

<p style="text-align: center;">ARIZONA Department of Emergency and Military Affairs POLICY</p>	POLICY LETTER NO. 20.17	
SUBJECT: Progressive Discipline and Corrective Action	DATE 15 Dec 21	OPR STATE HR
REGULAR POLICY LETTER DISTRIBUTION (POLICY LETTER 10.01)		
<p>1. Applicability: This policy applies to all state employees of the Arizona Department of Emergency and Military Affairs (DEMA).</p> <p>2. Purpose: Provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues, in alignment with the agency’s mission and vision and with established Standards of Conduct, and code of ethics. This policy also establishes a process for temporary relief of duties or reassignment of an employee during an investigation into misconduct.</p> <p>3. References:</p> <ul style="list-style-type: none"> a. AZ Rev Stat (A.R.S.) § 41-773 (2018), Causes for dismissal or discipline for employees in covered service b. §41-742F (2018), Political Appointment c. State Personnel System Rules: d. R2-5A-402, Salary Administration e. R2-5A-B604, Administrative Leave f. R2-5A-801, Disciplinary Actions, General g. R2-5A-802, Procedures for Review by the Director h. R2-5B-303, Suspension i. R2-5B-304, Involuntary Demotion j. R2-5B-305, Dismissal <p>4. Definitions:</p> <ul style="list-style-type: none"> a. “Agency” means the Arizona Department of Emergency and Military Affairs (DEMA). b. “Agency head” means The Adjutant General, or designee c. “Causes for dismissal or discipline” In accordance with A.R.S. § 41-773 include but are not limited to: 1. Fraud or misrepresentation in securing appointment 2. Incompetency 3. Inefficiency 4. Neglect of duty 5. Insubordination 6. Dishonesty 7. Being impaired by alcohol or drugs while on duty 8. Illegal use or illegal possession of a narcotic or habit-forming drug 9. Unauthorized absence or absence without leave 10. Commission of any crime classified as a felony or involving moral turpitude 11. Discourteous treatment of the public or other employees 12. Improper political activity 13. Willful disobedience 14. Misuse or unauthorized use of state property d. “Director” means the Director of the Arizona Department of Administration or the Director’s designee, who is responsible for administering the state personnel system pursuant to applicable state and federal laws. e. “Demotion” means a change in assignment from an employee from a position in one class to a position in another class that has a lower grade. f. “Formal discipline” means letter of reprimand, suspension without pay, demotion, dismissal 		

g. "Informal Discipline" means verbal counseling or warning, written confirmation of counseling, and Memorandum of Concern.

h. "Progressive Discipline" means a series of disciplinary actions, corrective in nature, taken to provide employees the opportunity to improve job performance and comply with rules, regulations, and policies.

i. "Uncovered employee" means an employee in uncovered service.

j. "Uncovered service" means employment at will and includes all state employees except those in covered service.

5. Policy:

Minor performance related issues: Managers and supervisors shall make necessary attempts to address non-repeat minor performance related issues through the Managing Accountability and Performance (MAP) Employee Appraisal Process.

Employee misconduct: Managers and supervisors shall address employee misconduct and discipline using the process and procedures set forth in this policy.

Outlined below are the steps associated with the progressive discipline policy and procedure. DEMA reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are: whether the offense is repeated despite coaching, counseling or training, the employee's performance evaluations, severity of the offense, and the impact the conduct and performance issues have on the agency.

As a reminder, The Adjutant General (Agency Head) has the primary authority and responsibility for managing the conduct of all employees within an agency. An uncovered employee serves at the pleasure of the appointing authority and may be dismissed at will.

a. Procedures:

Supervisors shall address employee's performance issues or incidents determined to be an error or unintentional, as appropriate through the Managing Accountability and Performance (MAP) Employee Appraisal Process. The critical nature or the frequency of the issue/error(s) may result in a verbal or written counseling session using the MAP Employee Counseling Session form or similar format, or the issuance of a Memorandum of Concern. Additional similar incidents or minor performance issues may result in progressive discipline as outlined in this policy.

If a supervisor suspects misconduct, or determines that an employee's performance or conduct requires additional review; the manager or supervisor shall meet with the employee, all involved individuals and any witnesses to discuss the incident and allow the employee and those involved an opportunity to answer questions and provide relevant information.

Document all performance related meetings, statements, and relevant information to ensure an accurate account is recorded.

Supervisors shall contact the State HRO for further guidance if it is determined that an additional review, or investigation, into the incident may be required.

The Arizona Department of Emergency and Military Affairs (DEMA), may use the Criminal Justice Information (CJI) or Criminal History Record Information (CHRI) obtained from the Arizona Department of Public Safety (DPS) to evaluate the fitness of current or prospective licensees, employees, contract employees, and/or volunteers pursuant to 28 C.F.R., Part 20, and A.R.S. §41-1750.

b. Administrative Leave and Reassignments:

If the alleged misconduct involves criminal activity or if the behavior is so egregious it is determined that the presence of the employee would prevent the employee or other employees from performing their required duties, interferes with the investigation, disrupts the work place, then the manager or supervisor may recommend the employee be placed on Administrative Leave with Pay in accordance with State Personnel Rule R2-5A-B604 pending the conclusion of the investigation. Requests to place an employee on Administrative Leave with Pay must be approved through the chain of command and must be submitted to the State HRO for review.

If it is determined that placing the employee on Administrative Leave with Pay is appropriate; the State HRO will submit the request to The Adjutant General or designee for final approval. All approved Administrative Leave with Pay shall be administered and reported in accordance with State Personnel Rule R2-5A-B604.

If approval for Administrative Leave with Pay is not granted; the manager or supervisor may temporarily reassign the employee to perform other duties during the investigation that will not disrupt the workplace or the work of other employees.

The employee shall be returned to their normal work status and location at the completion of fact finding or investigation, if appropriate.

c. Discipline:

If it is determined that disciplinary action is warranted; supervisors shall consult with the State HRO to receive guidance on the appropriate disciplinary action to be taken.

Supervisors shall consider all mitigating and aggravating factors, past disciplinary issues, and past performance when recommending disciplinary action to the approving authority.

Consider the following steps when determining the appropriate level of progressive disciplinary action:

- Step 1: Counseling verbal warning
- Step 2: Written reprimand
- Step 3: Suspension or demotion and final written warning
- Step 4: Recommendation for termination of employment.

In accordance with State Personnel System Rule R2-5A-802; all disciplinary actions resulting in a suspension of greater than 80 working hours, an involuntary demotion or a dismissal of either a covered or uncovered employee shall be reviewed by the Arizona Department of Administration, Human Resources Division prior to such action being taken. This does not apply to an uncovered employee who is in a position listed in A.R.S. § 41-742(F). misuse of authority or your position.

CONTINUATION POLICY LETTER NO. 20.17

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6. Administration: Point of contact for this policy is the State Human Resources Officer, 602-267-2731.



KERRY L. MUEHLENBECK
Major General, AZ ANG
The Adjutant General

This policy letter supersedes Policy Letter 20.17 dated 14 February 2020