

SERENITY BEHAVIORAL HEALTH SYSTEMS

SUBJECT: DISCIPLINARY/SEPARATION ACTIONS-UNCLASSIFIED EMPLOYEES

POLICY NUMBER **HR-16.02**

EFFECTIVE DATE: **June 1997**

SUPERSEDES: **N/A**

LAST REVISION DATE: **July 2009**

POLICY:

It is the policy of Serenity Behavioral Health Systems (SBHS) to recognize that Georgia is an “employment-at-will” state. As such, unclassified employees serve at the discretion of SBHS.

GENERAL PROVISIONS:

- I. Applicants and classified employees who are offered unclassified positions should be advised of the unclassified status. An Acknowledgement of Unclassified Position form, which indicates the terms of accepting a position in the unclassified service, should be signed.
- II. Unclassified employees are not covered by the Rules of the State Personnel Board and have no rights of appeal to the State Personnel Board.
- III. Unclassified employees, who are placed on suspension pending an investigation, will be placed on Leave Without Pay (LWOP) during the investigation.
- IV. In accordance with the SBHS Grievance Procedure for Unclassified Employees, disciplinary actions and separation actions are not grievable.
- V. Supervisors or appropriate managers must consult with the Human Resource Manager prior to taking disciplinary or separation action against unclassified employees. This section is also available to assist with actions involving short-term employees [less than six (6) months].
- VI. Separation actions may be taken against unclassified employees at any time without notice or statement of reasons, unless employees are covered by the provisions of Involuntary Separation Based on Retirement Law of this policy. Other circumstances in which it is permissible to provide reasons for separation are outlined in Type Of Separation Actions of this policy.

AUTHORITY FOR DECISIONS:

- I. Any decision to separate, demote, suspend without pay or reduce the salary of an unclassified employee for disciplinary reasons must be approved in writing by the

SUBJECT: Disciplinary/Separation Actions-Unclassified Employees

Policy: HR-16.02

Page 2 of 6

SBHS Chief Executive Officer (CEO) prior to the action being taken. The supervisor recommending the action cannot be the official authorizing the action.

- II. The CEO may elect to:
 - A. Personally approve all decisions made in accordance with this policy;
 - B. Delegate authority for approval of such decisions; or,
 - C. Use a combination of personal approval and delegation of authority.
- III. The authority to approve decisions in accordance with this policy cannot be delegated to any position that is not higher than the Clinical Manager.
- IV. If the CEO elects to delegate authority further down within SBHS, the CEO will remain accountable for any decisions made by the designee(s).
- V. The requirement for written approval on disciplinary actions and separation actions does apply to unclassified employees who are not eligible for benefits (e.g., hourly employees, temporary employees, re-employed retirees, etc.). Written approval is not required for unclassified employees who are separated at the expiration of a time-limited appointment.

TYPES OF DISCIPLINARY ACTIONS:

- I. Disciplinary actions (which do not include separations) may be taken against unclassified employees as determined appropriate. Employees are to be given sufficient information regarding the inappropriate conduct or performance deficiency to enable them to correct the problem. Actions include:
 - A. Written Reprimands;
 - B. Demotions;
 - C. Suspensions Without Pay;
 - 1. A suspension without pay for disciplinary purposes should be proportional to the offense and should not exceed 30 calendar days for any one offense, or for multiple offenses arising out of the same incident.
 - 2. A suspension without pay due to a pending criminal court action should not exceed the period of time necessary for the disposition of the action. If the disposition of the criminal action does not include any penalty to the employee, the employee should be returned to pay status.
 - 3. At the end of suspension period, the employee should be returned to duty or terminated in accordance with other sections of this policy.
 - D. Disciplinary Salary Reductions.
- II. For FLSA exempt employees, suspensions without pay must be administered in full FLSA work periods and cannot cover parts of two (2) FLSA work periods. The FLSA

SUBJECT: Disciplinary/Separation Actions-Unclassified Employees

Policy: HR-16.02

Page 3 of 6

work period should be determined prior to finalizing the dates for the suspension without pay action.

- III. Disciplinary salary reductions cannot be taken against FLSA exempt employees due to provisions of the Fair Labor Standards Act.

VOLUNTARY SEPARATIONS:

SBHS may consider an employee to have voluntarily resigned from employment with SBHS when:

- I. Employee is absent from duty for 3 consecutive workdays or equivalent without proper authorization.
- II. Employee fails to return from approved leave
- III. A suitable vacancy is not available at the expiration of a contingent leave of absence
- IV. An employee fails to secure or maintain license or certification as required for the duties of the position
- V. False statements of material fact on an application for examination or employment

INVOLUNTARY SEPARATIONS:

SBHS may terminate an employee as deemed necessary to meet the needs of SBHS and in keeping with State and Federal laws and guidelines. Classified employees see 478-1-24

TYPES OF SEPARATION ACTIONS:

- I. Unclassified employees may be separated based on the categories listed below:
 - A. DISMISSAL (use DIS system entry code) – Employees may be dismissed for reasons directly related to inappropriate conduct or performance deficiencies, including but not limited to, unexcused absences from work and circumstances that would warrant presumptive resignation for classified employees. Reasons for separation are not

SUBJECT: Disciplinary/Separation Actions-Unclassified Employees

Policy: HR-16.02

Page 4 of 6

provided to unclassified employees who are dismissed from employment under these circumstances.

- B. **RELEASE** (use RLS system entry code) – Employees may be released for reasons other than inappropriate conduct or performance deficiencies, including but not limited to:
1. Budgetary constraints or reduction;
 2. Downsizing
 3. Reorganization; or,
 4. Termination of program
- a. Unclassified employees who are released from employment for reasons listed above, through no fault of their own, may be given reasons for the release verbally or in writing.
- b. **RELEASE** should be considered in lieu of **DISMISSAL** if performance failures occur during the first six months of employment, despite satisfactory efforts by the employee. Generally, this would be due to the employee's inability to perform the duties of the job.
- c. **RELEASE** should also be used for the separation of hourly and temporary employees, unless there are conduct or performance issues.
- C. **FAILURE TO RETURN FROM LEAVE** (use LVE system entry code) – Employees may be separated for failing to return from a leave of absence. Employees may be given reasons verbally or in writing when separated for this reason.

INVOLUNTARY SEPARATION BASED ON RETIREMENT LAW:

- I. Employees, who first established membership in the Employees' Retirement System (ERS) prior to April 1, 1972, and who have a minimum of 18 years of State employment, have involuntary separation rights under the Retirement System Law.
- II. State Law requires that specific procedures must be followed in order to separate employees with involuntary separation rights.
- III. Because of the legal requirements associated with separations of this type, any time a long-term (18 years or more) employee is being considered for separation, a thorough review must be conducted to determine if the employee first established membership in ERS prior to April 1, 1972.
- IV. In all cases, employees who meet or may meet the qualifying requirements listed above must not be separated without prior consultation with Human Resource Manager and Chief Executive Officer.

SUBJECT: Disciplinary/Separation Actions-Unclassified Employees

Policy: HR-16.02

Page 5 of 6

PROCEDURE:

- I. The employee's supervisor should work with the Human Resource Manager to prepare the appropriate disciplinary action or separation letter.
- II. Written reprimands require review by the Human Resources Manager. Copies of written reprimands are to be forwarded to Human Resources for placement in employee's official personnel files.
- III. All other disciplinary action and separation letters are to be submitted to the Human Resource Manager with the Personnel Action Request.
 - A. The Chief Executive Officer is to approve or disapprove the recommended action.
 - B. If the action is approved, the disciplinary action or separation letter is to be presented to the employee. Copies of the letter and completed authorization form are to be forwarded to the Human Resource Department for placement in the employee's official personnel file.
 - C. A completed Request For Personnel/ Payroll Action form must be forwarded to the Human Resource Department along with the appropriate documentation.

RECOMMENDATION FOR RE-EMPLOYMENT:

- I. When an employee is separated from employment, the supervisor or Human Resource Manager is to review the employee's work performance, behavior and reasons for separation to determine if it is appropriate to have a "No Rehire" recommendation entered in the employee's record.
 - A. In some circumstances, employees who are separated from employment are not to be re-employed. (See SBHS HR 41.00 – Drug Free Workplace, Policy HR-28.01 and Policy HR-28.2 – Alcohol and Drug Testing Programs for mandatory disqualifications from re-employment.)
 - B. Each circumstance, other than those requiring mandatory disqualifications as indicated in Recommendation for Re-employment above, is to be reviewed on a case-by-case basis, in consultation with the Human Resource Manager and Chief Executive Officer.
 - C. If an employee should not be re-employed, "No Rehire" is to be selected on the Request For Personnel/Payroll Action Form.
 - D. Documentation of the reason(s) supporting the "No Rehire" must be available upon request.

SUBJECT: Disciplinary/Separation Actions-Unclassified Employees

Policy: HR-16.02

Page 6 of 6

STAFF REDUCTION AND RECALL:

At times, a staff reduction is necessary due to lack of work, lack of funds, economic slowdowns, technological or structural changes at SBHS or because a staff reduction is determined to be necessary to ensure the financial health and viability of SBHS. After a layoff or reduction in force, SBHS can determine, at its discretion, the order of recalling some or all of the laid-off employees. Classified employees see 478-1-24.

REFERENCES:

- I. State Law (O.C.G.A. 45-20-1 *et seq* – Unclassified Service)
- II. State Law (O.C.G.A. 45-2-2 and 47-2-123- Retirement Law)
- III. Governor’s Executive Orders dated May 3, 1996 and September 13, 1996
- IV. SBHS Personnel Policy HR-38.00-Involuntary Separation-Retirement Benefits
- V. State Personnel Board - Rule 15 (Changes to Employment Status)

ATTACHMENTS:

- I. [Acknowledgement of Unclassified Position \(New Hire or Other Than New Hire\) Form 556](#)

APPROVAL SECTION:

Chief Executive Officer

Date

Committee Chairperson

Date

RESCISSION SECTION:

Chief Executive Officer

Date

REVIEW SECTION:

Committee Chairperson

Date

SUBJECT: Disciplinary/Separation Actions-Unclassified Employees

Policy: HR-16.02

Page 7 of 6

Committee Chairperson

Date

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Date