

MICHIGAN DEPARTMENT OF COMMUNITY HEALTH

CORRECTIVE ACTION

and

DISCIPLINARY GUIDELINES

2001

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SECTION I
MISCONDUCT

- 1.* Possession, procuring, consumption or selling of alcohol on State property or property used or leased by the State, including vehicles, or a positive alcohol test result
1st violation: Suspension to dismissal
2nd violation: Dismissal

- 2.* Possession, procuring, consumption, or selling of drugs on State property or property used or leased by the State, including vehicles, or a positive drug test result
1st violation: Dismissal

- * Note: for employees in positions requiring maintenance of a Commercial Driver License, please refer to the disciplinary table for violations of the work rule for Employees Subject to the Omnibus Transportation Employee Testing Act of 1991 and its implementing rules and regulations, dated 12/21/94. The Department has a zero tolerance policy toward a positive drug test result of individuals in test designated positions.

3. A court conviction that may (or may not) impact directly on the employment situation or failure to report a conviction by a court or a failure to report a formal charge to the employee's supervisor and/or personnel officer
1st violation: Written reprimand to dismissal
2nd violation: 10 day suspension to dismissal
3rd violation: dismissal

4. Failure to carry out instructions, work assignments or otherwise being derelict in the performance of one's duties
1st violation: Written reprimand to 5 day suspension
2nd violation: 10 day suspension to dismissal
3rd violation: Dismissal

5. Insubordination
1st violation: Suspension to dismissal
2nd violation: Dismissal

6. Refusal to work mandatory overtime
1st violation: 1 day suspension to 5 day suspension
2nd violation: 10 day suspension to dismissal
3rd violation: Dismissal

7. Leaving work assignment without permission
1st violation: Written reprimand to 5 day suspension
2nd violation: 10 day suspension to dismissal
3rd violation: Dismissal

8. Failure to enforce or observe rules/policies/regulations
 - 1st violation: Written reprimand to 5 day suspension
 - 2nd violation: 10 day suspension to dismissal
 - 3rd violation: Dismissal

9. Falsification of work-related records including but not limited to employment application or medical documentation
 - 1st violation: 10 day suspension to dismissal
 - 2nd violation: Dismissal

10. Gambling on State owned/leased property
 - 1st violation: Written reprimand to 5 day suspension
 - 2nd violation: 10 day suspension to dismissal
 - 3rd violation: Dismissal

11. Misappropriation/Unauthorized consumption or possession of State property and/or property of others and/or resources related to the workplace
 - 1st violation: Written reprimand to dismissal
 - 2nd violation: 10 day suspension to dismissal
 - 3rd violation: Dismissal

12. Prohibited discrimination
 - 1st violation: Reassignment and/or 1 day suspension to dismissal
 - 2nd violation: Reassignment and/or 10 day suspension to dismissal
 - 3rd violation: Dismissal

13. Sexual harassment
 - 1st violation: Reassignment and/or 1 day suspension to dismissal and/or demotion
 - 2nd violation: Reassignment and/or 10 day suspension to dismissal and/or demotion
 - 3rd violation: Dismissal

14. Retaliation against or coercion of employees or others for cooperating in investigations
 - 1st violation: Reassignment and/or 10 day suspension to dismissal
 - 2nd violation: Dismissal

15. Sleeping on duty or otherwise not alert to one's duties and responsibilities
 - 1st violation: 1 day suspension to 10 day suspension
 - 2nd violation: 10 day suspension to dismissal
 - 3rd violation: Dismissal

16. Smoking in an unauthorized area including within 100 feet of a DCH building
 - 1st violation: Written reprimand to 5 day suspension
 - 2nd violation: 10 day suspension to dismissal
 - 3rd violation: Dismissal

17. Supplemental employment without or beyond the scope of departmental authorization
 - 1st violation: Revocation of approved supplemental employment and/or written reprimand to dismissal
 - 2nd violation: Revocation of approved supplemental employment and/or 10 day suspension to dismissal
 - 3rd violation: Dismissal

18. Threats/verbal abuse to/about others
 - 1st violation: Written reprimand to dismissal
 - 2nd violation: 10 day suspension to dismissal
 - 3rd violation: Dismissal

19. Major physical altercations
 - 1st violation: Reassignment and/or 10 day suspension to dismissal
 - 2nd violation: Dismissal

20. Minor physical altercations
 - 1st violation: Reassignment and/or written reprimand to 5 day suspension
 - 2nd violation: Reassignment and/or 10 day suspension to dismissal
 - 3rd violation: Dismissal

21. Transporting a weapon onto state property or on property used or leased by the State and/or possession of a weapon on State property or on property used or leased by the State including in vehicles
 - 1st violation: Dismissal

22. Unauthorized acceptance of money or gifts.
 - 1st violation: Written reprimand to dismissal
 - 2nd violation: 10 day suspension to dismissal
 - 3rd violation: Dismissal

23. Un-safe operation of State owned/leased vehicles including non-use of seat belts
 - 1st violation: Written reprimand to dismissal
 - 2nd violation: 10 day suspension to dismissal
 - 3rd violation: Dismissal

24. Conflict of Interest
 - 1st violation: Written reprimand to dismissal
 - 2nd violation: 10 day suspension to dismissal
 - 3rd violation: Dismissal

25. Misuse of electronic equipment and related systems including but not limited to: beepers, Internet, e-mail, telephone, printers, copiers, facsimile machines
Any violation: Written reprimand to dismissal

26. Conduct unbecoming a State employee
Any violation: Written reprimand to dismissal and/or demotion

27. Unauthorized use, release, copying, or otherwise divulging of work related confidential information, reports, records, charts, or data is strictly prohibited. Confidential information includes, but is not limited to, patient/recipient names, identification numbers, medical information, or test results. Failure to comply with this work rule and with any applicable state and federal laws may result in discipline up to and including dismissal from employment.
Any violation: Written reprimand to dismissal

28. Discriminatory harassment of co-workers or others related to State employment
Any violation: Written reprimand to dismissal and/or demotion

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Overall Note: On a case-by-case basis, when there are multiple violations, they may be cumulative and the discipline may be the maximum provided for any one of the violations.
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SECTION II

UNAUTHORIZED LOST TIME

- A. Lost time will be assessed against employees when their absences are unauthorized. For example, failure to call-in, in accordance with agency, center, or hospital call-in policy.
- B. An employee charged with unauthorized lost time for the first time shall receive a verbal/informal counseling.
- C. An employee charged with a second instance of unauthorized lost time within a three pay period (42 days) time frame shall receive a written counseling.
- D. An employee charged with succeeding unauthorized lost time within an additional six pay period (84 day) time period shall receive a three day suspension.
- E. An employee charged with succeeding unauthorized lost time within an additional six pay period (84 day) time period shall receive a less than satisfactory service rating.
- F. An employee charged with succeeding unauthorized lost time within the time period of the less than satisfactory service rating shall be dismissed for unsatisfactory service.
- G. An employee suspended as a result of violating this work rule two times within a 24 month time frame and continues to violate this work rule to the point of a third suspension will instead be dismissed for less than satisfactory service.

ATTENDANCE IN GENERAL

- A. Employees shall be present at their assigned work area throughout their scheduled working hours except as otherwise authorized.
- B. An unauthorized absence of three or more work days may result in an employee's separation for vacating position.
- C. Excessive tardiness and/or absenteeism may result in counseling or disciplinary action.

SECTION III

PROBATIONARY EMPLOYEES

The initial probationary period is a working test period. It is the last part of the selection process. Therefore, violations may be addressed more severely than set forth in the preceding sections. In particular, attendance problems of probationary employees will be critically evaluated. An appointing authority may dismiss an employee who fails to perform satisfactorily during the probationary period.

Initial probationary employees are not entitled to any leave of absence.

SECTION IV

RECIPIENT RIGHTS/MENTAL HEALTH CODE VIOLATIONS

This is regarding the care, treatment and well-being of recipients in our hospitals and centers and is of utmost importance to the Department. Although specific penalties are indicated, this does not constitute an exhaustive list.

- A. Acting as liaison for or otherwise facilitating unauthorized outside contacts on behalf of recipients
 - 1st violation: reassignment and/or 1 day suspension to 10 day suspension
 - 2nd violation: reassignment and/or demotion and/or 30 day suspension to dismissal
 - 3rd violation: Dismissal

- B. Assisting a recipient to leave in an unauthorized manner or assisting in an unauthorized leave
 - 1st violation: Dismissal

- C. Coercing or otherwise obtaining inappropriate compliance of a recipient
 - 1st violation: reassignment and/or demotion and/or 5 day suspension to 30 day suspension
 - 2nd violation: reassignment and/or demotion and/or 30 day suspension to dismissal
 - 3rd violation: Dismissal

- D. Falsification of any type of recipient report/record
 - 1st violation: 5 day suspension to dismissal
 - 2nd violation: 30 day suspension to dismissal
 - 3rd violation: Dismissal

- E. Illegal or prohibited discrimination to or against recipients
 - 1st violation: reassignment and/or demotion and/or 1 day suspension to dismissal
 - 2nd violation: reassignment and/or demotion and/or 30 day suspension to dismissal
 - 3rd violation: Dismissal

- F. Providing unauthorized items, supplies, materials, foods and/or personal possessions to recipients
 - 1st violation: 1 day suspension to dismissal
 - 2nd violation: 5 day suspension to dismissal
 - 3rd violation: 30 day suspension to dismissal
 - 4th violation: Dismissal

- G. Recipient abuse I; and/or failure to report abuse I

- 1st violation: Dismissal
- H. Recipient abuse II; and/or failure to report abuse II
 1st violation: reassignment, and/or demotion, and/or 5 day suspension to dismissal
 2nd violation: reassignment, and/or demotion, and/or 30 day suspension to dismissal
 3rd violation: Dismissal
- I. Recipient abuse III; and/or failure to report abuse III
 1st violation: reassignment, and/or demotion, and/or written reprimand to 5 day suspension
 2nd violation: reassignment, and/or demotion, and/or 10 day suspension to 30 day suspension
 3rd violation: Dismissal
- J. Recipient neglect I; and/or failure to report neglect I
 1st violation: Dismissal
- K. Recipient neglect II; and/or failure to report neglect II
 1st violation: reassignment, and/or demotion, and/or 5 day suspension to dismissal
 2nd violation: reassignment, and/or demotion, and/or 30 day suspension to dismissal
 3rd violation: Dismissal
- L. Recipient neglect III; and/or failure to report neglect III
 1st violation: reassignment, and/or demotion, and/or written reprimand to 5 day suspension
 2nd violation: reassignment, and/or demotion, and/or 10 day suspension to 30 day suspension
 3rd violation: Dismissal
- M. Solicitation of recipients for sexual purposes
 1st violation: reassignment, and/or demotion, and/or 5 day suspension to dismissal
 2nd violation: reassignment, and/or demotion, and/or 30 day suspension to dismissal
 3rd violation: Dismissal
- N. Unauthorized financial dealings with recipients
 1st violation: reassignment and/or demotion and/or 5 day suspension to 30 day suspension
 2nd violation: reassignment and/or demotion and/or 30 day suspension to dismissal
 3rd violation: Dismissal
- O. Violation of recipient rights as set forth by law or policy
 1st violation: reassignment and/or written reprimand to 5 day suspension
 2nd violation: reassignment and/or 5 day suspension to 30 day suspension
 3rd violation: Dismissal
- P. Personal relationships with former hospital/center recipients. It is prohibited for an employee to date or have a romantic or sexual relationship with any former recipient of Department of Community Health

hospital/center services with whom a professional relationship began while the individual was receiving services from the Department of Community Health hospital/center. It is important to recognize an employee may also place themselves in legal jeopardy if the employee becomes personally involved with a former recipient of services. 1st violation: 5 day suspension to dismissal
2nd violation: Dismissal

Note: On a case-by-case basis, when there are multiple violations, they may be cumulative and the discipline may be the maximum provided for any one of the violations.