

APPEAL CHECKLIST- Removal and Disciplinary Actions

Employee: _____ Docket No. _____

Phone: _____ e-mail: _____

Status: ___ permanent _____ other classified (**limited** appeal rights; tell your attorney)
_____ unclassified (**no** appeal rights; tell your attorney)

Action appealed: _____ By letter dated: _____

Effective date: _____

How and when did employee receive the letter?

Date appeal filed: _____ How: _____

_____ Is appeal timely (within 30 calendar days after the day the employee received letter)? If not, tell your attorney **because the appeal is defective.**

_____ Did employee actually receive the discipline or removal letter before the effective time and date of the action? **If not, tell your attorney because the action is defective.**

_____ If the letter was mailed, is the effective date at least seven days after the mailing date? If not, there may be a notice problem. Tell your attorney.

_____ Is disciplinary letter adequate (for each charge, is conduct described in detail, with accurate dates)? If not, tell your attorney who will have to decide whether to ask to rescind the action or go forward with fewer charges.

_____ Does disciplinary letter contain notice of appeal rights and where Chapter 13 can be found? If not, issue corrected letter.

Who took the action? _____

Under what authority? ***

Statute/rule _____

Authentic act _____

Other Writing: _____

Oral delegation from? _____

Longstanding custom _____

*** **If none, tell your attorney because the action is defective.**

_____ Was pre-deprivation notice given? If so, when and how: _____

If not, tell your attorney because the action is defective.

_____ Was employee given opportunity to respond? If so, when and how: _____

If not, tell your attorney because the action is defective.

_____ Was response received from employee? _____ When? _____

_____ Was response reviewed by appointing authority?
If not, tell your attorney because the action is defective.

List the charges and the witnesses and documents needed for each charge.

1. _____

2. _____

3. _____

4. _____

5. _____

List the defenses and the witnesses and documents needed for each defense.

1. _____

2. _____

3. _____

4. _____

5. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

(Delegation of full authority)

PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

DELEGATION OF APPOINTING AUTHORITY

BEFORE ME, the undersigned Notary, personally came and appeared

_____,

who, after being duly sworn by me, did depose and say:

That she is the Assistant Secretary for the Office of _____
in the Department of _____;

That as such and pursuant to LSA-R.S.36:_____, she is the appointing authority for all employees in that Office;

That she hereby delegates to each of the following Facility Administrators (and their successors in office) appointing authority for all employees assigned to their respective Facilities:

- ABC, Facility Administrator for XYZ Facility
- DEF, Facility Administrator for UVW Facility
- GHI, Facility Administrator for RST Facility

Thus done and passed in my office in Baton Rouge, Louisiana, in quadruplicate originals, before the witnesses whose signatures appear below, this _____ day of _____, 200__.

Witness #1

Appointing Authority

Witness #2

Notary Public

(Delegation of partial authority)

PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

DELEGATION OF APPOINTING AUTHORITY

BEFORE ME, the undersigned Notary, personally came and appeared

_____ ,

who, after being duly sworn by me, did depose and say:

That he is the Undersecretary for the Office of Management and Finance in the Department of _____ ;

That as such and pursuant to LSA-R.S.36:_____, he is the appointing authority for all employees in that Office;

That he hereby delegates to _____, the Human Resource Director (and his or her successor in office) the following authority with respect to employees in the Office of Management and Finance

- 1. To take any action with respect to an employee who does not have permanent status
- 2. To initiate suspensions pending investigation; and
- 3. To accept resignations.

Thus done and passed in my office in Baton Rouge, Louisiana, in quadruplicate originals, before the witnesses whose signatures appear below, this _____ day of _____, 200__ .

Witness #1

Appointing Authority

Witness #2

Notary Public

(Delegation with reservations and prohibition against re-delegation)

PARISH OF _____
STATE OF LOUISIANA

DELEGATION OF APPOINTING AUTHORITY

BEFORE ME, the undersigned Notary, personally came and appeared

_____,

who, after being duly sworn by me, did depose and say:

That she is the Executive Director for the Housing Authority of _____;

That as such and pursuant to LSA-R.S. 40:_____, she is the appointing authority for all employees of that Housing Authority;

That she hereby delegates to _____, the Assistant Director (and his or her successor in office) appointing authority for all employees of the Housing Authority except the authority to remove or dismiss an employee who has attained permanent status.

That neither the Assistant Director nor his or her successor in office may re-delegate this authority.

Thus done and passed in my office in _____, Louisiana, in quadruplicate originals, before the witnesses whose signatures appear below, this _____ day of _____, 200____.

Witness #1

Appointing Authority

Witness #2

Notary Public

(Delegation of authority for improvement letters)

PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

DELEGATION OF AUTHORITY FOR IMPROVEMENT LETTERS

BEFORE ME, the undersigned Notary, personally came and appeared Anne Smith Soileau, who, after being duly sworn by me, did depose and say:

That she is the Director of the Department of State Civil Service;

That, as such, and pursuant to La. Const. Art. X, Sec. 6, she is the appointing authority for all employees in the Department except those in the office of the State Examiner of Municipal Fire and Police Civil Service, the Board of Ethics, the Advisory Board on Inservice Training and Education, the State Police Service, and the Division of Administrative Law;

That she delegates to all rating supervisors over whom she has appointing authority the authority to issue improvement letters in accordance with Civil Service Rule 12.9.

Thus done and passed in my office in Baton Rouge, Louisiana, in triplicate originals,* before the witnesses whose signatures appear below, this _____ day of _____, 200__.

Witness

Appointing Authority

Witness

Notary Public

*NOTE: An original for each rating supervisor is not practical. The Notary, the delegator, and the Human Resource Director would each maintain an original.

(Delegation with order of succession)

PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

DELEGATION OF APPOINTING AUTHORITY

BEFORE ME, the undersigned Notary, personally came and appeared Anne Smith Soileau, who, after being duly sworn by me, did depose and say:

That she is the Director of the Department of State Civil Service;

That, as such, and pursuant to La. Const. Art. X, Sec. 6, she is the appointing authority for all employees in the Department except those in the office of the State Examiner of Municipal Fire and Police Civil Service, the Board of Ethics, the Advisory Board on Inservice Training and Education, the State Police Service, and the Division of Administrative Law;

That, in the event of her absence or inability to perform her duties, she delegates appointing authority for employees over whom she has appointing authority in the following order of succession:

- Deputy Director
- General Counsel
- Appeals Division Administrator
- MIS Division Administrator
- Program Assistance Division Administrator
- Program Accountability Division Administrator
- Compensation Division Administrator
- Staffing Division Administrator
- Administrative Officer

Thus done and passed in my office in Baton Rouge, Louisiana, in triplicate originals, before the witnesses whose signatures appear below, this _____ day of _____, 200__.

Witness #1

Appointing Authority

Witness #2

Notary Public

(Documentation Form for Problematic Conduct)

Date _____ Time _____ Place _____

Description of conduct, including names of persons directly involved:

How the conduct detracted from the agency's mission:

Witnesses:

How conduct addressed:



(Letter separating non-permanent employee)

May 16, 2008

Dear Employee:

Under the authority contained in Civil Service Rule 12.2(a), your [probationary/
restricted/job] appointment as a _____ will end at 4:30 p.m. on May 23,
2008. Please contact the Human Resource office at _____ concerning your
final paycheck and any benefits to which you may be entitled.

Sincerely,

Appointing Authority

[LSA-R.S. 42:1414](#). State, district, parish, ward, and municipal employees; termination for conviction of a felony

The employee-employer relationship existing between a state, district, parish, ward, or municipal employee, whether classified or unclassified, and the state, district, parish, ward, or municipality, as applicable, shall be terminated and such employee shall be removed from his position of employment with the state, district, parish, ward, or municipality, as applicable, upon conviction, during his employment, of a felony as defined by the laws of this state or by the laws of the United States. Within ten days after a conviction is final and all appellate review of the original trial court proceedings is exhausted, the appointing authority of the employing agency shall terminate any state, district, parish, ward, or municipal employee who is convicted of a felony and is holding a position of employment with such agency. For the purposes of Article X, Section 8(A) and [Article X, Section 46\(A\) of the Louisiana Constitution](#) and any provision of law relating to disciplinary action taken against a state employee including any provision of law relating to post-employment benefits, final conviction of a felony shall be a cause for termination of a state, district, parish, ward, or municipal employee.

(Cover letter to request approval for a suspension pending criminal proceedings)

Director
Department of State Civil Service
Post Office Box 94111
Baton Rouge, LA 70804-9111

Dear Director:

Please place my request for approval to suspend [employee] without pay pending criminal proceedings on the next available Commission agenda. A completed questionnaire and a copy of the [Indictment/Bill of Information] are attached. If you need additional information, you can reach me at [phone] or [e-mail]. Thank you.

Sincerely,

Appointing Authority

cc: Employee with attachments

Questionnaire for suspension pending criminal proceedings

- 1. Employee's name: _____
- 2. Employee's address: _____

- 3. Employee's classification: _____
- 4. Employee's duties: _____

- 5. Crime charged: _____
- 6. Date of Arrest: _____
- 7. Date Indictment returned: _____ or Bill of Information filed: _____

NOTE: A copy of either the Indictment or the Bill of Information other documentation (such as a court minute entry) **must** accompany this form.

- 8. Did the criminal charges result from on- duty conduct? _____
- 9. Is the employee currently in jail? _____

Where? _____

10. Why would the conduct that is the subject of the criminal charges be cause for dismissal?

11. Why can't the agency allow the employee to work in his or her regular job until the criminal charges are resolved?

12. Why can't the agency detail/reassign the employee to another job until the criminal charges are resolved?

13. What can't the agency obtain sufficient information to initiate dismissal proceedings?

14. Employee's annual leave balance: _____

15. Employee's compensatory leave balance: _____

I hereby certify that the above information is true and complete, to the best of my knowledge.

Appointing Authority

Date

(Letter suspending employee pending criminal proceedings –

(assumes delivery by mail)

October 10, 2008

Dear Employee:

On _____, the District Attorney for the Parish of _____ filed a bill of information accusing you of indecent behavior with juveniles. Upon motion of the District Attorney, the judge has issued a protective order and sealed the record. Therefore, the name of the victim is unknown as are any details concerning the conduct that gave rise to the charge. A copy of the court's minute entries reflecting these actions is attached.

This agency sought and obtained approval from the State Civil Service Commission to suspend you, without pay, pending the outcome of the criminal charges against you. Copies of the agency's request and the Commission's approval are attached. Your suspension will begin on October 20, 2008 at 8:00 a.m. If you are acquitted of the charges, contact the Human Resource office immediately and you will be reinstated, with back pay.

You have the right to appeal this action to the State Civil Service Commission within 30 calendar days following the date you receive this notice. The appeal procedure is contained in Chapter 13 of the Civil Service Rules, which is available from the Department of State Civil Service or your Human Resource office.

Sincerely,

Appointing Authority

Attachments:

Court minute entries

Request for approval of suspension pending criminal proceedings

Questionnaire

Notice of Commission action

(Notice that attendance requires improvement – assumes hand delivery)

December 14, 2007

Memo

To: Employee
From: Person Authorized by Agency
Re: Attendance

Your attendance requires improvement. During the past two weeks, you were one hour late for work on December 3, 2007, two hours late for work on December 11, 2007, and you did not report for work on December 6, 2007, claiming you had car trouble. You did not obtain approved leave before any of these absences. Therefore, these absences are unscheduled.

Civil Service Rule 12.6(a)2 allows the non-disciplinary removal of an employee who accumulates seven or more unscheduled absences during a twenty-six week period. This rule reads as follows:

12.6 Non-disciplinary Removals.

(a) An employee may be non-disciplinarily removed under the following circumstances:

1. When, on the date the notice required by Rule 12.7 is mailed, hand delivered, or orally given, the employee is unable to perform the essential functions of his job due to illness or medical disability and has fewer than eight hours of sick leave. An employee removed under this provision shall be paid for all remaining sick leave.

2. When, after the employee has been given written notice that his attendance requires improvement and a copy of this rule, an employee has seven or more unscheduled absences during any consecutive twenty-six week period. The employee shall also be given written notice each time he incurs a sixth unscheduled absence during a consecutive twenty-six week period. An unscheduled absence occurs when an employee is absent from work without having obtained approved leave prior to the absence. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. A continuous absence for the same reason is one unscheduled absence, regardless of its duration.

3. When, as a result of conduct that was not work related, the employee fails to obtain or loses a license, commission, certificate or other accreditation that is legally required for the job.

4. When the employee holds more than one position in the state service and the multiple employment causes an employing agency to be liable for overtime payments under the Fair Labor Standards Act and, after having been provided an opportunity to do so, the employee has refused to resign from one of the positions.

5. When there is cause for dismissal, but the cause is not the employee's fault.

(b) When an employee is removed under this Rule, the adverse consequences of Rules 6.5(c); 22.4(d); 23.16(a)4; 23.13(b); 11.18(b) and 17.23(e)4 shall not apply.

I am formally notifying you that any future unscheduled absences will be counted for purposes of this rule. Under this agency's attendance policy, to avoid an absence from being unscheduled, you must obtain approved leave by [insert agency requirements].

Hand delivered to employee on _____, 200_, at ____ .m.

Deliverer's signature

Employee's signature

NOTE: If Employee will not sign for the letter, Deliverer should so state.

(Notice of the sixth unscheduled absence – assumes hand delivery)

May 6, 2008

Memo

To: Employee
From: Person Authorized by Agency
Re: Attendance: sixth unscheduled absence

By memo dated December 14, 2007, I notified you that your attendance required improvement and that your future unscheduled absences would be counted for purposes of Civil Service Rule 12.6(a)2. You have now accumulated your sixth unscheduled absence during a twenty-six week period:

December 26, 2007 – called in sick; did not report for work
January 4, 2008 – called in; sick child; did not report for work
February 13, 2008 – arrived two hours late for work; no prior leave approved
March 13, 2008 – called in; car trouble; did not report for work
April 14, 2008 – called in; had to stay home and do taxes; did not report for work
May 5, 2008 – failed to report to work; no prior leave approved

Your next unscheduled absence during the twenty-six week period beginning December 26, 2007 and ending June 25, 2007, will subject you to removal.

Hand delivered to employee on _____, 200_, at ____ .m.

Deliverer's signature

Employee's signature

NOTE: If Employee will not sign for the letter, Deliverer should so state.

(Notice of proposed action/opportunity to respond template)

Dear _____:

I propose to _____ you for the following reasons:

The evidence I have to support these charges is:

You have the right to respond, in writing, to this notice. Your response is due by _____
_.m. on _____ and may be mailed to me at _____ ,
faxed to me at _____, or e-mailed to me at _____.
After I have considered your response, I will advise you in writing what action I will take
(if any).

Sincerely,

Appointing Authority

(Proposed dismissal – assumes delivery by mail)

January 25, 2008

Employee

3456 Most Recent Address Furnished to ISIS-HR, PeopleSoft or the HR Office
Baton Rouge, LA 70800

Dear Employee:

I propose to dismiss you from state service for resident abuse and for failing to properly complete outgoing shift reports. Details follow. Because the law protects the residents' identities, I am referring to them by number. Attached to your copy of this letter is a list that identifies these residents.

On January 10, 2008, you were in charge of the 7:00 a.m. to 3:00 p.m. shift on Serenity Unit; the incoming shift supervisor was Pat Supervisor. On January 10, 2008, Pat Supervisor reported for work at 3:00 p.m. and discovered that resident 5987 had a 3 inch cut on her forehead and that your outgoing shift report failed to mention this injury, in violation of Employee Rule 16-4. Resident 5987 said resident 3228 hit her with a ruler during lunchtime on January 10, 2005. Resident 5987 also said she heard you tell resident 3228 to hit her. I have statements from Supervisor and residents 5987 and 3228 to support these charges. Copies of the statements are attached.

You have the right to respond, in writing, to this proposed action and to explain why I should not dismiss you or why I should take a less severe action. Your response is due by 4:00 p.m. February 15, 2008, and may be mailed to _____, faxed to _____, or e-mailed to _____. After I have considered your response, I will advise you in writing what action I will take (if any).

Sincerely,
Appointing Authority

Attachments:

- List identifying residents
- Statements referred to in letter

Attachment - for employee only

Resident 5987 is Melanie Maloney.
Resident 3228 is Steve Sheffield.

(Proposed discipline – assumes hand delivery)

September 5, 2008

Dear Employee:

I propose to discipline you by suspension, reduction in pay, or dismissal for refusing to comply with our smoking policy. Department Policy No. 1990-S-123 prohibits smoking "anywhere in the Main Office Building, including the elevators, rest rooms, employee lounge, maintenance rooms, and broom closets." Department Policy No. 1990-S-124 permits smoking in the Smoke Break Room located in Building A and outside.

On August 22, 2008, at 3:00 p.m., Pat Supervisor discovered you smoking in Elevator #2 in the Main Office Building. Supervisor reminded you that the department smoking policy prohibited smoking anywhere in the building and that any further violation of the policy would result in discipline. Nonetheless, on September 2, 2008, Terry Manager found you and Co-Worker at 10:15 a.m., smoking in the maintenance room on the fourth floor. On September 3, 2008, at 2:30 p.m., Manager smelled smoke on the third floor, entered the broom closet, found it filled with smoke, and found you hastily putting out a cigar on the floor. To support these allegations, I have statements from Supervisor, and Manager, and Co-Worker.

You have the right to respond, in writing, to this proposed action and to explain why I should not discipline you. Your response is due by 4:00 p.m., September 12, 2008, and may be mailed to _____, faxed to _____, or e-mailed to _____. After I have considered your response, I will advise you in writing what action I will take (if any).

Sincerely,

Appointing Authority

Hand delivered to employee on _____, 200_, at ____ .m.

Deliverer's signature

Employee's signature

(Proposed removal under Rule 12.6(a)1 – assumes notice by mail)

October 10, 2008

Employee
123 Green Road
City, LA 70000

Dear Employee:

As of today, you have fewer than eight hours of sick leave and you are unable to perform the essential functions of your job as a _____ due to illness or medical disability. Therefore, I propose to non-disciplinarily remove you from your position under Civil Service Rule 12.6(a)1, which is a non-disciplinary removal that does not disqualify you from certain re-employment eligibilities and rights. This rule allows a non-disciplinary removal when, on the date this notice is mailed or hand delivered, the employee is unable to perform the essential functions of his or her job due to illness or medical disability and has fewer than eight hours of sick leave.

The evidence to support this assertion includes your sick leave register and your physician's statement. Copies are attached.

You have the right to respond, in writing, to this proposed action. This is your opportunity to explain why I should not remove you from your position. Your response is due by 4:30 p.m., on November 3, 2008, and may be mailed to _____, faxed to _____, or e-mailed to _____. After I have considered your response, I will advise you in writing what action I will take (if any).

Sincerely,
Appointing Authority

Attachments:
Sick leave register
Physician's statement

(Proposed removal under Rule 12.6(a)2 – assumes hand delivery)

June 18, 2008

Dear Employee:

By memo dated and delivered to you on December 14, 2007, your manager notified you that your attendance required improvement and that future unscheduled absences would be counted for purposes of Civil Service Rule 12.6(a)2. After each unscheduled absence, your manager advised you that you had accumulated yet another unscheduled absence and stressed the importance of reporting to work, as scheduled. By memo dated and delivered to you on May 6, 2008, your manager notified you that you had accumulated six unscheduled absences within a twenty-six week period and that your next unscheduled absence within that twenty-six week period would subject you to removal. Since then, you had another unscheduled absence: on June 12, 2008, you were two and one-half hours late for work; you had not obtained leave prior to your absence. During the twenty-six week period beginning on December 26, 2007 and ending on June 25, 2008, you had the following unscheduled absences:

- December 26, 2007 – called in sick; did not come to work
- January 4, 2008 – called in; sick child; did not come to work
- February 13, 2008 – arrived two hours late for work; no prior leave approved
- March 13, 2008 – called in; car trouble; did not come to work
- April 14, 2008 – called in; had to do taxes; did not come to work
- May 5, 2008 – failed to report to work; no prior leave approved
- June 12, 2008 – arrived two and one-half hours late; no prior leave approved

Therefore, I propose to non-disciplinarily remove you from your position under Civil Service Rule 12.6(a)2, which is a non-disciplinary removal that does not disqualify you from certain re-employment eligibilities and rights. This rule allows a non-disciplinary removal when, after the employee has been given written notice that his attendance requires improvement and a copy of this rule, an employee has seven or more unscheduled absences during any consecutive twenty-six week period. An unscheduled absence occurs when an employee is absent from work without having obtained approved leave prior to the absence. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. A continuous absence for the same reason is one unscheduled absence, regardless of its duration.

To support these allegations, I have your leave requests, your supervisor's attendance log, and the front desk call-in log. Copies are attached.

You have the right to respond, in writing, to this proposed action. This is your opportunity to explain why I should not consider these absences unscheduled and/or why you believe you do not have seven unscheduled absences and/or why I should not

remove you. Your response is due by June 25, 2008, and may be mailed to _____, faxed to _____, or e-mailed to _____. After I have considered your response, I will advise you in writing what action I will take (if any).

Sincerely,

Appointing Authority

Attachments:

- Leave requests
- Supervisor's attendance log
- Front desk call-in log

Hand delivered to employee on _____, 200_, at ____ .m.

Deliverer's signature

Employee's signature

NOTE: If Employee will not sign for the letter, Deliverer should so state.

(Proposed removal under Rule 12.6(a)3 – assumes hand delivery)

January 18, 2008

Dear Employee:

I propose to remove you from your position because you no longer meet the minimum qualifications for your job. You are employed as a Vehicle Operator. The minimum qualifications for this job include "possession of a Class A vehicle operator's license." On January 18, 2008, your Class A vehicle operator's license was revoked for driving while intoxicated and you cannot reapply for another license for two years. A copy of the revocation order is attached.

I propose to take this action under Civil Service Rule 12.6(a)3, which is a non-disciplinary removal that does not disqualify you from certain re-employment eligibilities and rights. A copy of Rule 12.6 is attached.

You have the right to respond, in writing, to this proposed action and to explain why I should not remove you or why I should take some other action. Your response is due by 4:30 p.m. on January 25, 2008, and may be mailed to _____, faxed to _____, or e-mailed to _____. After I have considered your response, I will advise you in writing what action I will take (if any).

Sincerely,

Appointing Authority

Attachments:

Revocation order
Rule 12.6

Hand delivered to employee on _____, 200_, at ____ .m.

Deliverer's signature

Employee's signature

NOTE: If Employee will not sign for the letter, Deliverer should so state.

(Proposed removal under Rule 12.6(a)4 – assumes hand delivery)

January 20, 2008

Dear Employee:

You currently work full-time as a _____ for the Department of _____ as well as part-time as a _____ for this agency. This multiple employment requires this agency to pay you time and one-half for each hour worked on your part-time job. Your payroll records support this allegation.

I discussed this problem with you on January 18, 2008, and offered you the opportunity to resign from one of the jobs. You refused to do so. Therefore, I propose to remove you from your part-time position with this agency under Civil Service Rule 12.6(a)4, which is a non-disciplinary removal that does not disqualify you from certain re-employment eligibilities and rights. A copy of Rule 12.6 is attached.

You have the right to respond, in writing, to this proposed action and to explain why I should not remove you or why I should take some other action. Your response is due by 4:30 p.m. on January 25, 2008, and may be mailed to _____, faxed to _____, or e-mailed to _____. After I have considered your response, I will advise you in writing what action I will take (if any).

Sincerely,

Appointing Authority

Attachments: Payroll records
Rule 12.6

Hand delivered to employee on _____, 200_, at ____ .m.

Deliverer's signature

Employee's signature

NOTE: If Employee will not sign for the letter, Deliverer should so state.

(Proposed removal under Rule 12.6(a)5 – assumes notice by mail)

October 10, 2008

Dear Employee:

You have not reported for work since August 5, 2008. Ordinarily, this would constitute job abandonment and would result in a disciplinary dismissal. However, circumstances beyond your control prevented you from reporting for work: Hurricane _____ destroyed your home, resulting in your moving to Oklahoma City to live with relatives. Although your inability to report for work is not your fault, your duties as a _____ cannot go unperformed and this agency cannot continue to pay overtime to your co-workers who have absorbed your workload.

I propose to remove you from your position under Civil Service Rule 12.6(a)5, which is a non-disciplinary removal that does not disqualify you from certain re-employment eligibilities and rights. A copy of Rule 12.6 is attached.

You have the right to respond, in writing, to this proposed action and to explain why I should not remove you or why I should take some other action. Your response is due by 4:30 p.m. on October 31, 2008, and may be mailed to _____, faxed to _____, or e-mailed to _____. After I have considered your response, I will advise you in writing what action I will take (if any).

Sincerely,

Appointing Authority

Attachment: Rule 12.6

(Discipline/Removal template)

NOTE: Notice of proposed action/opportunity to respond must precede this letter. [Rule 12.7](#).

Dear _____:

You will be _____ effective at _____ .m., on _____ for the following reasons:

You have the right to appeal this action to the State Civil Service Commission within 30 calendar days following the date you receive this notice. The appeal procedure is contained in Chapter 13 of the Civil Service Rules, which is available from the Department of State Civil Service or your Human Resource office.

Sincerely,

Appointing Authority

(Suspension letter – assumes hand-delivery)

NOTE: Notice of proposed action/opportunity to respond must precede this letter. [Rule 12.7](#).

September 15, 2008

Dear Employee:

You will be suspended, without pay, for 40 hours (from 8:00 a.m. September 22, 2008 to 5:00 p.m. September 26, 2008) for failing to comply with our smoking policy. Department Policy No. 1990-S-123 prohibits smoking "anywhere in the Main Office Building, including the elevators, rest rooms, employee lounge, maintenance rooms, and broom closets." Department Policy No. 1990-S-124 permits smoking in the Smoke Break Room located in Building A and outside.

On August 22, 2008, at 3:00 p.m., you were smoking in Elevator #2 in the Main Office Building. Pat Supervisor reminded you that the department smoking policy prohibited smoking anywhere in the building and that any further violation of the policy would result in discipline. Nonetheless, on September 2, 2008, at 10:15 a.m. you were smoking in the maintenance room on the fourth floor. Again, on September 3, 2008, at 2:30 p.m. you were smoking in the third floor broom closet. By letter dated September 5, 2008, you were given an opportunity to respond to these charges. Your response was the policy was not fair.

To foster better health and to reduce the amount of sick leave taken, the administration of this agency is committed to providing a smoke free environment for our employees. Your undermining this commitment will not be tolerated. If you continue to fail to comply with the department's smoking policy, you will be dismissed.

You have the right to appeal this action to the State Civil Service Commission within 30 calendar days following the date you receive this notice. The appeal procedure is contained in Chapter 13 of the Civil Service Rules, which is available from the Department of State Civil Service or your Human Resource office.

Sincerely,

Appointing Authority

Hand delivered to employee on _____, 200_, at ____ .m.

Deliverer's signature

Employee's signature

NOTE: If Employee will not sign for the letter, Deliverer should so state.

(Reduction in pay letter – assumes delivery by mail)

NOTE: Notice of proposed action/opportunity to respond must precede this letter. [Rule 12.7](#).

February 21, 2008

Dear Employee:

By letter dated January 25, 2008, I advised you that I proposed to dismiss you and gave you given an opportunity to respond. In your response, received on February 14, 2008, you admitted that you failed to complete the outgoing shift report concerning the injury, but denied the remainder of the charges. You also suggested that I talk to Peer 1, Peer 2 and resident 3228's mother. After considering your response and talking to the people you suggested, I have concluded that your conduct does not warrant dismissal but rather a less severe action. Therefore, beginning at 7:00 a.m., on February 28, 2008, your pay will be reduced from \$_____ to \$_____ per month for a period of _____ months. Thereafter, your pay will be restored to its current rate. The reason for this action is that you have violated Employee Rule 16-4, which requires the person in charge of a shift to complete a report concerning each resident with an observable injury. Details follow. Because the law protects the resident's identity, I refer to her by number. Attached to your copy of this letter is a list that identifies this resident.

On January 10, 2008, you were in charge of the 7:00 a.m. to 3:00 p.m. shift on Serenity Unit; the incoming shift supervisor was Pat Supervisor. On January 10, 2008, Supervisor reported for work at 3:00 p.m. and discovered that resident 5987 had a 3-inch cut on her forehead but you had made no entry about the injury on the outgoing shift report. Rule 16-4 requires an entry on the outgoing shift report to ensure that the resident has received prompt medical attention, to alert the oncoming shift to the injury and its treatment, and to insure that the agency can promptly investigate any suspected abuse. For these reasons, it is imperative that you follow this rule in the future.

You have the right to appeal this action to the State Civil Service Commission within 30 calendar days following the date you receive this notice. The appeal procedure is contained in Chapter 13 of the Civil Service Rules, which is available from the Department of State Civil Service or your Human Resource office.

Sincerely,

Appointing Authority

Attachment: list identifying resident (employee's copy only)

Resident 5987 is Melanie Maloney

(Demotion letter – assumes hand delivery)

NOTE: Notice of proposed action/opportunity to respond must precede this letter. [Rule 12.7](#).

February 8, 2008

Dear Employee:

By letter dated January 22, 2008, I advised you that I proposed to take disciplinary action against you for failing to complete your work timely and gave you an opportunity to respond. In your response received on January 30, 2008, you admitted that you did not complete your projects timely and explained that the work is too complex for you. Therefore, I am demoting you to a position with less complex work. Effective at 8:00 a.m. on February 11, 2008, you will be demoted from _____ 3 to _____ 2 and your pay will be reduced by 7%. The reason for your demotion is that you did not complete the following projects timely:

<u>Project</u>	<u>Due</u>	<u>Completed</u>
The 123 task	9/9/07	11/14/07
ABC file	10/14/07	12/15/07
DEF case	12/5/07	n/a
The Wiffle project	1/19/08	n/a

Because you did not complete your projects timely, this agency had to pay a \$400 late fee for the 123 task; ABC had to pay \$234.27 in interest; DEF has not been able to begin the improvements on his property; and we are paying overtime to get the Wiffle project finished.

You have the right to appeal this action to the State Civil Service Commission within 30 calendar days following the date you receive this notice. The appeal procedure is contained in Chapter 13 of the Civil Service Rules, which is available from the Department of State Civil Service or your Human Resource office.

Sincerely,

Appointing Authority

Hand delivered to employee on _____, 200_, at ____ .m.

Deliverer's signature

Employee's signature

NOTE: If Employee will not sign for the letter, Deliverer should so state.

(Rule 12.6(a)1 removal letter - assumes notice by mail)

NOTE: Notice of proposed action/opportunity to respond must precede this letter.
Rule 12.7.

December 31, 2007

Employee
123 Green Road
City, LA 70000

Dear Employee:

By letter dated and mailed on December 13, 2007, I advised you that I proposed to non-disciplinarily remove you from your position under Civil Service Rule 12.6(a)1 and gave you an opportunity to respond. As of that date, you had fewer than eight hours of sick leave and you were unable to perform the essential functions of your job as a _____ due to illness or medical disability.

I received your response to the proposed action on _____. Your response did not persuade me to change the proposed action. Therefore, you will be removed from your position under Civil Service Rule 12.6(a)1, effective 4:30 p.m., January 8, 2008. Because this is a non-disciplinary removal, you retain certain eligibilities and rights should you seek state employment in the future.

You have the right to appeal this action to the State Civil Service Commission within 30 calendar days following the date you receive this notice. The appeal procedure is contained in Chapter 13 of the Civil Service Rules, which is available from the Department of State Civil Service or your Human Resource office.

Sincerely,

Appointing Authority

(Rule 12.6(a)2 removal letter - assumes notice by mail)

NOTE: Notice of proposed action/opportunity to respond must precede this letter. [Rule 12.7](#).

Employee
123 Green Road
City, LA 70000

June 25, 2008

Dear Employee:

By letter dated and delivered to you on June 18, 2008, I advised you that I proposed to non-disciplinarily remove you from your position under Civil Service Rule 12.6(a)2 and gave you an opportunity to respond. As of that date, you had seven unscheduled absences during the twenty-six week period beginning December 26, 2007, and ending June 25, 2008. The absences were as follows:

December 26, 2007 – called in sick; did not report to work
January 4, 2008 – called in; sick child; did not report to work
February 13, 2008 – arrived two hours late for work; no prior leave approved
March 13, 2008 – called in; car trouble; did not report to work
April 14, 2008 – called in; had to stay home and do taxes; did not report to work
May 5, 2008 – failed to report to work; no prior leave approved
June 12, 2008 – arrived two and one-half hours late; no prior leave approved

I received your response to the proposed action on _____. Your response did not persuade me to change the proposed action. Therefore, you will be removed from your position, under Civil Service Rule 12.6(a)2, effective 4:30 p.m., July 3, 2008. Because this is a non-disciplinary removal, you retain certain eligibilities should you seek state employment in the future.

You have the right to appeal this action to the State Civil Service Commission within 30 calendar days following the date you receive this notice. The appeal procedure is contained in Chapter 13 of the Civil Service Rules, which is available from the Department of State Civil Service or your Human Resource office.

Sincerely,

Appointing Authority

(Rule 12.6(a)3 removal letter – assumes hand delivery)

NOTE: must be hand delivered before 4:00 p.m. February 4, 2008 or the effective date must be changed.

NOTE: Notice of proposed action/opportunity to respond must precede this letter. Rule 12.7.

February 1, 2008

Dear Employee:

By letter dated January 18, 2008, I advised you that I proposed to remove you because you no longer meet the minimum qualifications for your job. Although I gave you an opportunity to present a written response, you did not do so.

Effective at 4:00 p.m. on February 4, 2008, you will be removed from your position as a Vehicle Operator. The reason for this action is that on January 18, 2005, your Class A vehicle operator's license was revoked for driving while intoxicated and you cannot reapply for another license for two years. A copy of the revocation order is attached. Because the minimum qualifications for the job of Vehicle Operator include "possession of a Class A vehicle operator's license," you are no longer qualified to perform your job.

This action is being taken under Civil Service Rule 12.6(a)3, which is a non-disciplinary separation that does not disqualify you from certain re-employment eligibilities and rights.

You have the right to appeal this action to the State Civil Service Commission within 30 calendar days following the date you receive this notice. The appeal procedure is contained in Chapter 13 of the Civil Service Rules, which is available from the Department of State Civil Service or your Human Resource office.

Sincerely,

Appointing Authority

Attachment: Order of revocation

Hand delivered to employee on _____, 200_, at ____ .m.

Deliverer's signature

Employee's signature

NOTE: If Employee will not sign for the letter, Deliverer should so state.

(Rule 12.6(a)4 removal letter – assumes hand delivery)

NOTE: must be delivered before 4:30 p.m. January 29, 2008, or the effective date must be changed.

NOTE: Notice of proposed action/opportunity to respond must precede this letter. [Rule 12.7](#).

January 28, 2008

Dear Employee:

You currently work full-time as a _____ for the Department of _____ as well as part-time as a _____ for this agency. This multiple employment requires this agency to pay you time and one-half for each hour worked on your part-time job. I discussed this problem with you on January 18, 2008, and offered you the opportunity to resign from one of the jobs. You refused to do so and you did not respond to the notice of proposed action.

You will be removed from your part-time position with this agency effective at 4:30 p.m. January 29, 2008. This action is taken under Civil Service Rule 12.6(a)4, which is a non-disciplinary removal that does not disqualify you from certain re-employment eligibilities and rights.

You have the right to appeal this action to the State Civil Service Commission within 30 calendar days following the date you receive this notice. The appeal procedure is contained in Chapter 13 of the Civil Service Rules, which is available from the Department of State Civil Service or your Human Resource office.

Sincerely,

Appointing Authority

Hand delivered to employee on _____, 200_, at ____ .m.

Deliverer's signature

Employee's signature

NOTE: If Employee will not sign for the letter, Deliverer should so state.

(Rule 12.6(a)5 removal letter – assumes notice by mail)

NOTE: Notice of proposed action/opportunity to respond must precede this letter. [Rule 12.7](#).

November 5, 2008

Dear Employee:

You have not reported for work since August 5, 2008. Ordinarily, this would constitute job abandonment and would result in a disciplinary dismissal. However, circumstances beyond your control prevented you from reporting for work: Hurricane _____ destroyed your home, resulting in your moving to Oklahoma City to live with relatives. Although your inability to report for work is not your fault, your duties as a _____ cannot go unperformed and this agency cannot continue to pay overtime to your co-workers who have absorbed your workload. I have considered your response to the proposed action. However, this agency cannot hold your position until June 2009, when you anticipate returning to Louisiana.

Therefore, you will be removed from your position effective at 4:30 p.m. November 12, 2008, under Civil Service Rule 12.6(a)5. This is a non-disciplinary removal that does not disqualify you from certain re-employment eligibilities and rights.

You have the right to appeal this action to the State Civil Service Commission within 30 calendar days following the date you receive this notice. The appeal procedure is contained in Chapter 13 of the Civil Service Rules, which is available from the Department of State Civil Service or your Human Resource office.

Sincerely,

Appointing Authority

(Documentation of hand delivery)

Hand delivered to employee on _____, 200_, at ____ .m.

Deliverer's signature

Employee's signature

NOTE: If Employee will not sign for the letter, Deliverer should so state.

(Documentation of domiciliary service)

NOTE: Employee was not at home, so I left the letter with _____, (an adult), who said he/she lives with Employee.

Date: _____ Time: _____

Deliverer

I, _____, reside with Employee and agree to deliver to him/her the letter I received from Deliverer on _____, 200_ at _____ . m.

Recipient

NOTE: If Recipient will not sign for the letter, Deliverer should so state.

(Improvement Letter Checklist)

Employee: _____

_____ Appointing Authority
Action taken by _____
Authority: statutory (citation) _____
delegated from _____
How? _____

_____ Description of conduct that needs improvement

_____ Explanation of what is expected in the future

_____ Notice of response rights and how improvement letter will be used:

You have a right to respond in writing to this letter. Your response may be mailed to me at _____ or faxed to me at _____, or e-mailed to me at _____. If you plan to respond, please do so by _____. Your response will be attached to each copy of this letter maintained by this agency. Should the same or similar conduct recur, this letter can be used to support the severity of any future discipline, in which case a copy of this letter will be included in your personnel record.

(Warning)

Date: November 6, 2008

To: Employee

From: Appointing Authority or Delegated Person

Re: Warning - Returning late from lunch

Your lunch break is from 11:30 a.m. to 12:30 p.m. You recently exceeded your lunch break two times. On October 28, 2008, you did not return from lunch until 12:45 p.m. Yesterday, you did not return until 1:00 p.m. You did not ask for leave to cover these absences or notify anyone that you would be late returning from lunch. I will approve annual leave to cover these absences. However, I am formally warning you that further instances of exceeding your lunch break will result in leave without pay and discipline.

You are to return from lunch by 12:30 p.m. If an emergency arises preventing your timely return, you are to notify your supervisor before 12:30 p.m. Your supervisor can approve annual leave to cover the absence, but only for a genuine emergency.

This warning is not a disciplinary action. However, failure to heed this warning will result in discipline. I will not place this warning in your personnel record. I will keep one copy for my files and I will forward one copy to your rating supervisor for inclusion in your supervisory file.

You have a right to respond to this warning. Please do so by _____. Your response may be mailed to me at _____ or faxed to me at _____ or e-mailed to me at _____. I will attach your response to each copy of the warning. Should the same or similar conduct addressed by this warning recur, this warning may be used to support the severity of any future discipline, in which case, a copy of this warning will be included in your personnel record.

cc: supervisory file

(Reprimand)

October 22, 2008

Dear Employee:

One of this agency's objectives is to provide courteous service to the taxpayers. On October 20, 2008, your behavior fell short of this objective. At 9:15 a.m., Mr. Taxpayer came to your section to inspect the XYZ file, a public record. You demanded to know why he wanted to look at it; you muttered that the reason he gave you did not seem very good; and you delayed retrieving the file. Therefore, I am formally reprimanding you.

When someone asks to look at a public record, you are to say: "Yes sir. Please sign our public records request register; I will be glad to get that record for you." If the person does not appear to be eighteen years old, you may ask for identification with proof of age. You may not ask the reason for the request; it is illegal to do so. If the person volunteers a reason for the request, you are not to comment on the reason. You are to promptly retrieve the record and present it for inspection.

This reprimand is not a disciplinary action. This reprimand will not be placed in your personnel record. I will maintain one copy in my files and I am forwarding one copy to your rating supervisor for inclusion in your supervisory file.

You may respond to this letter in writing. You should deliver your response to me by October 29, 2008. I will attach a copy of your response to each copy of the reprimand. Should the same or similar conduct addressed by this reprimand recur, this reprimand may be used to support the severity of any future discipline, in which case, a copy of this reprimand will be included in your personnel record.

Sincerely,

Appointing Authority

cc: supervisory file

(Supervisory Plan – to be hand delivered and discussed with Employee)

April 2, 2008

To: Employee
From: Appointing Authority or someone with delegated authority
Re: Supervisory Plan

Dear Employee:

I am placing you on a supervisory plan to help you improve your communication and interaction with your supervisors. Effective today:

1. When supervisory personnel communicate with you, you are to refrain from interrupting and from raising your voice. You are to listen carefully, ask questions if you need clarification, and take notes.
2. You are to comply promptly with any and all workplace directives or instructions that are not illegal, immoral, or unethical given to you by supervisory personnel;
3. If you believe any directive or instruction is illegal, immoral, or unethical, you must use your chain of command: first Mr./Ms. _____, then Mr./Ms. _____, then Mr./Ms. _____. You may also avail yourself of the grievance procedure set forth in the Department's policy, Policy number _____.
4. Prior to October 1, 2008, you are to attend and complete the Comprehensive Public Training Program (CPTP) course entitled "Effective Conflict Resolution Strategies."

This supervisory plan is not a disciplinary action. However, failure to comply with this plan may result in discipline. A copy of this supervisory plan will not be placed in your personnel record.

You have a right to respond to this supervisory plan. If you intend to respond, please do so by April 9, 2008. I will attach a copy of your response to each copy of this plan that we maintain (one in my file and one in your supervisory file.) Should the same or a similar problem recur, this plan may be used to support the severity of any future discipline, in which case a copy of this plan will be included in your personnel file.

cc: supervisory file Received on _____ at _____ .m.

Employee

(Documentation of oral resignation)

To: Appointing Authority
From: Human Resource Professional
Date: October 28, 2008

At 9:30 a.m. today, Emily Employee who is a Hospital Worker 4, called to say that she had moved to Kansas last weekend and therefore was resigning her position effective immediately. Ms. Employee would not give me a forwarding address and asked me to send her final paycheck and any paperwork to her father, Mr. _____, whose address is _____. I asked Ms. Employee her to send us something in writing to confirm her resignation and she said she would, but I have a feeling we will not get anything in writing from her.

cc: Employee c/o Mr. _____

(Acceptance of resignation)

_____ 's resignation, tendered orally at 9:30 a.m. on October 28, 2008 to Human Resource Professional is hereby accepted.

Date and time

Appointing Authority

cc: Employee