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Reprimand, Suspension, Demotion and Dismissal

Sec. 5-240-1.

Repealed, May 5, 1988.

Sec. 5-240-1a. Definitions

The following terms shall have the following meanings for the purposes of Section 5-240-1a through 5-240-8a of the Regulations of Connecticut State Agencies:

(a) "Appointing authority" means a board, commission, officer, commissioner, person or group of persons having the power to make appointments by virtue of a statute.

(b) "Employee" means an employee holding a position in the classified service of the state, whether full time or part time, for which compensation is paid, who has been appointed to that position following successful completion of a working test period.

(c) "Just cause" means any conduct for which an employee may be suspended, demoted or dismissed and includes, but is not limited to, the following:

1. Conviction of a felony.
2. Conviction of a misdemeanor committed while on duty.
3. Conviction of a misdemeanor committed off duty which could impact upon the performance of job responsibilities.
4. Offensive or abusive conduct toward the public, co-workers, or inmates, patients or clients of State institutions or facilities.
5. Two successive unsatisfactory service ratings, if filed within two years of each other.
6. Fraud or collusion in connection with any examination or appointment in the classified service.
7. Theft, willful neglect or misuse of any state funds, property, equipment, material or supplies.
8. Deliberate violation of any law, state regulation or agency rule.
9. Absence without leave for five or more working days or failure to return to duty within five working days following authorized leave.
10. Use of and/or intoxication from alcohol or illegal drugs while on duty.
11. Neglect of duty, or other employment related misconduct.
12. Insubordination, including but not limited to failure to work overtime if directed to do so.
13. Engaging in any activity which is detrimental to the best interests of the agency or of the state.
14. Conflict of interest within the meaning of C.G.S. Section 5-266 (a)-1 of the Regulations of Connecticut State Agencies.
15. Violation of the prohibitions of C.G.S. Section 5-226 (a).

(d) "Reprimand" means a written statement by the appointing authority to an employee notifying the employee that he has engaged in conduct which constitutes just cause for suspension, demotion or dismissal, and which notice is placed in the employees' personnel file. Reprimand does not include written periodic performance evaluations, or any statements contained therein.

(Effective May 5, 1988)

Sec. 5-240-2.

Repealed, May 5, 1988.

Sec. 5-240-2a. Reprimand

An appointing authority may reprimand an employee for just cause, if the appointing authority believes that given the relevant circumstances the specific conduct

that is the subject of the reprimand does not warrant a suspension, demotion or dismissal, but that the failure to act, involving the employee's job performance, attendance or conduct on duty of any sort warrants putting the employee on notice that such act, or failure to act constitutes just cause, and that the continuation of the specific conduct may result in more severe disciplinary action.

(Effective May 5, 1988)

Sec. 5-240-3.

Repealed, May 5, 1988.

Sec. 5-240-3a. Suspension

(a) An appointing authority may suspend an employee for just cause.

(b) Before a decision is made to suspend an employee without pay, or with reduced pay, the appointing authority shall follow the prediscipline procedures, as set forth in these regulations.

(c) Following the decision to suspend an employee, the appointing authority shall follow the post discipline procedures, as set forth in these regulations.

(d) Suspensions without pay or with reduced pay may not exceed in the aggregate sixty days in any one calendar year.

(Effective May 5, 1988)

Sec. 5-240-4a. Disciplinary demotion

(a) An appointing authority may demote an employee for inefficiency or incompetence when the employee's performance of his duties clearly indicates he is not rendering satisfactory service. Such a demotion shall not be made earlier than three months after permanent appointment to the classified service.

(b) Before a decision is made to demote an employee, the appointing authority shall follow the prediscipline procedures, as set forth in these regulations.

(c) Following the decision to demote an employee, the appointing authority shall follow the post discipline procedures, as set forth in these regulations.

(d) The appointing authority shall report a demotion under this section to the Commissioner of Administrative Services at least two weeks prior to the effective date of the action.

(e) Any employee demoted under this section shall be paid the salary which he would have been receiving had he been serving in the lower instead of in the higher position.

(Effective May 5, 1988)

Sec. 5-240-5a. Dismissal

(a) An appointing authority may dismiss an employee for just cause.

(b) The Commissioner of Administrative Services may dismiss any employee who has violated the provisions of C.G.S. Section 5-266a through Section 5-266d except that if the Commissioner finds that the violation does not warrant removal, he may suspend the employee from his position without pay for not less than thirty days or more than six months. Any such dismissal or suspension shall be taken in accordance with the procedures for dismissal or suspension contained in these regulations.

(c) Before a decision is made to dismiss an employee, the appointing authority shall follow the prediscipline procedures, as set forth in these regulations.

(d) Following the decision to dismiss an employee, the appointing authority shall follow the post discipline procedures, as set forth in these regulations.

(e) The appointing authority shall immediately report a dismissal to the Commissioner of Administrative Services by sending a copy of the notice given to the employee.

(f) An appointing authority may place an employee on leave of absence with pay for up to fifteen (15) days to permit investigation of alleged serious misconduct which could constitute just cause for dismissal under C.G.S. Section 5-240-1a (c). Such leave shall only be utilized if the employee's presence at work could be harmful to the public, the welfare, health or safety of patients, inmates or state employees or state property. Following a decision to place the employee on such leave, the appointing authority shall provide written notice to the employee stating the reasons for the leave, the effective date of the leave and the duration of the leave which shall not exceed fifteen (15) days.

(g) Any employee who is the subject of criminal charges which upon conviction would constitute just cause for dismissal under Section 5-240-1a (c) of these regulations may request a voluntary leave of absence without pay pending the disposition of the criminal charges pursuant to the provisions of C.G.S. Section 5-248 and regulations adopted pursuant thereto. In the event the criminal charges are not disposed of during a one year voluntary unpaid leave of absence, the employee may request an extension of that leave, in accordance with the provisions of C.G.S. Section 5-248 and regulations adopted pursuant thereto.

(h) An appointing authority may, pending disposition of criminal charges the pendency of which would hamper the completion of an independent administrative investigation and which upon conviction of an employee would constitute just cause for dismissal under Section 5-240-1a (c) of these regulations place the employee on leave of absence with pay for up to thirty (30) days. Such leave shall only be used if the employee's presence at work could be harmful to the public, the welfare, health or safety of patients, inmates or state employees or state property. Following a decision to place the employee on such leave, the appointing authority shall provide written notice to the employee stating the reasons for the leave, the effective date of the leave and the duration of the leave, which shall not exceed thirty (30) days. The leave may be extended for an additional thirty (30) day period upon request of the appointing authority and approval of the Commissioner of Administrative Services based on a showing that the pendency of the criminal charges prevents the completion of an independent administrative investigation of the underlying conduct.

(i) The appointing authority shall immediately report placement of an employee on leave of absence under this section to the Commissioner of Administrative Services by sending a copy of the notice given the employee.

(Effective May 5, 1988)

Sec. 5-240-6a. Non-disciplinary demotion

(a) An appointing authority may demote an employee as an alternative to the employee being laid off or at the request of an employee.

(b) Before a decision is made to demote an employee as an alternative to the employee being laid off, the appointing authority shall follow the prediscipline procedures, as set forth in these regulations.

(c) Following a decision to demote an employee as an alternative to the employee being laid off, the appointing authority shall follow the post discipline procedures, as set forth in these regulations.

(d) A demotion as an alternative to an employee being laid off is not and shall not be construed in any manner that would characterize such a demotion as a

disciplinary measure, notwithstanding the use of the prediscipline and post discipline procedures.

(e) Before an appointing authority demotes an employee at the request of the employee, the employee shall provide the appointing authority with a letter specifically requesting the demotion. When a demotion is requested by an employee, the prediscipline or post discipline procedures set forth in these regulations shall not be used.

(f) Any employee demoted under this section shall be paid the salary which he would have been receiving had he been serving in the lower instead of in the higher position.

(g) The appointing authority shall immediately report a demotion under this section to the Commissioner of Administrative Services by sending a copy of the notice given the employee.

(Effective May 5, 1988)

Sec. 5-240-7a. Prediscipline procedure

(a) Prior to a decision to suspend an employee, demote an employee except at the request of the employee or dismiss an employee, the appointing authority shall provide the employee with oral or written notice. The notice shall include what form of action is being considered, shall contain a concise statement explaining what evidence supports the imposition of the action that is being considered and shall state a specific time and place for a meeting where the employee will be given an opportunity to present his side of the story and reasons why the employee feels that the action being considered should not be taken. The meeting will be held by the appointing authority or the appointing authority's designee.

(b) If written notice is given, it may be mailed, return receipt requested, or hand delivered to the employee at work. If the notice is mailed, the time of the meeting when the employee will be given an opportunity to present his side of the story shall be no sooner than five working days following the mailing of the notice. If the notice is hand delivered to the employee at work or given orally, the time of the meeting when the employee will be given an opportunity to present his side of the story may be any time following receipt of the notice, including immediately following the receipt of the notice unless the complexity of the charges requires additional time. In such case the employee may request and be granted a reasonable amount of time before being required to respond.

(c) If an employee declines or fails to attend the prediscipline meeting, the appointing authority may proceed with disciplinary action consistent with the notice provided under this section.

(Effective May 5, 1988)

Sec. 5-240-8a. Postdiscipline procedure

(a) Within one week of a decision by the appointing authority to suspend an employee, demote an employee except at the request of an employee or dismiss an employee, the appointing authority shall provide written notice, in addition to any notice that may have been provided in accordance with the prediscipline procedure, to the employee stating the appointing authority's decision, the reasons for the decision, the effective date of the decision and informing the employee of any right to further review or appeal that the employee may have pursuant to either C.G.S. Section 5-202 or an applicable collective bargaining agreement.

(b) The effective date of a dismissal shall be no earlier than two weeks from the date of the notice required by (a) above, except in cases of serious misconduct by

an employee affecting the public, or affecting the welfare, health or safety of patients, inmates or clients of state institutions or facilities, or of state employees, or the protection of state property, in which case the appointing authority may make the dismissal effective immediately upon the close of the prediscipline meeting. The appointing authority shall state the specific reason for imposing immediate dismissal at the close of the prediscipline meeting and in the subsequent written notice of discipline.

(c) The effective date of a demotion shall be no earlier than two weeks from the date of the notice.

(d) The effective date of a suspension shall be at a time determined by the appointing authority, commencing after oral or written notice of the determination to impose a suspension, so long as any oral notice is followed by the written notice required by this section.

(Effective May 5, 1988)