (vi) On the original HR-200a form, the immediate supervisor documents his/her decision on whether disciplinary action is warranted after completing the local investigation.
- (vii) If at any point during a local investigation the evidence indicates that the misconduct involves an EEO violation, ANE violation, or criminal offense:
  - (I) the supervisor, or ERC if the supervisor is not available, must follow the procedures in [GAP.07.03](#) relating to incident reporting; and
  - (II) the ERC must notify the employee relations specialist or Human Resources management that there is reason to believe an official investigation is warranted.

**(B) When an Official Investigation is Conducted.**

- (i) When an official investigation **has been** completed, a local investigation **is not** conducted. Therefore, the ERC must not obtain any employee or witness statements. The information obtained from employees and witnesses through the official investigation is sufficient.

Note: This does not mean that the supervisor cannot ask questions of employees and witnesses as part of a preliminary investigation up to the point of determining that it is obvious the misconduct warrants an official investigation.

- (ii) The ERC provides the supervisor with the employee's disciplinary history and the original HR-200a form.
- (iii) On the original [HR-200a](#) form, the immediate supervisor indicates whether disciplinary action is warranted. This decision cannot be made until the [chief local administrator \(CLA\)](#) has received the investigative findings and advises the ERC that he/she has:

- (I) decided to not appeal the investigative findings; or
- (II) received a decision in response to an appeal of the investigative findings.

(5) **Factors Influencing Decision to Recommend Disciplinary Action.**

When deciding whether to recommend disciplinary action and which disciplinary action should be recommended, the immediate supervisor and ERC must consider the following job-related, non-discriminatory factors:

- (A) the documented facts or events of the reported incident;
- (B) the range of disciplinary actions or “grid” published in the TJJJ Employee Handbook, which identifies the disciplinary actions generally appropriate for the corresponding violation level;

Note: Because the “grid” is not the only factor considered when determining appropriate disciplinary action, supervisors are not required to impose a less severe disciplinary action prior to imposing a more severe disciplinary action. A single infraction may warrant termination. Likewise, imposed disciplinary actions may be less severe than the disciplinary actions referenced on the grid.

- (C) the employee’s disciplinary history;
- (D) whether the employee is currently on disciplinary probation;

Note: Disciplinary action for an employee who is currently on disciplinary probation should be elevated to a more severe disciplinary action than what would otherwise be recommended.

- (E) any aggravating or mitigating circumstances;

Note: Aggravating or mitigating circumstances includes things like evidence of willfulness or lack of willfulness, environmental factors that may have contributed to the employee’s action, and efforts or lack of efforts to help the employee overcome the problem.

- (F) disciplinary actions imposed for other employees with similar violations; and
- (G) the employee’s record of training, length of service, position, job responsibilities, and performance history.

(6) **Options for Disciplinary Action.**

The table below shows all disciplinary actions in order of severity, starting with the least severe.

<b>Disciplinary Action</b>	<b>Explanation</b>
<b>Reprimand</b>	<ul style="list-style-type: none"> <li>• A reprimand is imposed only for minor violations.</li> <li>• If the reprimand is for a Group 3 (Youth Supervision) rule violation, the employee is not eligible to serve as a TJJJ volunteer for three months after the date of the reprimand.</li> <li>• The employee is not eligible for a merit salary increase, one-time merit payment, or administrative leave for outstanding performance for six months after the date of the reprimand.</li> </ul>

Disciplinary Action	Explanation
<b>Disciplinary Probation</b>	<ul style="list-style-type: none"> <li>• Disciplinary probation must be for either a three-month or a 12-month period.</li> <li>• If the employee is on disciplinary probation for one violation and another disciplinary probation is imposed, the new probation period starts immediately after the first probation ends.</li> <li>• During a disciplinary probation period, the employee is not eligible:               <ul style="list-style-type: none"> <li>○ to be considered for a promotion; or</li> <li>○ to serve as a TJJD volunteer if the discipline is a result of a Group 3 (Youth Supervision) rule violation.</li> </ul> </li> </ul> <p style="margin-left: 40px;">Note: If an employee's last day of disciplinary probation is on or after the closing date of a position posting, the employee must not be considered for a promotion to the posted position. If an employee is placed on probation before the effective date of a promotion, the employee is no longer eligible for the promotion. The disciplinary probation period will result in a delay in a career path promotion per PRS.15.07.</p> <ul style="list-style-type: none"> <li>• The employee is not eligible for a merit salary increase, one-time merit payment, or administrative leave for outstanding performance for six months after the beginning date of the disciplinary probation period or while serving a 12-month period of disciplinary probation,</li> <li>• If an absence or break in service of 30 or more consecutive <a href="#">calendar days</a> occurs during a period of disciplinary probation, the length of the probation is extended by the length of the absence or break in service.</li> </ul>
<b>Involuntary Demotion</b>	<ul style="list-style-type: none"> <li>• An involuntary demotion is a change in duty assignment of an employee from one classified position to another classified position that is in a salary group with a lower minimum salary rate.</li> <li>• Involuntary demotion should only be considered when:               <ul style="list-style-type: none"> <li>○ performance or conduct is unacceptable to the degree that it is in the agency's best interest for the employee to no longer be employed in the current position; but</li> <li>○ continued employment in a lower-level job is believed to be in the interest of the agency.</li> </ul> </li> <li>• Before imposing an involuntary demotion, the supervisor must ensure that:               <ul style="list-style-type: none"> <li>○ a valid payroll position exists;</li> <li>○ the employee meets the position's minimum qualifications, and</li> <li>○ written budget approval (e.g., via email) has been received to fill the position.</li> </ul> </li> <li>• When an involuntary demotion is imposed, a 3-month disciplinary probation period must also be imposed. (See above for an explanation of disciplinary probation)</li> <li>• Involuntary demotion cannot be used to reduce an employee's pay grade without a change to a position involving different duties. For example, demotion cannot be used to change an employee from a juvenile correctional officer (JCO) IV to a JCO III.</li> <li>• If the demotion is a result of a Group 3 (Youth Supervision) rule violation, the employee is not allowed to serve as a TJJD volunteer until a satisfactory performance evaluation has been received.</li> </ul> <p style="margin-left: 40px;">Note: This restriction on volunteering is in addition to the restriction imposed due to the 3-month disciplinary probation.</p>

Disciplinary Action	Explanation
<b>Disciplinary Termination</b>	<ul style="list-style-type: none"> <li>The employee is provided the option to file a grievance or request independent dismissal mediation to overturn or modify the terms of the disciplinary termination.</li> </ul>

**(7) When Disciplinary Action is Not Recommended.**

- (A) When the immediate supervisor decides to not recommend disciplinary action, he/she:
- documents the decision on the [HR-200a](#) form along with whether other action (e.g., counseling memo, training, mediation) is being taken; and
  - returns the HR-200a form to the ERC.
- (B) If an official investigation was conducted and the alleged misconduct was confirmed, the immediate supervisor submits an e-mail to the ERC advising of the reason for the decision to not recommend disciplinary action. The ERC forwards the email to the employee relations specialist.
- (C) The ERC emails a scanned copy of the updated HR-200a form to the employee.

**(8) When Disciplinary Action is Recommended.**

**(A) Documentation of Supervisor’s Decision.**

After deciding to recommend disciplinary action, the supervisor:

- (i) documents the decision on the HR-200a form;
- (ii) completes the Record of Employee Disciplinary Action, [HR-200d](#) form, indicating the disciplinary action to be approved; and

Note: The supervisor does not sign the HR-200d form until it is ready to be issued to the employee.

- (iii) provides the updated HR-200a form and the HR-200d form to the ERC.

**(B) Required Approval of Recommended Disciplinary Action.**

The table below identifies the approvals that must be obtained in the order listed before the employee disciplinary hearing is scheduled.

Violation Level	Supervisor’s Recommended Disciplinary Action	Required Approval
Level 1 or 2	Reprimand or 3-Month Probation	<ul style="list-style-type: none"> <li>ERC only</li> </ul>
Level 1 or 2	12-Month Probation, Involuntary Demotion, or Termination	<ul style="list-style-type: none"> <li>ERC</li> <li>Employee Relations Specialist</li> <li>CLA</li> <li>Office of General Counsel</li> </ul>
Level 3 or 4	Any recommended action	<ul style="list-style-type: none"> <li>ERC</li> <li>Employee Relations Specialist</li> <li>CLA</li> <li>Office of General Counsel</li> </ul>

## Note:

- The ERC coordinates obtaining email approval from the employee relations specialist and CLA.
- The employee relations specialist coordinates obtaining email approval from the OGC.

**(C) Scheduling the Employee Disciplinary Hearing.**

After approving and obtaining other required approvals for the recommended disciplinary action, the ERC schedules the employee disciplinary hearing and prepares the Notice of Employee Hearing form, [HR-200e](#), to be provided to the employee along with copies of the [HR-200a](#), [HR-200b](#), and [HR-200c](#) forms.

- (i) The ERC decides whether the hearing will be conducted in person, by telephone, or by videoconference.
- (ii) The hearing must be conducted on a weekday during normal business hours (i.e., Monday through Friday, 8 a.m. - 5 p.m.) unless the immediate supervisor and employee agree otherwise.
- (iii) If the ERC anticipates providing the HR-200e form to the employee in person, the hearing must be scheduled far enough in advance to allow the employee to receive the HR-200e format least 48 hours before the employee hearing.
- (iv) If the ERC anticipates mailing the HR-200e form because he/she has reason to believe the employee may not report to work within the next ten calendar days (e.g., the employee is on family medical leave), the ERC schedules the hearing to occur no sooner than 11 calendar days after the date the ERC will mail the written notice to the employee.

Note: This allows ten calendar days for receipt of the HR-200e by mail and at least one calendar day for the employee to contact the ERC and request an extension if the employee is on sick leave or family medical leave.

**(D) Employee's Receipt of Notice of Employee Disciplinary Hearing.**

- (i) The employee should sign the HR-200e form and indicate whether he/she chooses to attend the employee disciplinary hearing or waive the right to the hearing.
- (ii) The employee forfeits his/her right to a hearing if he/she:
  - (I) refuses to sign the HR-200e form when provided the form in person; or
  - (II) fails to return a signed HR-200e form to the ERC or local HR office before the end of the calendar day following presumed receipt when the form is mailed. A scanned copy of the signed form may be provided via email.

Note: Presumed receipt is ten calendar days after the form is mailed. The presumed receipt date is identified on the form.

**(E) Rescheduled Employee Disciplinary Hearings.**

- (i) **Employee on Sick Leave or Family Medical Leave.**
  - (I) If the employee is on approved sick leave or family medical leave when he/she receives the HR-200e form, he/she may include a request for a rescheduled hearing on the returned signed form.

- (-a-) The requested extension must be for no more than 30 calendar days after the original scheduled date.
  - (-b-) Only one such request is allowed.
- (II) The supervisor should grant the request. However, if the supervisor denies the request, he/she must:
- (-a-) provide the employee with a written explanation for the denial; and
  - (-b-) provide a copy of the written explanation to the ERC for maintenance in the HR disciplinary case file.

(ii) **Postponement by Supervisor.**

The supervisor may advise the ERC to reschedule the hearing due to unforeseen circumstances (e.g., emergency security situations, employee is hospitalized, adverse weather conditions, etc.). When this occurs, the supervisor must send an email to the ERC with the reason for the postponement.

(iii) **Notice to Employee of Rescheduled Employee Disciplinary Hearing.**

If the hearing is rescheduled, the ERC must:

- (I) indicate the rescheduled time and date on the [HR-200e](#) form; and
- (II) if the employee previously indicated on the HR-200e form that he/she would appear at the hearing, ensure the employee initials the updated HR-200e form prior to the hearing.

(F) **Failure to Attend the Employee Disciplinary Hearing.**

If the employee fails to appear at the hearing:

- (i) the ERC documents this on the [HR-200f](#) form; and
- (ii) the [HR-200d](#) form is issued in accordance with the steps in Section (J) below.

Note: When the employee chooses to attend the hearing, it becomes a mandatory meeting. Therefore, the employee may be subject to additional disciplinary action for failure to appear at the hearing.

(G) **Representation at Employee Disciplinary Hearing.**

An employee may be represented at the hearing by anyone the employee chooses. However, the representative must not claim the right to strike against the agency.

- (i) The Employee Disciplinary Hearing Guidelines describe the role of the representative.
- (ii) The hearing will not be rescheduled based on when the representative is available.
- (iii) The employee and his/her representative may not meet to prepare for the hearing during paid working hours.

(H) **Employee Disciplinary Hearing Process.**

- (i) The ERC or human resources administrator (HRA) attends the hearing.
- (ii) The supervisor conducts the hearing in accordance with the Employee Disciplinary Hearing Guidelines.

(I) **Outcome of the Employee Disciplinary Hearing.**

(i) At the end of the hearing, the supervisor decides whether to issue the previously approved [HR-200d](#) form. If he/she decides to issue the form, the supervisor:

- (I) signs the HR-200d form;
- (II) requests the employee to sign the HR-200d form;

Note: If the employee refuses to sign the HR-200d form, the supervisor writes “employee refused to sign” on the employee’s signature line.

- (III) provides a copy of the HR-200d form to the employee; and
- (IV) provides the original HR-200d form to the ERC or HRA (whoever is attending the hearing).

(ii) The supervisor may decide to delay the disciplinary action decision until after the hearing based on new information presented during the hearing. The supervisor may also recommend a change in the rule violation or a change to the disciplinary action. The table below explains what actions must be taken after the supervisor reviews the new information, depending on what is discovered and whether the supervisor recommends any changes.

Reason for Delay / Type of Change Recommended	Required Actions
Alleged or suspected youth abuse, neglect, or exploitation is discovered during the hearing.	<ul style="list-style-type: none"> <li>• The supervisor must follow the procedures in <a href="#">GAP.07.03</a> relating to incident reporting; and</li> <li>• The ERC or HRA attending the hearing must notify the employee relations specialist or human resources management of the reason for the delay as soon as practicable.</li> </ul>
An alleged EEO violation is discovered during the hearing.	The ERC or HRA attending the hearing must notify the employee relations specialist or human resources management of the reason for the delay as soon as practicable.
The supervisor decides it is appropriate to issue the previously approved HR-200d form with no changes.	The supervisor meets with the employee to issue the HR-200d form in accordance with the steps in Section <a href="#">(J)</a> below.
The supervisor decides to recommend <b>no</b> disciplinary action.	<ul style="list-style-type: none"> <li>• The supervisor provides the ERC with:               <ul style="list-style-type: none"> <li>○ the voided HR-200d form; and</li> <li>○ a newly completed <a href="#">HR-200a</a> form with a revised summary and an indication that no disciplinary action is warranted.</li> </ul> </li> <li>• The ERC emails a scanned copy of the updated HR-200a form to the employee only after:               <ul style="list-style-type: none"> <li>○ reviewing and approving the newly completed HR-200a form; and</li> <li>○ obtaining approval via email from each employee whose approval was required for the previous HR-200d form (e.g., employee relations specialist, CLA, OGC).</li> </ul> </li> </ul>

<p>The supervisor decides to make a change to the summary of the employee's action/inaction (Section I of the HR-200d form) but the rule violation and disciplinary action:</p> <ul style="list-style-type: none"> <li>• remain the same; or</li> <li>• are changed to a less severe violation and/or disciplinary action</li> </ul>	<p>The supervisor:</p> <ul style="list-style-type: none"> <li>• provides the ERC with a new <a href="#">HR-200d</a> form for approval by the ERC and by each employee whose approval was required for the previous HR-200d form; and</li> <li>• issues the new HR-200d form, once it is approved, in accordance with the steps in Section <a href="#">(J)</a> below.</li> </ul>
<p>The supervisor determines:</p> <ul style="list-style-type: none"> <li>• the alleged rule violation should be changed to a more severe rule violation; and/or</li> <li>• the approved disciplinary action should be changed to a more severe disciplinary action</li> </ul>	<p>The disciplinary process starts over. The supervisor provides the ERC with:</p> <ul style="list-style-type: none"> <li>• the voided previously approved HR-200d form; and</li> <li>• a new <a href="#">HR-200a</a> form.</li> </ul>

Note: If an official investigation was completed and a change to the previously approved disciplinary action is due to new information, the supervisor must notify the investigator via email of the new information.

**(J) Issuing HR-200d Form Outside of Employee Disciplinary Hearing.**

The following procedures apply only when the employee waives or forfeits his/her right to a hearing or when the HR-200d form is issued after the employee hearing.

- (i) The ERC schedules a brief, mandatory meeting for the supervisor to issue the HR-200d form to the employee.
  - (I) The ERC or human resources administrator (HRA) must attend the meeting.
  - (II) During the meeting, the supervisor:
    - (-a-) reviews the HR-200d form with the employee;
    - (-b-) signs the HR-200d form;
    - (-c-) requests the employee to sign the HR-200d form;

Note: If the employee refuses to sign the HR-200d form, the supervisor writes "employee refused to sign" on the employee's signature line.

- (-d-) provides a copy of the HR-200d form to the employee; and
- (-e-) provides the original HR-200d form to the attending ERC or HRA.

Note: During this brief meeting, the employee is not allowed to defend or explain his/her conduct, provide any information about the incident, or be accompanied by a representative or any witness.

- (ii) If the employee is on leave, refuses to return to work to attend the meeting, and is being terminated, the ERC mails the [HR-200d](#) form to the employee.

(9) **Maintaining Documentation.**

(A) **Employee's Personnel File.**

If no discipline is imposed, no documentation is filed in an employee's personnel file. If discipline is imposed, the only documentation filed in an employee's personnel file is the Record of Employee Disciplinary Action, HR-200d.

(B) **HR Disciplinary File.**

The ERC maintains separate HR disciplinary case files for each assigned location by fiscal year. Each case file contains a copy of all forms and emails related to the disciplinary process for the assigned case number.

- (i) If the employee moves to another location, the forms in the HR disciplinary file are not transferred to the new location.
- (ii) The HR disciplinary case files are maintained in accordance with the TJJJ Records Retention Schedule.

(10) **Technical Review by Employee Relations Specialist.**

The employee relations specialist monitors agency disciplinary actions by:

- (A) generating a quarterly report from the agency's human resources information system that identifies dates and types of imposed disciplinary action and the corresponding rule violations;
- (B) requesting copies of supporting documentation from ERCs for a random sample of cases; and
- (C) conducting a technical review of the supporting documentation.

(11) **Employees in Licensed Positions.**

TJJJ may have an obligation to report certain types of misconduct by employees who hold professional licenses to the agency or entity that issues the license or governs the conduct of persons holding the license. When an employee holding a professional license is disciplined, the employee's supervisor must promptly send an email notification of the disciplinary action to his/her CLA and to the department head with oversight of the program in which the employee works. The department head is responsible for notifying the licensing agency when necessary to meet the agency's reporting obligation.

(12) **Exceptions.**

Any exception to the disciplinary process established by this policy requires written approval from the director of human resources.

- (A) The supervisor must submit the request to the ERC for review.
  - (B) The ERC coordinates the review with the employee relations specialist. The employee relations specialist submits the request to the director of human resources along with a recommendation to approve or disapprove the request.
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