



Disciplinary Meeting

Before issuing a disciplinary action to a classified employee under the Standards of Conduct policy, the agency is required to provide appropriate due process or notice of intent. The employee must be informed of the rationale (management's observations of misconduct, investigative findings, performance deficiencies, or inability to perform the work) for consideration of discipline and given the opportunity to respond. After the employee's response is received, the agency should schedule a formal meeting with the employee to acknowledge the response and communicate the decision. This guidance is provided to ensure the communication of disciplinary actions is provided in an appropriate and respectful manner.

| | |
|---|---|
| Policies | <ul style="list-style-type: none">• 1.40 – Performance Planning and Evaluation• 1.60 - Standards of Conduct• Chapter 5 of the Code of Virginia – Law Enforcement Officers Procedural Guarantee Act• Chapter 5.1 of the Code of Virginia - Correctional Officer Procedural Guarantee Act• Classified State Employee Grievance Policy & Procedures |
| Purpose | To provide employees with their rights under state policy and treat employees with respect and dignity during the meetings to discuss disciplinary actions. |
| Draft the Written Notice or Letter and Related Documentation | <ul style="list-style-type: none">• Outline the sufficient supporting facts for the selected disciplinary action(s) and review with Human Resources. Ensure all issues were communicated and due process was appropriately provided to the employee.• Identify state/federal policies or laws associated with the conduct, performance or actions being addressed by the disciplinary action(s).• Document management's prior efforts (if relevant), including dates, to progressively address the issues (counseling, prior active group notices, performance improvement plans, training provided, etc.)• Address mitigating or aggravating circumstances considered by management in determining the disciplinary action(s).• Refer the employee to the Employee Assistance Program, when relevant.• If applicable, advise the employee regarding the action's potential impact on their annual performance evaluation.• Inform employee of the appeal/grievance rights and procedures (Address the Law Enforcement Officers Procedural Guarantee Act or the Correctional Officers Procedural Guarantee Act, if relevant).• Include the offense code(s) as listed in the Policy 1.60 attachment |

| | |
|--------------------------------------|--|
| | and record the Active Life of any Group Notice. |
| Plan the Disciplinary Meeting | <ul style="list-style-type: none"> • If the employee is a law enforcement or correctional officer, ensure that all relevant provisions of Chapter 5 or 5.1 of the Code of Virginia are followed. • Conduct a preliminary violence assessment to determine what level of security is needed at the disciplinary meeting. <ul style="list-style-type: none"> ○ Consider the employee's conduct and reactions to the notification of pre-disciplinary leave and/or participation during the due process meeting. ○ Contact the employee's immediate supervisor to learn about the employee's past demeanor and conduct. ○ Review the employee's personnel file for any history of violent behavior. • If potentially violent behavior is suspected, contact Capitol Police, State Police, or local sheriff's office to request that an officer be present during the meeting. The officer should be stationed nearby ready to respond if needed. • Select an appropriate meeting location, such as: <ul style="list-style-type: none"> ○ Off-site location ○ Conference room near an emergency exit ○ Conference room near the agency's security desk ○ Area with limited access to other agency employees ○ Location that has an entry with a metal detector ○ Conference room with an available panic button ○ In the case of serious potential for violence, send the disciplinary action decision via e-mail, certified mail, courier service, and regular postal mail instead of a face-to-face meeting. • Schedule in-person meetings at the end of the workday. • Determine who will conduct the disciplinary meeting and who will be a witness. Typically, the witness should be an individual in the employee's chain of command or an HR staff member. HR should normally not conduct the meeting. • Plan what will be discussed and who will lead each discussion item. • If the employee is a sworn officer and is issued a weapon as part of their duties, determine if the weapon needs to be retrieved prior to or at the start of the meeting. This may have already been done if the employee is on pre-disciplinary leave and should consider the level and type of offense. For instance, you may retrieve the weapon if the employee is accused of assaulting another employee but elect not to do so for allegations of chronic tardiness. Be sure to establish a plan for retrieving and securing the weapon prior to going into the meeting room. • For terminations, refer to the Terminations Reference Guide and remember to: <ul style="list-style-type: none"> ○ Ensure the employee's access to respective facility(ies) and all IT systems is removed by the date/time of the meeting. |

| | |
|--|--|
| | <ul style="list-style-type: none"> ○ Identify a reasonable and respectful option for the employee to retrieve personal items from the assigned work area that also considers the safety of other employees. ○ Prepare informational guidance regarding the employee's final paycheck, outstanding leave requests and leave payout, and the status of other benefits such as health/life insurance, and retirement benefits, as well as the return of state equipment or vehicles. |
| Conduct the Disciplinary Meeting | <ul style="list-style-type: none"> • Encourage supervisor/manager and witness to sit nearest the exit door in case the employee reacts in a violent manner. • Provide the employee with the Group Notice or letter and explain the action to be taken. • Stay calm and lead the conversation without being drawn into additional discussions of the issues. Keep it brief and do not get into an argument or confrontation with the employee. • Treat the employee with dignity and avoid embarrassing the employee. • Except for a handshake, do not touch the employee for any reason or allow the employee to touch the supervisor/manager or the witness to include attempts to console the employee. • Recognize and report any warning signs displayed by the employee during the meeting such as: <ul style="list-style-type: none"> ○ Unusual body language ○ Any alarming behavior such as banging on the table ○ Threatening remarks ○ Noticeably unstable, emotional responses ○ Explosive outbursts, anger, or rage ○ Suicidal comments ○ Paranoid behavior ○ Talk of severe financial problems ○ Talk of previous incidents of violence ○ Expressions of empathy with individuals committing violence ○ Increase in unsolicited comments about firearms, other dangerous weapons, and violent crimes • Inform the employee of their right to appeal/grieve the action. • If relevant to the action taken, request the employee immediately return their state badge, keys, cell phone, pagers, laptop and related data, parking hanger, and any other state property. Building and IT access should be turned off prior to the meeting if the employee is being discharged. • Escort the employee from the premises, if necessary and appropriate. |
| Post-Meeting Follow-Up Requirements (Specific to the level of discipline) | <ul style="list-style-type: none"> • Record actions in the Agency's Human Resources information system and inform benefits/VRS as applicable. • Provide COBRA notification if appropriate. • Provide notification of grievance rights and procedures. • Notify payroll of docking/cessation of pay or salary adjustments as appropriate. • Ensure the return of state property as necessary. |

