

Purpose

To establish Center-wide uniformity in providing guidelines for the appropriate administrative and disciplinary action to be taken in matters resulting from acts of insubordination.

Scope

To incorporate a Center-wide insubordination policy to be germane to all disciplines.

Policy

Insubordination is defined as a violation by an employee of an official regulation or order, or failure to obey any lawful and reasonable direction given by the employee's supervisor (any level).

- A. **Insubordination:** The following list is not exhaustive. Other acts may be included which fit the above definition.
 - a. Refusal to work in an assigned area.
 - b. Refusal or failure to carry out duties as assigned.
 - c. Failure to remain on duty until properly relieved.
 - d. Failure to report for duty when requested leave has been denied.
 - e. Failure to report for duty during inclement weather when not excused (Essential employees).
 - f. Failure to bring in a doctor's slip, upon return, after a sick absence, when on a "One Day Sick Certificate" requirement.
 - g. Failure to report to duty when notified that the unit schedule incorrectly indicated the employee to be off duty.
 - h. Failure to report for an appointment with the State Medical Director; failure to report to WorkPro Occupational Health for a wellness appointment; or failure to return to work after being released by the State Medical Director (SMD), failure to report to work after WorkPro Occupational Health visit; or after being released from court or jury duty.
 - i. Being unaware and/or unalert while on duty.

- B. Insubordination is too serious of a charge to warrant only a counseling memo. Disciplinary action for insubordination infractions shall begin with a minimum of a reprimand and may begin with a suspension or even termination if the infraction is very serious.
- C. The supervisor or designee shall immediately document the incident, in writing, and a meeting should be scheduled with the employee, the employee's supervisor, and the department head or designee, to discuss and investigate the incident. The meeting will be documented on a "Personnel Action Form" (PAF) and must include the employee's signature. The PAF will be forwarded to the Human Resources Department (in a timely manner) for review and the following five steps will be followed:
 - 1. Meet with the employee.
 - 2. Consider mitigating circumstances.
 - 3. Determine the appropriate disciplinary action to be imposed (in conjunction with Department Head).
 - 4. Give the employee a written notice of the disciplinary action to be taken and the employee's appeal rights if the mitigating circumstances were not found acceptable.
- D. If the Human Resources Department is not open, such as during evenings, nights, holidays and weekends, the supervisor or designee may provide the employee with other duties until the five-step process can be completed when Human Resources opens. If this is not possible due to the circumstances of the situation, or if the person refuses to do other work, then the supervisor should send the employee home. The supervisor should not tell the employee he/she is being suspended, since that will not be determined until completion of the five step process. The supervisor should let the employee know that the determination about how the off hours will be coded will depend on the outcome of the investigation. After the

determination has been made whether to impose disciplinary action and what kind, then those hours spent at home can be charged to suspension (if suspension was imposed), or to administrative leave (if it has been determined that no disciplinary action should be taken).

- E. Further insubordination infractions by the same employee will result in progressive disciplinary action, up to and including termination of employment.

Reference

Personnel Action Form

Approved by

Signature on File 11/9/2017

Elizabeth R. Tomar, M.D.,
Clinical Director

Signature on File 11/9/2017

Paul Beeker
Chief Operating Officer

Signature on File 11/9/2017

John G. Robinson
BHA, Chief, Psychiatric Hospitals

Reviewed: 5/16/95, 2/22/98, 4/1/98, 3/6/01, 9/04,
4/29/08, 3/8/11, 3/31/11

Revised: 6/24/14, 6/13/17

nsubord-1995#1