

## EMPLOYEE DISCIPLINARY POLICY

### I. Policy:

All employees are required to meet, at a minimum, satisfactory performance standards and abide by certain minimum standards of conduct. Failure to do so may result in disciplinary action. Supervisors will confer with Human Resources if questions arise concerning the appropriate action to initiate. Human Resources must approve all suspensions and terminations prior to actions being initiated.

Discipline applied by supervisors should be aimed at correcting employee performance and conduct. Only supervisors who have completed supervisor training, provided by or coordinated through the Employee Relations Section of Human Resources, will be allowed to take disciplinary action against an employee. The failure of a supervisor to attend mandatory supervisor training will be immediately reported to the ADH Center Director by the Human Resources Director.

Nothing herein is intended to imply that any standard is all-inclusive. Periodically, directives concerning specific conduct issues may supplement these standards. (See ADH Probationary Period policy for employees who have occupied their current position for less than 180 days.)

This policy establishes the Arkansas Department of Health (ADH) policy regarding performance and employee conduct standards and is applicable to all ADH employees.

### **Notes:**

1. When a conduct violation relates to the Health Insurance Portability and Accountability Act (HIPAA), the supervisor and the HIPAA Privacy Officer will confer regarding the type of discipline that may be applied.

1. When a violation relates to theft of any kind, including money, loss due to employee dishonesty, loss of Agency equipment such as cell phones, computers, laptops, USB drives, or any portable device that has ADH information loaded, refer to the Occurrence and Subsequent Loss Reporting policy in the Administration General Volume for additional reporting requirements and procedures.

Supervisors are responsible for the implementation of this policy. Supervisory personnel will be held accountable for failure to initiate disciplinary measures to correct below standard performance, unacceptable conduct OR exercising this action on a random or disparate basis. Human Resources is responsible for ensuring compliance with this policy.

**Note:** The Human Resources Director must approve all suspension and termination actions.

### **Disclaimer**

Nothing in this policy will alter the employment-at-will relationship between employees and ADH. Any agency error that is trivial, formal, or merely academic and does not prejudice the substantive rights of an affected party will be deemed a harmless error and will not be grounds for overturning the Agency decision.

### **Definitions**

**Conduct** - Interchangeable with performance and includes actions or lack of actions by employees related to work rules, policies, procedures, job performance, office mission or safety.

**Employee** – A person regularly appointed or employed in a position of state service by the state agency for which he or she is compensated on a fulltime or on a pro rata basis; a class title and pay grade are established in the appropriation act for the state agency in accordance with the Uniform Classification and Compensation Act.

**Insubordination** - Willful refusal to carry out the directive of the employee's supervisor either verbally or through lack of action (failure to carry out the directive) unless there are mitigating circumstances.

**Supervisor** - Relative to this policy only, one who has successfully completed supervisor training and is responsible for overseeing and monitoring the conduct and performance of at least two or more employees.

**Probationary Employee** – An employee in the initial (180 day) probationary period with the agency or an employee who has transferred or been promoted into a new position within the last 180 days.

**Progressive Discipline** – A continuous, sequential movement of disciplinary action to the next level for substantially similar offenses committed by an employee.

**Types of Discipline**

The following levels of discipline may be applied:

- A. Written warning recorded in the employee’s file.
- B. Suspensions without pay or demotion. (For exempt employees under the Fair Labor Standards Act, a five-day minimum suspension is required.)
- C. Termination.

**Note:** Demotion may be used as an alternative to suspension or termination or in combination with suspension. (Employees receiving both a demotion and a suspension will accrue a maximum of 8 points.)

**Impact on Future Discipline**

For purposes of progressive discipline, written warnings, suspensions and demotions will be counted for progressive discipline purposes for a period of 24 months after the action was documented.

**Points Accumulation**

Employees are also subject to discipline for the accumulation of disciplinary points.

The accrual of points will be determined as follows:

<b><u>Disciplinary Action</u></b>	<b><u>Point Value</u></b>
Written Warning	3 points
Suspension	6 points
Demotion	8 points
Demotion + Suspension	8 points

Points for each disciplinary action will be counted for one year after the disciplinary action was documented on a Notice of Disciplinary Action (HR-1173).

Any employee who accrues 13 or more disciplinary points within a 12-month period will be terminated.

No current ADH employee is eligible to apply, accept an interview, or be selected for another position if the employee has accumulated six or more disciplinary points within

twelve months preceding the closing date, the interview selection or currently serving performance probation. (See Employee Probationary Policy)

### **Temporary Removal from Duty Assignment Pending Investigation**

Any employee whose alleged actions or behavior have the potential to be an immediate or direct threat to public health or safety or might threaten the safety of a child, client, or co-worker, or might impede an investigation will be temporarily removed from his or her duty assignment pending a review of the allegations by the employee's Center Director/designee. This action will not be construed as an indication of wrongdoing by the removed employee, but is imposed to allow adequate time to conduct an investigation.

The Center Director/designee will determine the length of time during which the employee will be temporarily removed from duty and will arrange for the employee to temporarily assume other duties not involving direct contact with children or clients. A change of work location may also be made, if appropriate under the circumstances.

If circumstances require that the employee is to be sent home, the employee will be placed on call, with pay, during normal work hours, and be immediately available to participate in the investigation upon approval by the Center Director/designee.

### **Employee Meeting**

The supervisor must meet with the employee prior to disciplinary action being taken. The supervisor will schedule a formal meeting with any employee facing possible disciplinary action and assure that the employee knows the purpose of the interview.

The supervisor and employee will meet within ten working days of the supervisor's determination that disciplinary action may be warranted. The need for an extension of this time frame will be documented and must be approved by the Director of Human Resources or their designee. The supervisor will provide all known facts to the employee and allow the employee an opportunity to refute the information or identify any extenuating factors. During the meeting the employee may provide, in written form, additional information or names of persons who may have relevant information. The supervisor will notify the employee that this is a disciplinary investigation and can result in a disciplinary action that could lead up to or include termination.

A determination of whether disciplinary action will be taken must be within a reasonable timeframe following the meeting. If disciplinary action is warranted, the supervisor must follow guidelines outlined in this policy. If disciplinary action is not warranted, the supervisor must immediately notify the employee.

Supervisors must attempt a telephone conference with employees unable or unwilling to meet with them. (Example: The employee has abandoned their job, or has been prohibited from entering the workplace.) Unsuccessful attempts to discuss the proposed disciplinary action with the employee must be documented; however, the action may still be taken.

### **Termination during New-hire Probationary Period**

Employees in the new-hire probationary period are not subject to a disciplinary meeting or statement of action prior to termination. Employees may be given a counseling statement but may also be terminated for any action during the probationary period. The termination must be approved through Human Resources by the Agency Director or designee.

### **Factors to Consider in Determining Action to Be Taken**

Once the supervisor concludes that disciplinable performance or conduct has occurred, he or she must determine whether to impose discipline, issue a Counseling Statement (HR-1131) in lieu of discipline, or place the employee on performance probation.

If discipline is to be imposed, the supervisor must determine the appropriate level of discipline. In making these decisions, supervisors should consider each of the following factors that are relevant to the disciplinable conduct:

- Whether the employee knew or should have known that the conduct could result in discipline. Laws and written agency, work unit, and center policies, work practices, memos and posted notices will be considered proof that an employee knew or should have known any matters discussed in the document and that discipline could result from refusal to comply with any directives contained in the document or reasonably implied by its contents.
- Whether the behavior was intentional in nature.
- Whether the employee has a reasonable explanation for his or her behavior or presents other mitigating circumstances.
- The employee's work history.
- If applicable, whether the conduct disrupted work, created a hostile work environment, or interfered with services to customers.
- If applicable, whether the conduct resulted in an increased risk of legal liability by the agency and the perceived seriousness of the risk.
- If applicable, whether the conduct endangered the safety of the employee, co-workers or customers, and the level of risk involved. Endangerment is presumed if the behavior violates a safety law or rule.

**Note:** The use of any of the above factors to justify the use of counseling statement in lieu of formal disciplinary action will be documented on the Counseling Statement (HR-1131). The use of any of the above factors to justify severe disciplinary action will be documented on the Notice of Disciplinary Action (HR-1173).

After considering the above factors, the supervisor should document his or her findings and select the level of discipline that equates to the seriousness of the offense. The Disciplinary Investigation Checklist (HR-2813) may be completed if the supervisor is considering termination.

**Note:** If the offense violated a HIPAA policy or regulation, the supervisor will consult with the HIPAA Privacy Officer in determining the level of discipline to be applied by the supervisor.

### **When a Specific Level of Discipline is set by Policy**

Some Agency policies may set a specific level of discipline for certain offenses. If so, the recommended level of discipline must be considered as the minimum discipline, unless mitigating circumstances can be documented.

### **Applying Discipline**

The discipline should be applied immediately, consistently and impartially. The employee must be warned of the consequences of repeated offenses in writing. After an appropriate initial level of discipline has been selected, the principles of progressive discipline should be followed for subsequent offenses, (i.e. the next level of discipline should be applied for the next substantially similar offense and continue sequentially thereafter) unless aggravating or mitigating circumstances can be demonstrated for the subsequent offenses.

Employees must be notified of the disciplinary action using the Notice of Disciplinary Action (HR-1173). If the employee refuses to sign the HR-1173, another supervisor should act as witness and it should be documented in writing.

An employee may be eligible to return to employment after six months to a position within the agency in a different classification from the position in which the employee was terminated if the employee is terminated within the initial probationary period. If the severity of the offense, the frequency of unrelated offenses, the employee's overall work record, and other relevant factors warrant termination, the employee will not be eligible for re-employment for a period of two years from the date of discharge. In cases of extreme violations of conduct, including gross misconduct, the employee will not be eligible for re-employment with ADH.

### **Performance Probation**

Employees may be placed on performance probation at any time during the rating period. An employee who has an overall rating score of Unacceptable will be automatically placed on probationary status for 30 to 180 days (to be determined by the supervisor) and given a Performance Improvement Plan (HR-69). An employee who has an overall rating score of Needs Development may be issued a disciplinary action for the performance violation. (See Performance Evaluation Policy) For probationary employees, a Counseling Statement (HR-1131) will be issued that

- outlines specific performance expected that will lead to improvement of overall performance;
- cites a 30-180-day evaluation period that represents the probationary status period;
- recommends training, if necessary, that will lead to improvement; and
- outlines (when appropriate) actions that will be taken by the supervisor to assist the employee in performance improvement. The supervisor, along with the employee, must also complete a Performance Improvement Plan (HR-69). Additional documentation in the form of clarifying memoranda may be included.

During the probationary period, the supervisor must document periodic discussions of the employee's performance. The employee is to be informed of their progress or lack of improvement and given specific information or training on how to improve or continue improving performance.

A performance assessment must be conducted and documented at least one week prior to the end of the probationary period. The documentation shall be a memorandum to the employee's personnel file with both the supervisor and employee signatures.

- A. If the employee has met the standards for solid performer at the end of the probationary period, the employee will be removed from probationary status.
- B. If the employee's performance has not reached the level of solid performer the probation period may be extended or the employee may be terminated or demoted.
- C. An additional probationary period is allowed for employees who have shown marked improvement but who have not attained the solid performer at the end of the initial probationary period.

Maximum allowable time for probationary status due to unacceptable performance cannot exceed 180 calendar days. If, at the end of the 180-day probationary status the employee has achieved solid performer performance, the employee will be removed from probationary status. If, at the end of the 180-day probationary status, the evaluation does not reflect solid performer, the employee will be demoted or terminated as determined by the supervisor and with the approval of the Agency Director or designee.

An employee within the initial new hire 180-day probationary period may be granted one (1) 90-day extension of the initial 180-day probation.

### **Effective Date of Disciplinary Action**

If the decision to discipline results in suspension without pay or termination, the effective date of such action will be the date the decision is made, and will not be backdated to the date the employee was removed from his or her duty assignment pending investigation.

**Note:** The Director of Human Resources must approve all suspensions and terminations prior to the action being implemented. The Agency Director or designee must review all suspension and termination actions prior to the action being taken.

### **Offenses that Violate Minimum Conduct/Performance Standards**

The following offenses violate minimum standards of conduct and/or performance and are contrary to the best interests of ADH, its customers and employees. Depending on the severity of the offense, the frequency of unrelated offenses, the employee's overall work record, and other relevant factors, the agency may elect to implement any level of disciplinary action up to and including immediate termination.

1. Possessing, storing, or selling alcohol or illegal drugs on ADH or customer property.
2. Reporting for duty while under the influence of alcohol or illegal drugs. (See ADH Policy Drug-Free Workplace/Employee Drug and Alcohol Prevention policy for procedures and appropriate disciplinary action.)
3. Possession, use or storing of weapons of any kind, such as firearms, knives or explosives on ADH or customer property.
4. Theft or attempted theft of property of ADH, an employee, or customer.
5. Fraud or dishonesty of any kind or nature.
6. Falsification of information whether written or oral, including any misleading omissions of information or misleading statements provided the employee knew or should have known with the exercise of due diligence that the information was false.

7. Fighting, assaulting, or otherwise endangering any employee, customer, or member of the public while on duty or on ADH property.
8. The use of threatening or abusive language or actions, posting of offensive materials, any harassment, or discourteous, indecent, or immoral conduct.
9. The use of a camera, cell phone camera, videotape, photo-optical, photo-electric, or any other image recording device for secretly observing/viewing, photographing, filming, or videotaping a person in any ADH restroom, private interviewing room or private office. Videotaping of clients, co-workers, supervisors, or patients anywhere on ADH property without the person being videotaped's knowledge and consent.

**Exceptions:**

- a. video recording or monitoring conducted pursuant to a court order;
  - b. security monitoring operated by or at the direction of the owner or administrator of the office/facility;
  - c. security monitoring and observation associated with correctional facilities, regardless of the location of the monitoring equipment;
  - d. video recording or monitoring conducted by law enforcement officers within the official scope of their duties; and
  - e. photographing clients by ADH employees during an investigation.
10. Gambling on ADH property or while on duty.
  11. Engaging in horseplay, or any form of disruptive conduct, during working hours or at any time while on ADH property.
  12. Insubordination (unless mitigating circumstances), refusal, or failure to follow ADH, Center, office, or work unit policies and/or procedures or perform an assignment given by the supervisor, including work assignments outside the employee's normal duties.
  13. Leaving work prior to the end of the assigned duty period without the permission of the employee's supervisor.
  14. Tardiness or failure to report for work as scheduled.

15. Unexcused absences, or employee's failure to personally notify his or her supervisor of absence due to illness within one hour of the scheduled starting time. (In the event the employee is unable to personally notify the supervisor, the call-in procedures for the employee's work unit or supervisors instructions will be used.)
16. Absence from work without notification for more than two consecutive working days may be considered a resignation.
17. Failure to promptly report all work related personal injuries and accidents to your supervisor, or an ADH official, including damage to the property of ADH, an employee, customer, or member of the public, regardless of who is responsible for the damage
18. Failure to observe traffic laws while operating, or to report traffic violations involving ADH vehicles.
19. Misuse of, abuse of, damaging, tampering with, or losing the property of ADH, an employee or customer.
20. Using ADH property without proper authorization, including permitting unauthorized personnel to operate or board an ADH vehicle.
21. Unauthorized disclosure of confidential or sensitive information.
22. Failure to comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the ADH HIPAA policies and procedures.
23. Unauthorized use of ADH records.
24. Failure to perform assigned duties in an efficient and productive manner. (If an employee falls below standard overall on a current performance evaluation; the employee should be placed on performance probation in lieu of written warning or suspension and reevaluated at the end of the period.)
25. Inattention to work assignments, including sleeping, dozing, or wasting time.
26. Disrupting or interfering with other employees' work.
27. The use of tobacco products in any of the following areas:
  - a. Agency motor vehicles;

- b. buildings rented, leased, owned, or otherwise occupied by ADH; or
  - c. within 25 feet of any entrance to any building owned, leased, or otherwise occupied by ADH. For any ADH facility where a specific area has been designated for smoking, the use of tobacco products is permitted only in the designated smoking area.
28. Failure to report defective equipment or unsafe conditions of any equipment or facilities that may endanger an employee, customer, or member of the public.
  29. Failure to comply with standard operating procedures and practices.
  30. Violation of any law, rule, or standard relative to licensing, certification, or patient safety.
  31. Bribery or accepting a bribe.
  32. Working unauthorized overtime.
  33. Failure to report for scheduled overtime duty.
  34. Failure to cooperate in ADH investigations. Employees do not have the right to refuse to answer questions asked by their supervisor or other ADH investigators as part of an investigation of suspected conduct violations. An employee may refuse to answer a question only if the answer to that question may expose the employee to criminal prosecution. In determining whether the employee violated minimum conduct standards, the investigator, supervisor or other decision-maker may consider the employee's refusal to answer. Employees may also be required to submit to polygraph examinations conducted in the course of such investigations.
  35. Refusal to allow the examination or search of any ADH property in the employee's possession or control, or the refusal to allow the search of personal belongings on ADH property if there is reasonable cause to believe that the belongings may contain evidence related to a conduct violation.
  36. Unauthorized sales or solicitations during working hours.
  37. Distribution of any literature, including but not limited to posting of notices of events or sales, which is not job related, without prior authorization, during working hours.

38. Failure to return to work after the expiration of vacation or leave of absence.
39. Failure to notify your supervisor at least once each week as to the status of your condition while on sick leave of undetermined duration.
40. Burdening the agency with repeated garnishment of wages.
41. Violations of any applicable ethical standards.
42. Abuse of supervisory authority.
43. Failure to exercise supervisory authority and responsibility.
44. Any outside employment or business activity that impairs the employee's ability to do their job effectively, fosters a negative public impression of the Agency, or creates a conflict of interest between the agency and the outside employment or business activity.
45. Making personal long distance calls charged to the agency.
46. Engaging in prohibited political activities.
47. Conviction of, admission to, or pleading nolo contendere (no contest) to any criminal charge. The following factors must be considered in determining if discipline is appropriate and the appropriate level of discipline, if any:
  - a. The seriousness of the offense;
  - b. If the offense occurred on ADH property or during work hours;
  - c. If the offense impairs public confidence in the Agency or causes concerns that the employee will not do their job honestly, effectively, or safely; and
  - d. Any form of harassment or discrimination that would be actionable under state or federal civil rights laws or forbidden by specific ADH policies.
48. Misuse of designated disability parking in ADH owned or leased parking areas or any other violations of the ADH Parking Policy.
49. Sharing ADH Information Systems passwords. Sharing passwords is prohibited. Password credentials are the primary security gateway for access to ADH's Network, Internet through ADH's Network, ADH's Email system, and ADH system applications.

50. Accessing the Internet from an ADH computer without logging on to the ADH Network or an ADH approved network.
51. Failure to safeguard the security of passwords, or through user negligence or purposeful action, causing the unauthorized use of passwords.
52. Installing or downloading software, music or videos that are copyrighted onto an ADH computer other than what is explicitly required in the conduct of ADH related business.
53. Exposing ADH's Network or applications to potential intrusion or disruption, or incurring system support costs, due to usage of network services, email, or the Internet for anything other than ADH business related purposes, or due to failure to follow duly issued instructions for the safeguarding and maintenance of state furnished computer equipment.
54. Violating terms of the ADH Systems Security Access Request (ADH e359) security agreement and confidentiality statement. Users' PCs, network activity, email, and Internet usage may be monitored to detect improper use or illicit activity. Users may hold to no expectation of privacy in the use of state-furnished computer equipment and services.
55. Failure to report allegations of misappropriation of funds to one's supervisor, to the Legal Services Office, the Deputy Director for Administration, or to ADH Internal Audit.

The above violations are examples of types of unacceptable conduct and performance issues. Unacceptable conduct and performance will result in discipline up to and including immediate termination. These violations are not all inclusive; however, employees who engage in any type of conduct or performance that may be injurious to the Agency, or which interferes with the efficient operations, damages the reputation of ADH, or interferes with the Agency's ability to serve customers and the public, will be subject to disciplinary action up to and including immediate termination.

The previous list is intended to be representative of the types of activities that may result in disciplinary action. It is not intended to be comprehensive and does not alter the employment-at-will relationship between the employee and ADH.

### **Appeal**

The employee has the right to grieve a disciplinary action if he/she meets mediation/grievance eligibility requirements as defined in the ADH Dispute Resolution Rules and Procedures Policy. An employee wishing to grieve a disciplinary action has five working days from the date of initiation of the disciplinary action to submit a grievance request to the Employee Relations Section of Human Resources. Non-disciplinary Counseling Statements (HR-1131) are not grievable.

### **Conflicting Policies Superseded**

This policy supersedes any existing policies or specific sections of existing policies that conflict with the terms of this policy.

- Notes:**
1. When a conduct violation relates to the Health Insurance Portability and Accountability Act (HIPAA), the supervisor and the HIPAA Privacy Officer will confer regarding the type of discipline that may be applied.
  2. When a violation relates to theft of any kind, including money, loss due to employee dishonesty, loss of agency equipment such as cell phones, computers, laptops, USB drives, or any portable device that has ADH information loaded, refer to the Occurrence and Subsequent Loss Reporting policy in the Administration General Volume for additional reporting requirements and procedures.

II.

Procedures:

Responsibility

Action

Supervisor

All pertinent information should be gathered. When aware of possible conduct/performance violations, takes steps to gather any information not already known that is necessary to decide if discipline is required and what level of discipline is appropriate.

Supervisor

When a conduct violation relates to HIPAA, contacts the HIPAA Privacy Officer for a determination of whether there has been a violation of HIPAA.

Consults with the HIPAA Privacy Officer regarding appropriate sanctions to be taken by the supervisor against employees who fail to comply with the HIPAA privacy policies and procedures.

Note: When a violation relates to theft of any kind, including money, loss due to employee dishonesty, loss of agency equipment such as cell phones, computers, laptops, USB drives, or any portable device that has ADH information loaded, refer to the Occurrence and Subsequent Loss Reporting policy in the Administration General Volume for additional reporting requirements and procedures before proceeding.

Center Director/Supervisor

Determine if temporary removal from duty assignment pending investigation is needed. Determine the length of time during which the employee will be temporarily removed from duty and arrange for the employee to temporarily assume other duties not involving direct contact with children or clients. Note: A change of work

<u>Responsibility</u>	<u>Action</u>
	location may also be made, if appropriate under the circumstances.
Supervisor	Temporarily removes any employee whose alleged actions or behavior have the potential to be an immediate or direct threat to public health or safety or might threaten the safety of a child, client, or co-worker, or that might impede an investigation pending a review of the allegations by the employee's Center Director.  If circumstances require that the employee is to be sent home, this places the employee on call, with pay, during normal work hours, to be immediately available to participate in the investigation after approval by the Director of Human Resources.
Supervisor and Employee	Meet within ten working days of the supervisor's determination that disciplinary action may be warranted.
Supervisor	Provides all known facts to the employee and allows the employee an opportunity to refute the information or identify any extenuating factors.
Employee	During the meeting, may provide, in written form, additional information or names of persons who may have relevant information.
Supervisor	Makes a determination of whether disciplinary action will be taken and the level of discipline to be taken within a reasonable time frame following the meeting. Documents the need for an extension of this time frame, if necessary. Note: The Supervisor must notify the Human Resources Employee Relations Manager and

receive approval for any action involving suspension or termination prior to discussion with the employee.

Provides a written notice to the employee, and explains the cause for the delay, if warranted.

If disciplinary action is warranted, follows guidelines outlined in this policy.

Responsibility

Action

	<p>If disciplinary action is not warranted, immediately notifies the employee.</p> <p>Must attempt a telephone conference with employees unable or unwilling to meet with him/her. (<u>Example</u>: The employee has abandoned their job, is physically unable to travel, or has been prohibited from entering the workplace.)</p> <p>Documents unsuccessful attempts to discuss the proposed disciplinary action with the employee.</p> <p>Signs suspension or termination paperwork and forward to Employee Relations Manager of Human Resources for approval/disapproval via fax, scan or hand delivery.</p>
Employee Relations	
Manager	<p>Secures approvals/disapprovals of ADMO and-HR Director and forward disposition via email to supervisor or manager; forward to Employee Relations staff for processing, if approved. (Do not state employee name, personnel number or any identifying information.)</p>
Employee Relations Staff	<p>Log suspension/termination action on Disciplinary log and forward to Records section of Human Resources for inclusion in personnel file.</p>

## PERFORMANCE EVALUATION

A.C.A. §§ 21-5-1001 and 1101

### I. Policy:

The Department of Finance and Administration Office of Personnel Management (OPM) has developed a performance evaluation and performance increase pay system for employees of all state agencies, boards and commissions covered by the Uniform Classification and Compensation Act. The pay-for-performance system, called Performance, Goals and Compensation System (PGCS) is an electronic system accessed through the Empowering Arkansas State Employees (EASE) application.

OPM has determined statewide performance standards called Groups. The Health Department selects from the Groups and Measurements to establish the criteria each employee is evaluated on during the rating period. Supervisors rate employees on all Measurements within the Groups designated by the agency.

### **Definitions**

Agency Director - The executive head of the Arkansas Department of Health.

EASE – Empowering Arkansas State Employees is the self-service application all state employees use to access the Performance, Goals and Compensation System and other employee-related systems.

Groups - are identified as the major responsibilities of the position comprised of tasks with a common theme.

Eligible Employee - A person who is employed full-time or part-time in a regular salaried position. Job share is considered part-time.

Supervisor – Designation used by those classified and unclassified employees who are responsible for overseeing and monitoring the conduct and performance of at least one employee.

### **Eligibility**

All employees, regardless of their hire date, will be rated in April of every year. Employees hired into a position prior to April 1 will receive an evaluation for the current fiscal year's rating period and may be eligible to receive a performance increase.

**Note:** Temporary extra help employees are not considered part-time and are not eligible.

### **Rating Categories**

Role Model – Employee’s performance is exceptional and serves as a model for other employees. The employee made a major positive impact on the agency.

Highly Effective – Employee’s performance consistently surpasses established standards. The employee accomplished tasks and duties above requirements and made a positive impact on the Agency.

Solid Performer – Employee’s performance meets all requirements for the position in a competent and proficient manner. This represents the expected level of performance as established the agency director or supervisor.

Needs Development – Employee’s performance periodically falls short of requirements or the employee requires development in the position.

Unacceptable – Employee’s performance is inadequate and the employee has demonstrated an inability or unwillingness to improve or meet requirements.

Performance increases will be added to the employee’s base salary. Employees compensated at the maximum pay level will receive a lump sum payment. The Chief Fiscal Officer (CFO) of the State determines whether general revenue funds are sufficient to implement the authorized performance increases. Funding and performance results will determine the final percentage increase for each agency. This is typically determined at the end of the fiscal year (early June).

Performance evaluations are confidential documents and are not to be shared with individuals who do not require access. Any employee found to have violated confidentiality will be subject to disciplinary action up to and including termination.

Employees who receive a written disciplinary action during the 12-month rating period are not eligible for a performance increase.

Management or supervisory personnel who fail to complete employee's performance evaluation by the designated time as determined by the Agency are not eligible for a performance increase.

Managers/supervisors must be current in applicable Executive Orders and Governor's Policy Directives and be timely on all performance evaluations for employees being supervised by them.

OPM will provide a normalized distribution curve; however, overall performance evaluation results will be determined by the agency director.

**Extended Leave (Military Leave/ Extended Military Leave/ Catastrophic Leave /LWOP)**

Employees on extended leave without pay, including military leave, will be evaluated and receive an overall score during the same period as other employees. If warranted and if authorized by the Department of Finance and Administration, a salary increase will be effective when the employee returns to active pay status.

**Evaluation and Feedback**

An employee must be given the signed HR-1158 Functional Job Description within 30 days of the employee's start date. Functional job descriptions must be kept up to date to match employees' current job duties.

Supervisors monitor and document employee performance throughout the rating period.

**Probationary Employees**

Employees who have an overall score of Unacceptable on their evaluation are automatically placed on probationary status for 30 to 180 days (to be determined by the supervisor) and given a Counseling Statement (HR-1131) and a Performance Improvement Plan (HR-69). The supervisor must review the performance evaluation prior to the employee being informed of probationary status.

**Appeal Process**

An ADH employee may appeal year-end performance evaluation overall score of Unacceptable only. The employee must submit a signed, written request for appeal of

the performance evaluation to the Center Director/designee. Overall ratings above Unacceptable cannot be appealed.

An employee must indicate at the time of receipt of the notice that their rating in the PGCS is available in EASE that the employee wishes to appeal the performance evaluation. The employee then has five working days from the date of the notice that their rating in the PGCS is available in EASE to file written documentation in support of the appeal request. The appeal request documentation must include evidence to support each group rating the employee wishes increased.

An employee can only appeal an overall rating. The employee must indicate which groups are inaccurately rated, what the employee rating should be and justification to support the rating requested to determine what the overall rating should be. Appeal requests that do not contain this information are not reviewed.

The Center Director reviews appeal requests or convenes an Oversight Committee to review appeal requests. The Center Director or Oversight Committee may obtain statements from both the employee and the supervisor or meet individually with each. The Center Director makes an appeal decision based upon their review or the review and recommendation of the Oversight Committee and informs both the supervisor and employee in writing of the decision no later than seven working days after receipt of the employee's request. The appeal decision is final and binding. The Oversight Committee must consist of at least three members. Members must represent Center management/supervisory, professional staff, and administrative or service staff.

## **Responsibilities**

### ADH Responsibilities:

- Provide orientation to supervisors and employees about the Performance, Goals and Compensation System (PGCS), including information regarding criteria that employees must meet to be eligible to receive a performance increase.
- Identify patterns of performance evaluations that appear too high or low in the work units.

ADH/Center Responsibilities:

- Administer PGCS within the Center.
- Appoint an Oversight Committee to review and administer employee appeals, if designated by the Director.  
**Note:** Appointing an Oversight Committee is optional.
- Develop a salary savings plan to help assure funding availability from Agency resources, in compliance with DFA Rules and Regulations.
- Provide ongoing orientation and/or training for employees and for managers/ supervisors.
- Confirm that documentation supports a PGCS ratings that reflects the employee's performance.

Supervisor/Manager Responsibilities:

- Familiarize the employees with the PGCS.
- Complete the employee evaluations by the designated time period and assure that all criteria have been met for employee performance increase.
- Keep employees' scores confidential until after notified by agency to share with employees.
- Review scores and rationale for scores with employee before the PGCS posts the information in the employee EASE records.
- Complete performance evaluation in the PGCS for each employee under their supervision for the required performance rating period. Failure by the supervisor/manager to initiate and complete a performance evaluation on each employee under their supervision will result in the supervisor/manager being ineligible for a performance bonus and being subject to other disciplinary action as deemed appropriate by the Center Director.

Employee Responsibilities:

- Meet the assigned criteria for their classification/position under the performance evaluation program.

- Provide documentation of work performance (certificate of completion of training, recommendation, etc.) to supervisor for consideration in final rating.
- Demonstrate satisfactory conduct.
- Keep the supervisor informed regarding progress or difficulties concerning their performance.

Employees remaining in the same position, but having different supervisors during the rating period, should be evaluated by the current supervisor. The current supervisor may consult previous supervisors when available. A supervisor can request a partial appraisal through the system from the previous manager of another organization, but the supervisor is not required to comply. If received, the requesting supervisor can choose whether to consider the partial appraisal as part of the current evaluation.

### **Documentation**

Employees are rated on the current evaluation period, not on information from past evaluation periods. Performance ratings can increase or decrease.

For employees on performance probation, a Counseling Statement (HR-1131) is issued that: (a) outlines specific performance expected that will lead to improvement of overall performance; (b) cites a 30-180-day evaluation period that represents the probationary status period; (c) recommends training, if necessary, that will lead to improvement; and (d) outlines (when appropriate) which actions will be taken by the supervisor to assist the employee in performance improvement. The supervisor also completes the Performance Improvement Plan (HR-69) along with the employee. Additional documentation in the form of memoranda may be included. During the performance probationary period, the supervisor must document periodic discussions of the performance evaluation. The employee is to be informed of their progress or lack of improvement and given specific information or training on how to improve or continue improving performance.

One file is required for employees; the official file located in the Records section of Human Resources. Supervisors may have a supervisory file on each employee. The PGCS evaluation is an electronic document and is **not** required to be kept in the supervisory or Human Resources employee file. Only pertinent information that supports the performance assessment given by the rating supervisor should be retained. These files must be kept available for employee review for three years.

Employees in the field may have 2 files exactly the same, one in Human Resources and one at their duty station.

The employee views their performance evaluation in EASE after all processing through the Agency and OPM has been completed.

## FUNCTIONAL JOB DESCRIPTION (HR-1158)

### PURPOSE

To establish the primary job duties (or functional areas) performed by a specific position. It does not indicate every task performed by the position. It identifies the essential functions of the job. It is the basis for interview questions for vacant positions. The Functional Job Description is considered during the Performance Goals and Compensation System (PGCS) employee evaluation.

Note: The PGCS groups are not same as the functional areas listed in the Job Description. They are used to evaluate how well the employee carries out the performance of the functional job duty areas.

### USED BY

ADH supervisors and managers.

### EXPLANATIONS AND DEFINITIONS

<u>Section:</u>	Indicate the ADH Section to which the position is assigned.
<u>County:</u> assigned.	County to which the position is assigned.
<u>Position Number:</u>	Unique eight-digit number assigned to a specific position.
<u>Class Code:</u>	OPM assigned number identifying the classification of the position.
<u>Grade:</u>	OPM assigned salary grade for the position class code.
<u>OPM Job Title:</u>	The position title indicated in the OPM list of job titles.
<u>Functional Title:</u>	Agency working title of position.
<u>Agency Number (4 digits):</u>	0645.

Cost Center:

Six-digit number.

Internal Order Number:

Nine-character number representing the position's funding source. If there are two Internal Order Numbers, list both.

Minimum Qualifications:

From State Job specifications.

OPM established and approved minimum qualifications as stated on the OPM job specification for a particular class code.

Job Summary:

Short paragraph of overall job duties.

Job Duties & Responsibilities:

Specific, primary functions performed by this position. List all tasks and associated measures that are fundamental to the position. Sort the tasks into appropriate job duty areas. Indicate the % of time that is spent in each Duty area. The percentage of time should not exceed 100%.

## BACK OF FORM

Knowledge, Abilities & Skills (KAS):

This should be determined by using the OPM Job Specification as a foundation and adding new KAS's that are applicable to the job and deleting those which are not applicable to the job. The order of the KAS's may be mixed according to the weights of the position specific tasks to which they relate, i.e., questions relating to abilities and skills may be asked before questions relating to knowledge. The Job Applicant Assessment Worksheet (HR-1154) is used to record the KAS's and must be used in the order submitted on the functional job description.

Special Requirements: List any preferred skills/license /experienced for this job

Supervisor's Signature & Date: Self-explanatory.

Employee's Signature & Date: Self-explanatory.

### MECHANICS AND FILING

The Functional Job Description is used as the basis for the job advertisement for vacant positions. Interview questions should be based on the job duties and responsibilities listed. The supervisor initiates (discusses with the employee) the Functional Job Description (HR-1158) within 30 days after hire date or upon revision of the Functional Job Description. The supervisor and employee sign and date the Functional Job Description upon initiation.

The supervisor forwards the signed original HR-1158 to the Records and Processing Section of Human Resources and retains a copy in the supervisory file.

### FINAL DISPOSITION

#### Functional Job Description (HR-1158)

Document	Office	Retention	Scan	
			Yes	No
Original	Human Resources	Retain the life of the personnel file.		X
Copy	Supervisor's File	Retain the life of the supervisory file.		X
Copy	Employee	Retain at discretion.		X