

<b>POLICY TITLE: EMPLOYEE DISCIPLINE</b>		<b>PAGE <u>1</u> OF <u>3</u></b>
<b>POLICY NUMBER: 3.15</b>		
<b>CHAPTER 3: PERSONNEL</b>		
	<b>STATE of MAINE DEPARTMENT OF CORRECTIONS</b>  <b>Approved Commissioner:</b> 	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
<b>EFFECTIVE DATE:</b> August 15, 2003	<b>LATEST REVISION:</b> March 5, 2019	<b>CHECK ONLY IF APA [ ]</b>

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

**II. APPLICABILITY**

Entire Maine Department of Corrections

**III. POLICY**

It is the policy of the Department of Corrections to have in place an employee discipline system that protects the rights of employees, enforces high standards of professional conduct, and assures a safe and efficient operation in compliance with all applicable State laws, regulations and collective bargaining agreements.

**IV. CONTENTS**

- Procedure A: Bargaining Unit Employees
- Procedure B: Non-Bargaining Unit Employees and Non-Appointed Officials
- Procedure C: Corrective Actions
- Procedure D: Disciplinary Process and Actions for Bargaining Unit Employees
- Procedure E: Disciplinary Process and Actions for Non-Bargaining Unit Employees and Non-Appointed Officials

**V. ATTACHMENTS**

None

## VI. PROCEDURES

### Procedure A: Bargaining Unit Employees

1. Corrective and disciplinary actions shall be administered in accordance with applicable laws, regulations, and collective bargaining agreements. A bargaining unit employee is any employee whose job class title is covered by a collective bargaining agreement.

### Procedure B: Non-Bargaining Unit Employees and Non-Appointed Officials

1. Corrective and disciplinary actions shall be administered in accordance with applicable laws and regulations. A non-bargaining unit employee is any employee whose job class title is not covered by a collective bargaining unit agreement.

### Procedure C: Corrective Actions

1. In the event that performance expectations are not being met, supervisors may take corrective action to improve performance to include:
  - a. performance counseling or verbal redirection;
  - b. additional Training; and
  - c. a Performance Improvement Plan

### Procedure D: Disciplinary Process and Actions for Bargaining Unit Employees

1. After a probationary period, involuntary dismissal or demotion is permitted only for good cause and, if requested, subsequent to a formal hearing of specific charges conducted in accordance with the applicable collective bargaining agreement.
2. The disciplinary process and progressive disciplinary actions shall follow the applicable collective bargaining agreement for an employee who is in a bargaining unit as listed below.

#### **MSEA & MSLEA**

written warning  
written reprimand  
suspension  
demotion  
dismissal

#### **AFSCME**

written reprimand  
suspension  
demotion  
discharge

3. Misconduct that is considered to be egregious may result in disciplinary action, up to and including dismissal or discharge, as applicable, without progressive discipline.

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**Procedure E: Disciplinary Process and Actions for Non-Bargaining Unit Employees and Non-Appointed Officials**

1. After a probationary period, involuntary termination is permitted only for good cause and, if requested, subsequent to a formal hearing of specific charges conducted in accordance with Maine Civil Service Law found in 5 M.R.S.A. Chapter 372: State Civil Service System and the State of Maine, Bureau of Human Resources Civil Service Rules.
2. The disciplinary process and progressive disciplinary actions for a non-bargaining unit employee shall follow Maine Civil Service Law found in 5 M.R.S.A. Chapter 372: State Civil Service System and the State of Maine, Bureau of Human Resources Civil Service Rules.
3. Misconduct that is considered to be egregious may result in disciplinary action, up to and including termination, as applicable, without progressive discipline.

**VII. PROFESSIONAL STANDARDS**

**ACA:**

4-[ACRS-7E-10](#)

Termination or demotion is permitted only for a good cause and, if requested, subsequent to a formal hearing on specific charges.

4-[JCF-6C-09](#)

After a probationary period, involuntary termination or demotion is permitted only for good cause and, if requested, subsequent to a formal hearing of specific charges conducted by a civil service commission or other career service organization.

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