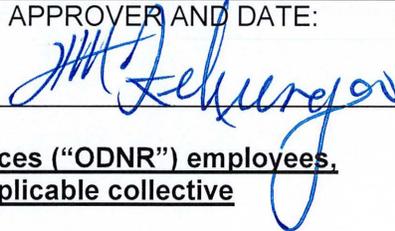


<p style="text-align: center;">STATE OF OHIO</p>  <p style="text-align: center;">DEPARTMENT OF NATURAL RESOURCES</p>	<p>SUBJECT: DISCIPLINARY POLICY</p>	<p>PAGE <u>1</u> of <u>11</u> PAGES</p>
		<p>POLICY #DNR-OHR-0016</p>
	<p>RULE/CODE REFERENCE: ORC §124.34; OAC §123:1-31, et. seq.; OCSEA Article 24; FOP Article 19</p>	<p>SUPERSEDES: DISCIPLINARY POLICY 04/01/2010</p>
	<p>PURPOSE: To provide written guidelines and notice to all employees about the written rules of conduct which specify prohibited behavior and their penalties.</p>	<p>EFFECTIVE DATE: 08/01/2014</p>
	<p>APPOINTING AUTHORITY: ORC §1501.01 ODNR Director</p>	<p>APPROVER AND DATE: </p>

This policy applies to all Ohio Department of Natural Resources (“ODNR”) employees, and in no way supersedes the negotiated language in the applicable collective bargaining agreements.

I. DEFINITIONS:

TERM	DEFINITION
Acceptable Behavior	Those actions, demonstrations, and language which are supportive of a positive work atmosphere, promote courteous communication, and build teamwork among co-workers.
Demotion	The reduction in pay and position of the employee for violation of policy and in accordance with ORC §124.34.
Fine	Monetary deduction(s) from the employee’s pay. It is in accordance with and calculated per the guidelines established by the Department of Administrative Services (DAS) and promulgated by the Office of Collective Bargaining (OCB), and shall comport with the terms of any applicable collective bargaining agreement.
Inappropriate Behavior	Those actions, demonstrations, and language that are contrary to policy, rules, regulations, guidelines, generally accepted procedures, customs, and/or professional codes of conduct. Inappropriate behavior may create risks to safety in the workplace; may interfere with work productivity, customer service, or the working atmosphere in any setting; and/or may inhibit other employee’s ability to perform their job in a safe or effective manner. Inappropriate behavior may be intentional or unintentional and subject to disciplinary action in accordance with this policy.
Leave Reduction	A reduction in the employee’s accrued personal leave, vacation, or compensatory leave banks of hours, or a combination of any of these banks. Leave reduction may be used in lieu of suspension for any violation covered by this policy, but can only be done in accordance with the applicable language of the collective bargaining agreement for bargaining unit employees, or the ORC for exempt employees.
Oral Reprimand/ Verbal Reprimand	A memorandum to the employee with a copy to the Union, if applicable, and placed in the employee’s personnel file recording and documenting the nature of the oral/verbal admonishment. The memorandum should include the date and nature of the violation as well as the proper course of behavior and future consequences if the behavior is not corrected, and shall comport with the term of any applicable collective bargaining agreement.

Policy	All DAS, ODNR, Divisional/Office specific, and ORC/OAC policies, procedures, and directives, both jointly and severally.
Reduction in Pay Step	The reduction in step and pay, but not position, of a non-bargaining unit employee for violation of ORC §124.34.
Removal	The involuntary termination of employment with ODNR.
Suspension	The loss of a scheduled work day or days without pay.
Working Suspension	A suspension where the employee is required to report to work as scheduled and is paid for hours worked. A working suspension has the same effect as a suspension for purposes of progressive discipline and is used in lieu of a suspension for any violation covered by this policy.
Written Reprimand	A memorandum to the employee with a copy to the Union, if applicable, and placed in the employee's personnel file recording and documenting the nature of the written admonishment. The memorandum should include the date and nature of the violation as well as the proper course of behavior and future consequences if the behavior is not corrected, and shall comport with the terms of any applicable collective bargaining agreement.

II. **POLICY:**

1. Employees of the ODNR are required to maintain high standards of behavior, conduct, and work performance befitting the trust and responsibility imposed on them as public servants. Disciplining an employee who violates work rules, policies, or directives of ODNR or the Revised Code ("ORC") is necessary if order and operational efficiency are to prevail in the work place. The objective of imposing discipline is to correct undesirable and/or inappropriate behavior that adversely affects the mission of ODNR, which includes, but is not limited to: health and safety, operational efficiency, morale of employees and/or the needs of the citizens and customers served by the ODNR. Only acceptable behaviors will be tolerated. Inappropriate and disruptive behaviors or behaviors that subject the employee and/or ODNR to public scrutiny may result in disciplinary action.
2. Employees who fail to abide by standards established herein may be subject to appropriate disciplinary action initiated in accordance with ORC §124.34, policy, the collective bargaining agreements, the ODNR disciplinary grid below, and/or any other appropriate procedures governing discipline.
3. ODNR is dedicated to the policy of corrective, progressive discipline. Disciplinary actions shall be for just cause and shall be administered fairly and consistently throughout ODNR within the policy and guidelines set herein. Disciplinary action shall also be commensurate with the offense, taking into account the severity of the violation, mitigating and/or aggravating circumstances, as well as any previous and/or cumulative discipline.
4. ODNR's philosophy is to encourage the use of the Employee Assistance Program (EAP), where appropriate, at the earliest possible time. EAP is not considered a disciplinary action and shall not serve to bar or delay the imposition of discipline for a violation of policy.
5. Disciplinary actions should be imposed with the intent of giving the employee the opportunity to correct inappropriate behavior. If inappropriate behavior continues, the level of discipline should become more severe. When implementing discipline as corrective action, each ODNR Division/Office shall undertake disciplinary measures for the purpose of correcting an offending employee's inappropriate behavior.

6. For the purposes of progressive discipline, the policy infraction and/or discipline does not require an offending employee to violate the same or similar policy except as noted below. The ODNR disciplinary grid below is merely illustrative and is not meant to be all inclusive. The form of discipline listed with these offenses only provides a suggested range of appropriate action. Other forms of discipline may be utilized if deemed more appropriate.
7. Each violation of any portion of the ODNR disciplinary grid shall be treated as a separate offense for purposes of determining progressive discipline. Disciplinary action should be imposed with the intent of giving the employee the opportunity to correct his/her behavior commensurate with the offense. If the behavior is not corrected, discipline should become increasingly more severe, up to and including removal.
8. Conviction of a felony is a separate basis for reduction in pay or position, suspending or removing an employee, even if the employee has already been reduced in pay or position, suspended or removed for the same conduct that is the basis of the felony.
9. It shall be understood by all ODNR employees that they are expected, as a term and condition of employment, to cooperate fully with any ODNR administrative investigation.
10. Certain offenses, by their nature, may warrant more severe discipline than recommended below, up to and including removal for a first offense and irrespective of any prior discipline issued or lack thereof.
11. Supervisors who fail to consistently and appropriately monitor the workforce to ensure compliance with policy and/or fail to initiate a request to ODNR Human Resources for disciplinary action as soon as they are aware of any potential violation of policy may also be subject to discipline pursuant to recommendations of the ODNR disciplinary grid.
12. Employees are required to:
 - a) Read and comply with this policy.
 - b) Conduct themselves in a manner, both on and off duty, which does not adversely affect the ability of the employee to perform the duties of their position, the integrity of the ODNR, and/or the public's trust.
 - c) Notify ODNR Human Resources within ten (10) calendar days of their conviction and/or no contest ("nolo contendere") plea of any felony. Failure to timely notify ODNR Human Resources may subject the employee to discipline up to and including removal.
 - d) Proactively communicate questions, concerns and issues to the appropriate contact listed below.
 - e) Complete all associated policy training in a timely fashion.

13. ODNR Disciplinary Grid:

All ODNR Employees:							
A.		Insubordination	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	
	1.	Willful disobedience of a direct order by a supervisor or manager.	Suspension -Removal	Removal			
B.		Dishonesty	1 st Offense		2 nd Offense		
	1.	Dishonesty/Untruthfulness.	Written Reprimand -Removal	Removal			

	2.	Falsifying or removing any official document.	Suspension -Removal	Removal			
	3.	Intentional misuse of federal or state funds.	Suspension -Removal	Removal			
	4.	Accepting bribes in course of carrying out assigned duties.	Removal				
	5.	Theft.	Removal				
	6.	Interfering with, failing to cooperate with, or lying during an official investigation or inquiry. ¹	Suspension -Removal	Removal			
C.		Neglect of Duty	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	
	1.	Neglect of Duty.	Verbal Reprimand- Suspension	Suspension	Suspension -Removal	Removal	
	2.	Failure to follow the written policies, procedures, or directives of the Director/ Division/Office.	Verbal Reprimand- Suspension	Suspension -Removal	Removal		
	3.	Endangering life, property or public safety.	Suspension -Removal	Removal			
	4.	Sleeping while on duty.	Written Reprimand- Suspension	Suspension	Removal		
	5.	Exercising poor judgment.	Written Reprimand- Suspension	Suspension	Suspension -Removal	Removal	
	6.	Failure to perform the duties of the position or perform at sub-standard levels.	Written Reprimand- Removal	Suspension -Removal	Removal		
	7.	Reporting to work under the influence of any intoxicant (i.e. alcohol, illegal drug, or misused/ abused prescription drug), other than required for medical reasons as directed by a licensed prescribing physician.	Suspension -Removal	Removal			
	8.	Failure to pass an alcohol or drug test.	Removal				
	9.	Commission of acts that impair or compromise the ability to carry out his/her duties as a public employee effectively.	Written Reprimand- Removal	Suspension -Removal	Removal		

¹ An employee who is asked to interview as part of a criminal investigation whether conducted by ODNR law enforcement or an outside agency, including but not limited to, the Ohio Highway Patrol and the Ohio Inspector General's Office, retains the right to invoke the 5th Amendment right against self-incrimination without fear of reprisal.

10.	Failing to obtain certification or licensure as required by the employee's position description; expiration, suspension, or revocation of certification or licensure as required by the employee's position description; failure to complete required training.	Written Reprimand-Removal	Suspension -Removal	Removal		
11.	Failure of supervisor to appropriately manage employee(s) or enforce work rules.	Written Reprimand-Removal	Suspension -Removal	Removal		
12.	Being out of assigned work area without authorization.	Verbal-Written Reprimand	Written Reprimand-Suspension	Suspension -Removal	Removal	
D.	Failure of Good Behavior	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	
1.	Failure of good behavior.	Verbal Reprimand-Removal	Suspension -Removal	Removal		
2.	Engage in disruptive, offensive, or abusive acts/language toward an employee or member of the general public.	Verbal Reprimand-Suspension	Suspension -Removal	Removal		
3.	Acts of discriminatory or offensive conduct towards any individual based upon their protected status.	Written Reprimand-Removal	Suspension -Removal	Removal		
4.	Inappropriate behavior or comments directed towards a manager, supervisor, or other ODNR leadership.	Suspension -Removal	Removal			
5.	Failure to complete a work assignment.	Verbal Reprimand - Suspension	Written Reprimand - Suspension	Suspension -Removal	Removal	
6.	Misuse of or carelessness with state property and equipment.	Verbal Reprimand-Removal	Suspension -Removal	Suspension -Removal	Removal	
7.	Unauthorized use of a state vehicle.	Written Reprimand-Suspension	Suspension -Removal	Removal		
8.	Violation of traffic code with or without a written citation.	Verbal Reprimand-Suspension	Suspension -Removal	Suspension -Removal	Removal	
9.	Failure to report or delayed reporting of a crash and/or damage to a state-owned vehicle.	Written Reprimand-Suspension	Suspension -Removal	Removal		
10.	Immoral or indecent conduct or any act that brings discredit to the employer.	Written Reprimand-Removal	Suspension -Removal	Removal		

11.	Engaging in political activities as prohibited by ORC §124.57.	Suspension -Removal	Removal			
12.	Strike or threaten physical harm to another employee or the public or commit any act that constitutes workplace violence.	Suspension -Removal	Removal			
13.	Deliberate destruction or damage to state property, property of visitors to department facilities or property of another employee during working hours.	Suspension -Removal	Removal			
14.	Participation in a work stoppage, strike, sit out, or any other activity that would interfere with the operation of a department facility, installation or program.	Suspension -Removal	Removal			
15.	Participation in an illegal strike (non-exempt employees only)	Removal				
16.	Any felony conviction.	Suspension -Removal				
17.	Violation of ORC §124.34.	Discipline shall be commensurate with the offense.				
18.	Post or display offensive, abusive or obscene material.	Verbal Reprimand- Suspension	Suspension -Removal	Removal		
19.	Engaging in unauthorized soliciting or collection of money or circulation of petitions while on the job or on state property.	Verbal Reprimand- Suspension	Written Reprimand- Removal	Suspension -Removal	Removal	
20.	a. Engaging in employment (including self-employment) that may constitute a conflict of interest, whether paid or unpaid; b. Failure to report and receive ODNR prior approval for secondary employment, whether paid or unpaid; c. Failure to update and receive ODNR prior approval for changes in terms or conditions of existing secondary employment.	Suspension - Removal	Removal			
21.	Violation of Ohio Ethics Laws or related statutes ORC §102 or §2921.	Suspension - Removal	Removal			

	22.	Intentional misuse, disclosure, or transmission of confidential, private, or sensitive ODNR information or material without prior authorization.	Written Reprimand-Removal	Removal			
	23.	Conducting personal business while on duty.	Verbal Reprimand-Suspension	Suspension-Removal	Removal		
	24.	Representing ODNR without authority or prior authorization from the supervisor or manager.	Written Reprimand-Suspension	Suspension-Removal	Removal		
	25.	<ul style="list-style-type: none"> a. Violation of any information technology policy; b. Improper storage of personal data or documents on state owned equipment; c. Improper Internet, social media, or personal email access using state equipment or systems; d. Distribution, transmission, or storage of inappropriate or sexually explicit data, documents, or materials on state owned equipment or systems; e. Failure to abide by work appropriate behavior in email and other communications. 	Suspension-Removal	Removal			
	26.	<ul style="list-style-type: none"> a. Accessing or viewing records, email, or other computer systems, equipment or software without prior authorization or exceeding pre-existing authorized access; b. Intentionally and without prior authorization accessing any nonpublic state computer, database, equipment, or system. 	Suspension-Removal	Removal			
E.		Attendance	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	
	1.	Absence without official leave (AWOL)	Written Reprimand - Suspension	Suspension	Removal		

	2.	Job Abandonment (more than 24 hours)	Removal				
	3.	a. Failure to report for duty at the scheduled work day start time; b. Failure to return to work as scheduled or on time following an approved leave of absence, break, or lunch period without prior authorization.	Verbal- Written Reprimand	Written Reprimand- Suspension	Suspension	Removal	
	4.	Misuse of approved leave.	Verbal Reprimand- Removal	Suspension -Removal	Removal		
	5.	Pattern abuse of sick leave (i.e. before and/or after holidays; before and/or after weekends or regular days off; after pay days; any one [1] specific day; absence following overtime worked; half [1/2] days; continued pattern of maintaining zero [0] or near [0] leave balances; excessive absenteeism).	Verbal Reprimand- Suspension	Written Reprimand- Suspension	Suspension -Removal	Removal	
	6.	a. Failure to timely notify supervisor or designee of absence or tardiness; b. Failure to comply with call off procedures and policy	Verbal- Written Reprimand	Written Reprimand- Suspension	Suspension	Removal	
	7.	Failure to timely and appropriately complete and submit personnel forms; payroll, timekeeping, or leave requests; physician's verification forms; or other required absence and administrative records.	Written Reprimand- Removal	Suspension -Removal	Removal		
	8.	Submitting a fraudulent physician verification form or other required absence or administrative record.	Written Reprimand- Removal	Suspension -Removal	Removal		
Commissioned Officers Only (Including plain clothes officers):							
A.		Law Enforcement	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	5 th Offense
	1.	Violation of an applicable Uniformed Officer's Code of Conduct or similar Division specific policy, procedure, or directive.	Verbal Reprimand- Removal	Written Reprimand -Removal	Suspension - Removal	Removal	
	2.	Leaving firearm or Taser unattended/unsecured.	Written Reprimand- Suspension	Removal			

3.	Loss of firearm or Taser through oversight, negligence, or with intent.	Suspension -Removal	Removal			
4.	Failure to properly safeguard firearm or Taser while not on duty.	Suspension -Removal	Removal			
5.	Possession of an unauthorized or non-ODNR approved weapon.	Suspension	Suspension -Removal	Removal		
6.	Possession or use of unauthorized ammunition.	Written Reprimand- Suspension	Suspension -Removal	Removal		
7.	Failure to report removal of firearm from holster.	Verbal Reprimand- Suspension	Suspension -Removal	Removal		
8.	Removal of firearm or Taser from holster without just cause.	Suspension -Removal	Removal			
9.	Failure to report unauthorized discharge of firearm or Taser.	Verbal- Written Reprimand	Suspension	Removal		
10.	Intentional discharge of firearm or Taser without just cause.	Verbal Reprimand- Removal	Suspension -Removal	Removal		
11.	Accidental discharge of firearm or other firearm negligence.	Written Reprimand- Removal	Suspension -Removal	Removal		
12.	Accidental discharge of Taser or other Taser negligence.	Verbal Reprimand	Written Reprimand	1-5 Day Suspension ²	5-10 Day Suspension ²	Removal
13.	Failure to meet the requirements of the ODNR Minimum Fitness Standard Directive.	Removal				
14.	Misuse of LEADS/OHLEG.	Written Reprimand- Removal	Suspension -Removal	Removal		
15.	Failure to file, submit, or log a report in a timely manner.	Verbal- Written Reprimand	Written Reprimand- Suspension	Suspension -Removal	Removal	
16.	Failure to respond or delayed response to call for service.	Written Reprimand- Suspension	Suspension -Removal	Removal		
17.	Poor quality of report and/or investigation	Verbal- Written Reprimand	Written Reprimand- Suspension	Suspension -Removal	Removal	
18.	Failure to act on or report statutory or policy violations.	Written Reprimand- Removal	Suspension -Removal	Removal		
19.	Failure to properly handle evidence/recovered property.	Verbal Reprimand- Suspension	Suspension	Suspension -Removal		
20.	Failure to take proper enforcement actions.	Written Reprimand- Suspension	Suspension -Removal	Removal		

21.	a. Receipt of a bribe, gratuity, or other improper compensation. b. Use of ODNR position for personal gain.	Written Reprimand-Removal	Suspension-Removal	Removal		
22.	Conduct unbecoming of an Officer.	Written Reprimand-Suspension	Suspension-Removal	Removal		
23.	Causing or failing to prevent damage to a patrol car due to a preventable or otherwise avoidable accident or event.	Verbal Reprimand	Written Reprimand	Suspension	Suspension-Removal	Removal
24.	Neglect or loss of equipment.	Verbal Reprimand-Suspension	Written Reprimand-Suspension	Suspension	Suspension-Removal	Removal
25.	a. Incurring a traffic violation while on duty; b. Unsafe or illegal conduct while on-duty involving vehicle operations.	Verbal Reprimand-Suspension	Suspension-Removal	Removal		
B.	Weapons Qualification/Inspections	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	5 th Offense
1.	Failure to qualify with weapon. ³	Verbal Reprimand	Written Reprimand	1-3 Day Suspension ²	3-5 Day Suspension ²	Removal
2.	Failure to successfully complete or pass weapons inspection.	Verbal Reprimand	Written Reprimand	3 Day Suspension	5 Day Suspension	Removal

² Term of suspension or discipline imposed shall be commensurate with the offense.

³ Commissioned officers who fail to qualify pursuant to the DNR Firearms Qualifications Course Directive shall receive discipline in accordance with these guidelines unless they have active discipline of a 3-day suspension, fine, or leave reduction or more, as noted above.

III. RESPONSIBILITIES:

POSITION OR OFFICE	RESPONSIBILITIES
Office of Human Resources	A. To annually review policies for applicability and updates. B. To process violations of the policy according to the disciplinary process and grid.
ODNR Division/Office Supervisors and Managers	A. Consistently and appropriately monitor workforce to ensure compliance with policy. B. Initiate a request to ODNR Human Resources for disciplinary action as soon as they are aware of any policy violation. C. Proactively communicate questions, concerns and issues to the appropriate contact listed below. D. Ensure employees have access to and successfully complete any necessary ELM training in a timely fashion.
Employee	A. Read and comply with policy. B. Conduct themselves in a manner, both on and off duty, which does not adversely affect the ability of the employee to perform the duties of their position, the integrity of the ODNR, and/or the public's trust. C. Notify ODNR Human Resources within ten (10) calendar days of

	<p>their conviction and/or no contest (“nolo contendere”) plea of any felony. Failure to timely notify ODNR Human Resources may subject the employee to discipline up to and including removal.</p> <p>D. Proactively communicate questions, concerns and issues to the appropriate contact listed below.</p> <p>E. Complete all associated policy training in a timely fashion.</p>
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IV. RESOURCES:

[Minimum Fitness Standards Directive](#)
[Suspected Illegal Activity Policy](#)
[Ethics Policy/Procedure](#)
[ODNR Policies, Procedures, and Directives](#)
[State Personnel Board of Review](#)
[OAC §124](#)
[OCSEA/AFSCME Contract](#)
[FOP Contract](#)

V. CONTACTS:

SUBJECT	OFFICE	TELEPHONE	EMAIL/URL
Policy Issues	Office of Human Resources/Labor Relations	(614) 265-6981	Policy.Coordinator@dnr.state.oh.us