

**SECTION FOUR**

**DISCIPLINE AND GRIEVANCES**

## 4.1 DISCIPLINARY POLICY

- A. As stated in the “Introduction” to this employee manual: “Employees of the Commission are employees ‘at will’ and have no specific contractual rights to continued employment. This manual does not constitute a contract guaranteeing employment in any way and should not be construed as such. Employees are free to terminate their employment with the Commission at any time with or without a reason. The Commission also has the right to terminate an individual’s employment with or without reason and with or without notice. Only the Executive Director has the authority to alter any employee’s at will employment and any such alteration must be in writing and signed by the Executive Director.” Nothing in this Disciplinary Policy is intended to alter in any way any employee’s status as an “at will” employee.
- B. The Ohio Turnpike Commission supports a policy favoring the use of progressive discipline. However, the Commission reserves the right to deviate from progressive discipline when, in the sole and unfettered discretion of the Executive Director, circumstances warrant deviation from this policy. Disciplining an employee who violates work rules or the Ohio Revised Code is necessary to ensure order and efficiency in the work place. The objective of discipline is to correct undesired behavior that adversely impacts the mission of the Ohio Turnpike Commission and/or the health, safety, morale and productivity of other employees.
- C. No discipline shall be initiated against any employee unless and until the Director of Human Resources first approves the proposed discipline. The single exception to this shall be when it is necessary to immediately remove an employee from Turnpike property because he or she presents an imminent threat to themselves or others or to Turnpike property. In which case, the Director of Human Resources should be notified as soon as practicable following the employee’s removal.
- D. All supervisors have the responsibility of enforcing work rules and taking or initiating the appropriate disciplinary action. The issuance of discipline is restricted to supervisory personnel in accordance with the following:
1. All Supervisors – may issue oral and written reprimands in accordance with Commission policies and procedures and recommend suspensions, removals, fines, working suspensions, leave reductions and reductions/demotions where appropriate.
  2. Director/Designee – Suspensions, removals, fines, working suspensions, leave reductions and reductions/demotions where appropriate.
- E. Types of Disciplinary Action:
- In appropriate cases, as determined by the Executive Director, the Ohio Turnpike Commission will utilize the following progressive disciplinary actions:

1. Oral Reprimand

This action shall be documented in writing stating the time, place and nature of the offense, referencing the specific violation(s) of this policy for which the oral reprimand is being given.

This reprimand will be signed by the issuing supervisor and by the employee acknowledging that he/she received a copy. If the employee refuses to sign, this should be witnessed by another supervisory employee. A copy of the reprimand will be sent to the Human Resources Department, to be placed in the employee's personnel file.

2. Written Reprimand

This action shall be in writing stating the time, place and nature of the offense, referencing the specific violation(s) of this policy for which the written reprimand is being issued.

This reprimand shall be signed by the issuing supervisor and by the employee acknowledging that he/she received a copy. If the employee refuses to sign, this should be witnessed by another supervisory employee. A copy of the reprimand will be sent to the Human Resources Department, to be placed in the employee's personnel file.

3. Suspension

An employee, including both exempt and non-exempt employees, is removed from service for a period of time with loss of pay and applicable benefits **by either the Human Resources Director, General Counsel, Chief Engineer or Executive Director**. A copy of the suspension letter will be sent to the Human Resources Department, to be placed in the employee's personnel file.

4. Administrative/Working Suspension

An administrative/working suspension is noted as a suspension in the employee's personnel file, but the employee does not miss work and receives pay for the time worked. **This action will be carried out by either the Human Resources Director, General Counsel, Chief Engineer or Executive Director with a copy of the suspension letter will be sent to the Human Resources Department, to be placed in the employee's personnel file.**

5. Reduction/Demotion

Employees may be reduced in pay and/or position for violations. **Any reduction or demotion must receive the approval of the Human Resources Director, General Counsel, Chief Engineer (if applicable), and the Executive Director.**

6. Fine

A fine, in an amount to be determined by the Executive Director, **with the approval of General Counsel**, may be imposed in lieu of a suspension. A letter outlining terms of the fine will be sent to the Human Resources Department, to be placed in the employee's personnel file.

7. Removal

Termination of Employment. **Only the Executive Director is authorized to terminate Commission employees.** A copy of the letter of termination will be sent to the Human Resources Department, to be placed in the employee's personnel file.

- F. All **minor** discipline issued will remain in effect for one year after issuance and considered for the purpose of determining the degree of discipline in subsequent disciplinary actions within the year period. **Unpaid suspensions, administrative working suspensions and fines will remain in effect for two (2) years from the date of the infraction.** The degree of seriousness of the offense(s) will determine which appropriate disciplinary action will be imposed. Discipline does not have to be for the same/similar offense to be progressive.

Each employee of the Ohio Turnpike Commission shall comply with the following minimum standards of behavior:

1. Maintain good behavior and provide competent and efficient services;
2. Responsibly perform duties that are in the proper scope of his/her employment;
3. Maintain honesty in his/her dealings with fellow employees, managers and other persons who have business dealings with the Commission;
4. Not commit acts of insubordination;
5. Treat the public and other employees with courtesy, dignity and respect;
6. Not distribute or disseminate racially and/or sexually offensive material, discriminatory propaganda or unsolicited materials, including e-mails, magazines, newspapers, fliers, pictures or publications on Commission property;
7. Abide by all applicable statutes, rules and policies governing his/her behavior;
8. Not commit any acts of misfeasance, nonfeasance or malfeasance that affect his/her employment;
9. Not falsify any documents, reports or forms in your capacity as an employee or prospective employee which may in any manner impact or relate to your employment with the Commission;
10. Not engage in theft of office property or the property of others;

11. Not have in their possession intoxicating beverages or drugs, be under the influence of intoxicating beverages or drugs on the job, or consume, ingest or otherwise utilize such beverages or drugs during lunch or breaks;
  12. Not utilize Commission equipment or property for personal use;
  13. Inform your supervisor/department head if you are charged with a crime;
  14. Not abuse or deliberately destroy Commission property;
  15. Not be negligent in his/her duties so as to endanger life, property, public safety or otherwise cause the Commission to be liable for damage;
  16. Not engage in the possession or use of explosives, firearms and other weapons or lethal materials while on the job or on Commission property;
  17. Obey all duly authorized safety officials;
  18. Refrain from the use of profane, loud, vulgar, derogatory or abusive language while on the job, on Commission property, or when conducting Commission business;
  19. Not alter normally scheduled working hours until his/her request has received appropriate administrative approval;
  20. Report to work on time every day that he/she is scheduled to work;
  21. Not take unauthorized leaves;
  22. Not engage in habitual absences or tardiness;
  23. Not release or discuss confidential work related business or records with others not privileged to receive such information;
  24. Abide by the provisions of the Ohio Ethics Law and related statutes.
- G. The Executive Director may impose lesser or greater discipline as the situation dictates, or remove any employee with or without cause, and nothing in this policy should be construed as creating an employment contract or changing an employee's at-will employment.

## 4.2 GRIEVANCE PROCEDURE

- A. Any dispute, disagreement or difference arising between any non bargaining unit employee and the Commission, shall be handled initially by direct contact between the employee and the employee's immediate supervisor. If not settled in this manner and if the dispute, disagreement or difference concerns disciplinary action taken or interpretation or application of the provisions of this manual or of established work rules, a grievance may be written by the employee on a standard form to be supplied by the Commission stating the facts including the name of the individual(s) involved, the reason and the employee manual provisions, if any, upon which the grievance is based.
- B. The formal grievance shall be signed by the grievant and delivered to the employee's department head. If a grievance is not filed within ten (10) full work days, not including the date of its occurrence, it will no longer exist, except that any grievance appealing the suspension or discharge of an employee must be filed within five (5) work days from the date the employee receives written notice of such suspension or discharge, not including the date the notice is received, or it shall no longer exist.
- C. Not later than five (5) work days after a grievance is filed, the Commission will notify the employee of the date, time and location of the hearing, which shall be no later than ten (10) work days after the date of notification. At that hearing, which will be heard before the individual designated by the Executive Director, the grievant shall be present. Not later than ten (10) work days after the end of the hearing a written disposition shall be presented to the employee(s) involved in the grievance.
- D. **Bargaining unit employees must follow the grievance process as outlined in the collective bargaining agreement.**