

Chapter: Personnel  
Subject: Employee Discipline  
Section: 3.6  
Page: 1 of 5  
ODJFS Rule: 5101: 2-5-13(A)(22)(b)  
COA Standard: PA-HR 5.02 (d)  
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**Employee Discipline** (MCJC Policy 5.3)

NRTC operates under the Montgomery County Juvenile Court's policies and procedures regarding employee discipline, suspensions and dismissals. In the best interest of the Center, it may be necessary to discipline any employee for any breach of established policy, procedure, rule or regulation, who performs unsatisfactorily, or whose conduct falls below minimum standards. The Center may suspend or discharge any classified employee who violates section 124.34 of the Ohio Revised Code for incompetency, inefficiency, insubordination, discourteous treatment of the public, neglect of duty, any failure of good behavior, misfeasance, malfeasance, or nonfeasance. Unclassified employees, because they serve at the pleasure of the MCJC Judge, may be discharged with or without cause, or prior notice. The recommended levels of the formal disciplinary procedure are:

1. Oral reprimand
2. Written reprimand (may be completed in conjunction with an Individual Development Plan/IDP)
3. Probation contract
4. Suspension without pay\*
5. Extended suspension without pay\*
6. Notice of discharge

*\*Overtime exempt employees shall be treated in accordance to their exempt status.*

Depending on the seriousness of the offense, disciplinary action may follow the progressive disciplinary levels. However, nothing in this policy shall be construed as preventing the Center from omitting, skipping or repeating any of these levels, depending upon the circumstances involved or the severity of the offense. NRTC reserves the right to skip levels depending upon the severity of the offense and other factors. Employees who have had disciplinary action taken against them have the right to use the Montgomery County Juvenile Court's Problem Resolution Procedure (See MCJC Policy 5.13). Classified employees have a right to a pre-disciplinary conference, prior to the decision being made to discharge, suspend without pay, or other disciplinary action that results in a loss of pay.

Chapter: Personnel  
Subject: Employee Discipline  
Section: 3.6  
Page: 2 of 5

---

Supervisors have the authority to issue Oral and Written Reprimands in accordance with this policy. In all suspension and discharge cases, the supervisor may effectively recommend appropriate disciplinary action, however, only the MCJC Judge through delegation of authority to the Court Administrator, may approve suspensions and discharges.

Grounds for suspension, reduction in classification or pay grade or removal, in accordance with Court and NRTC Policy, are as follows:

1. Incompetency
2. Inefficiency
3. Insubordination
4. Discourteous treatment of the public
5. Neglect of duty
6. Any failure of good behavior
7. Misfeasance
8. Malfeasance
9. Nonfeasance

#### **Employment Terminations** (MCJC Policy 5.17)

NRTC strives to maintain continuous employment for employees when possible, yet recognizes that conditions may develop which preclude continuous employment and result in the termination of an employee or a reduction of staff. The Center also strongly encourages all supervisors to recognize and take action when an employee is not happy with or suitable for the position held. Management reserves the right to withhold final payment to employees until such time all County property is returned to the supervisor or Human Resources, i.e. court badges, uniforms, keys, etc.

#### **Voluntary Terminations**

A voluntary termination occurs when an employee resigns or is separated from NRTC at his/her request. Any employee who intends to resign or leave NRTC voluntarily is expected to give at least thirty (30) days' notice in writing to his/her immediate supervisor. The supervisor then immediately notifies the Director and the Court Administrator. Any employee who fails to report for work, or to report absences, for three (3) consecutive days will be considered a voluntary resignation.

#### **Involuntary Terminations**

An involuntary termination is defined as follows:

1. Layoff: A reduction in the work force, either permanent or indefinite.
2. Release: Inability to perform the job assignment in an appropriate and satisfactory manner, as defined by performance evaluation criteria. Supervisors need to correct and document performance issues prior to termination.

Chapter: Personnel  
Subject: Employee Discipline  
Section: 3.6  
Page: 3 of 5

---

3. Discharge: Separation from the Court for cause, such as willful misconduct, as defined in the Discipline section of this policy.
4. Immediate Dismissal: Separation from the Center without notice. The employee is asked to leave the premises without delay, and accompanied from the facility after collecting his/her personal belongings.
5. Evaluation Employees: May be terminated without cause at any time during the evaluation period.

#### Employee Retention

NRTC will make every effort to retain employees who decide to leave the Center voluntarily. When an employee gives written notice of intent to resign, the immediate supervisor will take reasonable steps, including personal discussions, to discover the cause. When it is feasible, the immediate supervisor will recommend to the Director steps to correct the situation and retain the employee.

#### Suspension Before Termination

Suspensions will be made:

1. When an employee's continued presence at NRTC interferes with productive service, or:
2. When the circumstances surrounding a serious disciplinary action against an employee are unclear.

Unpaid suspensions may be used as part of the progressive disciplinary process and may be used in any instance where a performance/conduct issue is continued, or when it is of a serious nature.

Under these conditions the employee's immediate supervisor must advise and consult with the Director and MCJC Court Administrator before suspension can occur. A suspension will generally occur only after the employee's immediate supervisor has issued both verbal and written warnings, and the employee has continued his or her inappropriate behavior, despite these warnings. However, a suspension may be made for a first time offense that is considered of a serious nature. Once a request for suspension is made, the supervisor, Director and Court Administrator will investigate the circumstances around the request. If the suspension is approved, the immediate supervisor may suspend the employee for up to three (3) days. The decision and circumstances will be discussed with the employee.

Copies of any written warnings or suspensions will be placed in the employee's permanent personnel file, along with the supervisor's description of the events, the Director's actions, and the Court Administrator's acknowledgement of receipt and record of its action.

Chapter: Personnel  
Subject: Employee Discipline  
Section: 3.6  
Page: 4 of 5

---

Notice:

Any employee who is suspended three times within 12 months may be released or discharged at the discretion of Montgomery County Juvenile Court Administration. Suspensions are not required in cases of immediate dismissal.

Suspension Pay

A decision to continue pay during a suspension rests solely under the discretion of the Court Administration. Generally, pay does not continue while an employee is on suspension. However, administrative leave may be allowed when the health or safety of an employee, or of any person or property entrusted to the employee's care could be adversely affected. The length of administrative leave is left to the discretion of the Court.

Layoff Policies

MCJC, as noted above, is committed to providing continuous employment. When conditions necessitate a reduction in the workforce, affected employees may use the County Personnel Department to seek other employment.

MCJC reserves the right to reduce, either permanently or indefinitely, its current work force. The Court will base work force reductions on the results of recent performance evaluations, giving special consideration to the impact of layoffs on women and minorities. Layoffs of unclassified employees may be conducted as specified by the current policy. Layoffs for classified employees must be conducted in accordance with the ORC 124.321 – 124.328 and DAS rules 123:1-41.

Termination Reviews

Any employee terminated by release, discharge or immediate dismissal has the right to a review through the Court's Problem Resolution Procedure as defined and described in Section 5.13 of the MCJC Employee Handbook.

Separation Notices

NRTC follows a schedule for giving each affected employee a proper separation notice:

1. Employees affected by layoff, release, or discharge will be given reasonable notice in writing when practical.
2. Employees terminated by immediate dismissal may be given written notices either in person or by certified mail.

Copies of the separation notice and/or letter of resignation are filed in the employee's permanent personnel record.

Chapter: Personnel  
Subject: Employee Discipline  
Section: 3.6  
Page: 5 of 5

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NRTC acknowledges that there may be more than the following exceptions to these procedures. In such cases, the Administrator's Office will determine how the situation is to be handled. For example:

1. When an employee misses three (3) straight days and is considered a voluntary termination, a notice of NRTC's action is sent to the former employee's last known address by mail on the fourth day.
2. If an employee is terminated by immediate dismissal, the Court Administrator issues a separation notice and forwards it to the employee by mail on the next business day.