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**Policy**

The Department of Children and Families shall develop and maintain procedures necessary to implement federal and state statutes and regulations related to employment issues and ensure adherence by DCF staff to all such statutes and regulations.

**Cross reference:** DCF Policy 2-3-1, "Employee Code of Conduct."

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**Definitions  
Used in  
Human  
Resource  
Management  
Policy**

**Absence** means any period of time that an employee would normally be scheduled to work and does not report, regardless of duration.

**Client** means any family member or child who is receiving or has received services from DCF or a DCF-funded program, including children who are or have been residents or patients in DCF facilities. Employees of DCF or a DCF-funded provider who have received services are excluded from this definition.

**Controlled substance** means a medication not taken under a doctor's prescription or taken in a manner inconsistent with a doctor's order that has been determined by the federal government to have a potential for abuse or is potentially physically or psychologically addictive.

**Dangerous instrument** means any instrument, article, chemical agent or substance that, under the circumstances, is capable of causing death or serious physical injury.

**Disability** means any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems or any mental or psychological disorder, emotional or mental illness or specific learning disability.

**Disciplinary action** means corrective action taken to address employee misconduct limited to the following actions: written reprimand, suspension without pay of any duration up to 60 days, disciplinary demotion and termination of employment.

**Employee** means all persons employed by DCF for remuneration, including temporary employees and consultants, as well as volunteers and interns working without remuneration in the interest of the mission of DCF.

**Essential functions** means the fundamental tasks that are necessary to complete the duties of the particular position that the individual occupies or for which the individual has applied. These include the tasks that the individual must be able to perform unaided or with the assistance of a reasonable accommodation.

**Excessive absenteeism** means absences from work that exceed DCF standards for attendance, excluding absences that have been scheduled in advance and over which the supervisor has discretion to grant or deny (*e.g.*, vacation time, personal leave time), absences authorized by Human Resource Management under the state or federal Family and Medical Leave Acts, absences for jury duty when supported by required documentation from the court, absences covered under Worker's Compensation and any other contractual or statutorily-designated absence that has been properly requested and authorized in accordance with DCF procedures.

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**Definitions  
Used in  
Human  
Resource  
Management  
Policy**  
(Continued)

**Formal counseling** means a supervisory intervention that is characterized by the same interactions between the supervisor and the employee as in a counseling to address matters of concern. In general, a formal counseling is used when counseling has not been successful to correct an ongoing issue. Formal counseling shall be reduced to writing, with the original of the formal counseling memo being retained in the supervisory file and a copy being issued to the employee. The memo shall not be included in the official personnel file. Formal counseling may or may not be reflected in the annual performance evaluation depending upon the individual circumstances but shall not in and of itself result in an unsatisfactory rating in any individual category or overall. Employees do not have a right to union or legal representation during a counseling session as it is not disciplinary in nature.

**Illegal drug** means any drug that is prohibited by law to be in the possession of an employee.

**Immediate family member** means spouse, child, parent, sibling or any person domiciled in an employee's household.

**Impaired** means being physically or mentally unfit to carry out assigned job duties in a professional manner due to the influence of alcohol or drugs.

**Manager** means any employee within an employee's chain of command who is responsible for the overall functioning of a designated area or areas and who is not a union member or an administrative official.

**On duty** means any period of time that an employee is at a work location performing duties assigned by the employer for which he or she is receiving pay. This does not include periods of on-call assignments, whether paid or unpaid, until actually called for duty.

**Position** means a group of duties performed by one person in a work unit that must be performed in order to fulfill the needs for which the position was created.

**Product used to simulate smoking** means any non-tobacco smoking substitute device including but not limited to electronic "cigarettes," steam cigarette devices or any product that is ignited or activated and inhaled regardless of tobacco content.

**Protected class** means those persons identified in state and federal law with characteristics that may be the basis of discriminatory acts including race, color, religious creed, age, marital status, pregnancy, national origin, ancestry, genetic makeup, sex, sexual orientation, gender identity or expression, intellectual disability, mental disability, learning disability or physical disability including but not limited to blindness.

**Reasonable accommodation** means modifications that are needed to allow a meaningful equal employment opportunity or the opportunity to attain the same level of performance or to enjoy the same level of benefits and privileges of employment as is available to non-disabled employees or applicants having similar skills or abilities or who are similarly situated. Such accommodations shall be "reasonable" in that they do not create a hardship for the employer, do not violate collective bargaining agreements and do not change the essential functions of the position.

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**Definitions  
Used in  
Human  
Resource  
Management  
Policy**  
(Continued)

**Sexual harassment** means a form of sexual discrimination that is characterized by unwelcome sexual advances or a request for sexual favors or any conduct of a sexual nature when: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions; or c) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

**Supervisee** means the employee receiving supervision from an employee of a higher grade assigned by DCF in accordance with Department of Administrative Services official job classifications who has responsibility for implementing the provisions of this policy and the appropriate Practice Guide.

**Supervision** means a formal, professional relationship in which the supervisor has authority and oversight responsibility for the work and work life of the supervisee. Though supervisors are held accountable for services delivered by their supervisees, supervision is a collaborative relationship in which supervisees hold responsibility, as well, for effectively fulfilling their job duties.

**Supervision file** means that file maintained by the supervisor to document the content, duration and date of supervisory sessions.

**Supervisor** means the person to whom an employee reports and from whom the employee receives direction on a regular basis and who completes the employee's performance evaluations, including the person so designated by management to perform these functions in the absence of the regular supervisor. Employees may receive supervision from more than one individual depending upon the nature of their assignment.

**Suspension** means unpaid time off from work for disciplinary reasons. Suspensions may be of varying lengths and shall always be cited in working days. Suspension shall be used when a written reprimand has not corrected the conduct or performance issues, or when misconduct or poor performance is of such a level that a more serious disciplinary response than written reprimand is warranted. Suspensions shall be unpaid and served in consecutive work days; holidays falling during a period of suspension shall be designated as a day of suspension and shall not be paid. For ease of scheduling and documenting, an employee on a suspension of more than ten days shall be placed on a Monday through Friday schedule; however, such change shall not impact the employee's regular schedule upon return to duty. Suspensions will generally not exceed 30 days in length. For misconduct or performance issues that warrant disciplinary action greater than suspension for 30 days, DCF shall generally impose termination of employment. Suspensions shall be documented in the employee's annual performance evaluation and may result in an unsatisfactory rating depending on the circumstances surrounding the disciplinary action.

**Tobacco and tobacco products** means any product containing tobacco including but not limited to cigarettes, cigars, chewing tobacco, dip and pipe tobacco.

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**Definitions  
Used in  
Human  
Resource  
Management  
Policy**  
(Continued)

**Union representative** means person designated by the employee’s labor union to function as a representative of the union for purposes of carrying out provisions of a collective bargaining agreement, including the representation of employees who are involved in investigations or interventions that may reasonably result in disciplinary action against those employees.

**Weapon** means:

- any firearm, including a BB or Airsoft gun, whether loaded or unloaded;
- any knife (excluding a small pen or pocket knife), including a switchblade or other knife having an automatic spring release device or a stiletto;
- any police baton or nightstick;
- any martial arts weapon; or
- any electronic defense weapon.

**Witness** means an employee who is being interviewed by DCF about information related to an administrative investigation into alleged employee misconduct and who is not the subject of the investigation.

**Work location** means the specific area to which an employee is assigned to perform designated job duties for the day or shift, *e.g.*, office, desk, work station, duty station, post or other term utilized locally to identify the specific area the employee must be in to effectively perform his or her duties and to which he or she is required to report.

**Workplace** means any location owned, operated or controlled by the State of Connecticut, including state vehicles and any other location where state business is being conducted including areas through which an employee travels while on state time.

**Workplace violence** means a range of inappropriate behaviors in the workplace that include but are not limited to the following:

- intimidating or threatening behavior;
- physical abuse;
- verbal abuse;
- vandalism;
- arson;
- sabotage;
- carrying, possessing, using or threatening to use a weapon of any kind;
- carrying, possessing, using or threatening to use dangerous instruments of any kind;
- any other act that a reasonable person would consider inappropriate such as bullying or posing a threat of danger or violence in the workplace including but not limited to oral, written or electronic statements, gestures or expressions that communicate a direct or indirect threat of physical harm or are undertaken for the purpose of or could reasonably be construed to have the purpose of intimidation or the creation of emotional distress in the workplace; and
- offensive statements regarding incidents of workplace violence.

(Continued next page)

**Definitions  
Used in  
Human  
Resource  
Management  
Policy**  
(Continued)

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**Workplace violence emergency** means a situation in which workplace violence has caused an injury or the immediate threat of physical harm or injury.

**Written reprimand** means the first level of formal disciplinary action and, in general, shall be issued when misconduct or performance issues have not been corrected following counseling and formal counseling sessions. In some cases, a situation may be serious enough to warrant a written reprimand as the initial response to misconduct or poor performance. A written reprimand shall state the matters of concern, any steps that have been taken to assist the employee in correction, suggestions for improvement as appropriate, and a statement that failure to correct or that engaging in such conduct in the future shall result in more serious disciplinary action. Each written reprimand shall include information for the employee about the availability of the Employee's Assistance Program. Written reprimands shall be placed in the employee's official personnel file and shall be documented in the employee's annual performance evaluation. A written reprimand in and of itself shall not be grounds for an unsatisfactory annual performance evaluation.

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**Relations  
with Labor  
Unions**

The Department of Children and Families shall recognize its various representative labor unions as partners in the provision of safe and supportive work environments for its employees.

DCF shall engage in respectful and collegial relationships with union leadership, communicate with union leadership in an open manner and recognize the unions' investment in the mission of DCF and the employment conditions of DCF employees.

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**Collective  
Bargaining  
Agreements**

DCF shall adhere to all collective bargaining agreements (CBAs) in the administration of employee relations and transactions and shall ensure prompt compliance with any changes to such documents.

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**Conflict  
between  
Policy, Law  
and CBAs**

Should DCF policy conflict with collective bargaining agreements, statutes or regulations, statute or regulation shall govern.

In situations in which a state statute conflicts with a CBA, the CBA shall govern, provided it contains a supersedence clause relevant to the conflicting statute.

In situations in which a federal statute conflicts with a CBA, the federal statute shall govern.

All DCF managers shall recognize the legitimate role of the labor unions in employee matters and engage in appropriate discussions with union representatives in their efforts to administer the collective bargaining agreements and advocate for employees covered by those agreements.

At no time shall a DCF manager retaliate in any way against another employee based on legitimate union activity or the exercise of rights afforded to the employee under the relevant CBA.

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**Confidentiality of Employee Records**

The Department of Children and Families shall make reasonable efforts to hold employee records in confidence; however, all applicable disclosure statutes and regulations shall be applied as necessary.

Managers and supervisors shall not disclose personal employee information to other staff except for appropriate business reasons.

Most state employee records are public documents and subject to disclosure; however, to the extent possible and when required by statute, employee records including personal and employment data, payroll and benefits records, investigation records including complaints, evidence and reports shall be maintained in a confidential manner.

Any employee record requested pursuant to the Freedom of Information Act, subject to a properly-executed subpoena or court order, or requested by another state agency, law enforcement agency or other regulatory or enforcement agency shall be released in accordance with applicable law and regulation.

Internally, employee information shall be disseminated only to the extent necessary and to those persons requiring the information in order to effectively perform their job duties.

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**Discrimination and Harassment**

Any determination by Human Resource Management related to discrimination or harassment may be submitted to the DCF Office of Diversity and Equity for further review, if ODE has not already issued an opinion.

**Cross-reference:** DCF Policy 7-1, Office of Diversity and Equity Overview

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**Hiring Practices**

DCF shall ensure that all recruitment and selection activities for the filling of vacancies, whether through outside hire, promotion or lateral transfer, shall be done in accordance with:

- state statute and regulation;
- Department of Administrative Services' policies, procedures and directives;
- collective bargaining agreements; and
- in accordance with the DCF Affirmative Action Plan as approved by the Connecticut Commission on Human Rights and Opportunities.

DCF shall comply fully with the Americans with Disabilities Act (ADA) and all federal and state laws pertaining to the employment of individuals with disabilities.

**Cross-reference:** DCF Policy 1-3 "Civil Rights; DCF Policy 7-1, "Office of Diversity and Equity Overview"

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**Applicants with Disabilities**

Applicants with disabilities may request reasonable accommodations for the application or interview process if it is necessary in order for the applicant to participate meaningfully in the process. Applicants requiring accommodations at this level shall be referred to Human Resource Management for a determination of necessary and reasonable accommodations.

Applicants with disabilities who are otherwise qualified for the job shall be afforded the same opportunity for employment as non-disabled applicants as long as they are able to perform the essential functions of the job with or without a reasonable accommodation. Any applicant who requires an accommodation to perform the duties of the position shall be referred to Human Resource Management for determination of whether such accommodation reasonably can be made.

DCF may refuse to hire or retain an individual who poses a significant threat to the health and safety of him- or herself or to others due to a disability when a reasonable accommodation cannot eliminate the risk.

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**Recruitment Activities**

In order to achieve a diverse and culturally-competent workforce, DCF shall identify and utilize targeted recruitment techniques when appropriate to provide a wide applicant pool from which qualified candidates who will serve to enhance the culture and abilities of the workforce can be selected.

Human Resource Management shall screen candidates who meet the minimum qualifications for experience and training that most closely reflect that needed for the vacancy to be filled in order to assist in the hire of a candidate who is likely to succeed in the position.

Only the names of qualified candidates shall be forwarded to the interview panel for further consideration. Special care shall be given to ensure that this process does not artificially screen out qualified protected class members.

No person who is a relative of an applicant shall be involved in the screening process; nor shall such person have input into the screening process. It is the responsibility of the employee conducting the screening to identify any such situation and immediately notify the Director or Assistant Director of Human Resource Management of the conflict. In these cases, responsibility for the screening shall be assigned to another employee.

**Note:** For purposes of this section, "relative" includes any cohabitant or any relative of a cohabitant.

Applicants shall not be asked for information about criminal convictions during the initial screening process.

**Legal reference:** Conn. Gen. Stat. §46a-80.

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# OFFICE OF THE DEPUTY COMMISSIONER FOR ADMINISTRATION

## Human Resource Management Overview

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### Selection Activities

A diverse interview panel shall be used to conduct interviews. Questions intended to elicit information needed to determine the skill level and knowledge base of each candidate shall be developed in advance. All candidates shall be asked the same questions and shall be evaluated based upon how closely their answers respond to the needs of DCF.

The panel shall discuss each candidate's performance in the interview, review performance evaluations submitted by the candidates, review attendance records if available, review any stated goals from the DCF Affirmative Action Plan and make a recommendation for hire.

No person who is a relative of any candidate to be interviewed shall be included on the interview panel; nor shall any such person have input into the hiring decision. It is the responsibility of the panel member to identify any such conflict and to withdraw from the selection process.

**Note:** For purposes of this section, "relative" includes any cohabitant or any relative of a cohabitant.

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### Background and Reference Checks Prior to Job Offer

Human Resource Management shall conduct appropriate background checks on the selected candidate and contact prior employers and references offered by the candidate. The Human Resource Management representative shall inquire about the skills and abilities of the candidate in a way that is likely to provide additional information on the candidate's ability to succeed in the position.

Should the reference process raise questions about the viability of the recommended candidate, the Director or Assistant Director of Human Resource Management shall determine whether to proceed to the next recommended candidate.

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### Further Requirements after a Conditional Job Offer

If the background and reference checks support the interview panel's recommendation, Human Resource Management shall extend a conditional offer of employment and secure a starting date.

Upon a conditional offer of employment, an outside applicant or one who is transferring from another state agency shall be fingerprinted and subjected to a criminal background check. The applicant shall be required to complete information regarding any criminal convictions at this point in the process. Should the criminal background check reflect a criminal history not disclosed by the applicant that causes the conditional offer of employment to be withdrawn, Human Resource Management shall notify the applicant in writing of its decision in accordance with Conn. Gen. Stat. §46a-80.

**Note:** Even if undisclosed conviction information includes a conviction that would not have excluded the applicant from consideration, the failure to truthfully disclose such information during the application process shall be grounds in and of itself to withdraw the offer of employment due to falsification of the employment application.

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**Further Requirements after a Conditional Job Offer**  
(Continued)

If the selected candidate is an outside applicant or a transfer from another state agency, he or she shall be required to successfully pass a pre-employment physical as required for the position that the candidate is assuming.

Outside applicants shall also be subjected to a drug screening test.

Failure to pass any portion of this process shall result in withdrawal of the conditional offer of employment. Human Resource Management shall contact the candidate, advise him or her of the results and offer to meet and discuss the outcome and the impact on the offer of employment.

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**Falsified or Misrepresented Application Packets**

If at any point after an offer of employment has been made, or after employment commences, it is determined that the candidate submitted application materials that contain false information or misrepresented significant facts in the application process, including during the interview process, such determination shall constitute just cause for withdrawal of the offer of employment or termination in cases in which employment has commenced.

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**Verification of Employment**

Human Resource Management shall respond to all requests for employment verification and professional references utilizing only information contained in the employee's official employment file. Professional references based upon an employee or former employee's service with DCF shall not be provided by any other employee of DCF.

If the requester is another state agency, law enforcement agency or federal agency, Human Resource Management shall disclose the complete official personnel file in accordance with applicable statutes and regulations.

For all other requesters without a signed release from the employee, verification of information already in possession of the requester shall be limited to:

- dates of employment;
- title(s);
- general job duties;
- salary;
- reason for separation (if applicable); and
- eligibility for rehire (if applicable).

For all other requesters with a signed release from the employee, any information specified in the release form shall be disclosed.

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**Employees with Disabilities**

An employee who discloses a disability subsequent to employment and whose disability is having an impact on job performance shall be referred to Human Resource Management for review of what reasonable accommodations can be made to enable the employee to continue in his or her employment.

An employee may initiate a request for accommodation by contacting Human Resource Management directly to discuss his or her rights under the ADA and to engage in an interactive process to determine what accommodations will be needed to maintain employment.

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## Human Resource Management Overview

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### **Separation Due to Disability**

No employee shall be separated from employment with DCF due to a disability prior to attempts being made to identify reasonable accommodations under the ADA that may allow the employee to maintain employment. Should the employee's condition preclude him or her from remaining in his or her position, alternate positions that may accommodate the employee's disability shall be sought. Should no position be identified or should an identified position be rejected by the employee, Human Resource Management shall advise the employee of his or her options prior to seeking permission for separation.

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### **Workplace Violence Prevention**

DCF shall provide its employees with a safe and healthy workplace, free from intimidating, harassing and violent acts. Any act of workplace violence as defined herein shall be strictly prohibited and shall not be tolerated.

Human Resource Management shall investigate all reports of workplace violence.

Any weapon or dangerous instrument in the workplace shall be confiscated. There shall be no reasonable expectation of privacy with respect to such items in the workplace.

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### **Workplace Violence - Emergency Situations**

In the case of a workplace violence emergency, personal safety shall be the primary consideration. If possible, any employee facing an emergency situation shall call for immediate assistance by dialing 911 or contacting building security personnel. If the situation permits, the employee shall also contact local supervisory and managerial staff, Human Resource Management and the Engineering Services Division.

Supervisors and managers who become aware of a workplace violence emergency shall first ensure their personal safety and the safety of their staff and contact emergency personnel for assistance. As soon as practicable thereafter, a report shall be made to Human Resource Management and the Commissioner's Office.

Human Resource Management and the Commissioner's Office shall make additional notifications in accordance with the State Workplace Violence Prevention Policies and Procedures Manual.

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### **Reporting Workplace Violence**

Employees who feel subjected to or witness workplace violence shall immediately report the incident to their supervisor or manager or to Human Resource Management.

The reporting employee shall complete the SEC-1, "Workplace Violence Incident Report – Detailed" and submit the completed form to his or her supervisor. Completion and submission of the form online shall result in the report being transmitted directly to Human Resource Management and to the Engineering Services Division.

Supervisors and managers shall have an affirmative responsibility to monitor, intervene and report any conduct that may be or, if left unaddressed, may result in, workplace violence. Any supervisor or manager who receives a complaint about potential workplace violence or who has witnessed or become aware of potential workplace violence shall report it to Human Resource Management.

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# OFFICE OF THE DEPUTY COMMISSIONER FOR ADMINISTRATION

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**Reporting Workplace Violence**  
(continued)

Regional Administrators, Central Office Administrators and Facility Superintendents shall immediately report to the Commissioner's Office, to Human Resource Management and to the Engineering Services Division any incident involving a serious threat, serious injury or assault, and initiate a Threat Assessment Team meeting in accordance with the State Workplace Violence Prevention Policies and Procedures Manual to determine the appropriate steps to be taken.

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**Consequences of Workplace Violence Violations**

Violation of any one provision of this Code of Conduct or any other policy of DCF and the State of Connecticut or state or federal statute or regulation may result in disciplinary action up to and including dismissal from state service.

Violation of the above reasonable work rules shall subject the employee to disciplinary action up to and including termination and possible criminal charges.

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**Reporting Workplace Violence**

It is the responsibility of each employee to ensure that all DCF policies and procedures are being followed and for all supervisors and managers to enforce these work rules in a fair and equitable manner.

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**Drug-Free Workplace**

The Department of Children and Families shall maintain a workplace free from the effects of alcohol and drug use and shall take prompt action to resolve any violation of this policy.

If at any time while in the workplace, an employee determines that he or she is impaired due to legally-prescribed and obtained drugs, he or she shall immediately inform his or her supervisor of this situation and arrange to leave the workplace. Such employee shall not attempt to operate a motor vehicle under these circumstances.

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**Smoking and Tobacco Use**

The Department of Children and Families shall prohibit the use of tobacco, tobacco products or any product used to simulate smoking in the workplace except in areas designated for such use. Employees utilizing designated tobacco use areas shall dispose of tobacco products in appropriate receptacles.

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**Dress Code**

DCF shall enforce a dress code applicable to all employees. All employees, including temporary employees, interns and consultants shall present a well-groomed and professional appearance while at work. Clothing shall be neat, clean and conducive to the job duties of the employee and shall be free of rips, tears and stains.

Clothing that is tight, form-fitting, see-through, low-cut or, in the case of dresses and skirts, has a short hemline or a slit that serves to shorten an otherwise professional item, is prohibited.

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**Dress Code**  
(Continued)

Items that are specifically prohibited unless worn by employees due to the nature of their job and are authorized by appropriate supervisory and managerial staff include:

- gym attire including sweatpants, yoga pants, exercise pants, gym shorts and t-shirts;
- clothing with slogans or messages that:
  - violate any other DCF policy;
  - that could reasonably be deemed unprofessional or offensive to coworkers, clients or members of the public; or
  - display items prohibited in the workplace such as tobacco, alcohol or weapons;
- cut-off shorts;
- crop tops and halter tops;
- beachwear; and
- flip flops or other footwear inappropriate to the work being performed or otherwise presenting an unprofessional appearance.

Managers and supervisors shall ensure that staff is aware of this policy and shall enforce the requirements.

**Attendance**

DCF shall ensure that its employees utilize time off only to the extent provided through collective bargaining agreements and federal and state statutes and regulations and that any such time off has been properly authorized. Employee absences shall be reviewed on at least a quarterly basis and excessive absenteeism shall be dealt with through the corrective disciplinary process.

Supervisors shall:

- be responsible for granting time off to the extent authorized through collective bargaining agreements and federal and state statutes and regulations, and to the extent that an employee has sufficient leave accruals to cover the requested time off unless unpaid time has been authorized through Human Resource Management; and
- maintain accurate attendance records for staff in their units and ensure fair and equitable treatment of attendance issues through quarterly reviews of individual employee attendance and adherence to DCF procedures for addressing excessive absenteeism.

**See:** "Supervisor's Guide to Corrective Discipline including Attendance Expectations."

**Performance Evaluations**

DCF shall ensure that employee performance is evaluated on an ongoing basis by supervisors and that such performance is documented on the performance appraisal form designated for the applicable job classification and in accordance with collective bargaining agreements and state regulations.

Newly-hired employees shall be evaluated prior to the completion of the initial probationary period at the time designated in their collective bargaining agreements or state statute or regulation. Employees in the initial probationary period who fail to receive a satisfactory rating during the initial probationary period (including any extension of that period) shall not be retained.

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**Performance Evaluations**  
(Continued)

Employees promoted to a higher job classification shall be evaluated prior to completion of the promotional probationary period at the time designated in their collective bargaining agreements or state statute or regulation.

Employees in a promotional probationary period who fail to receive a satisfactory rating prior to the completion of such probationary period shall be handled in accordance with their collective bargaining agreements or state statute or regulation.

All employees shall be evaluated annually on the applicable performance appraisal form and at the time designated in their collective bargaining agreements or by state statute or regulation.

Interim performance evaluations shall be conducted at times other than those indicated above as deemed necessary by management and supported by performance concerns, when not restricted by a collective bargaining agreement.

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**Administrative Leave with Pay**

DCF shall utilize administrative leave with pay only in situations in which allegations of serious misconduct that could constitute just cause for dismissal if substantiated have been raised. Such leave shall be used when the employee's presence at work is deemed to be harmful to the public; to the welfare, health or safety of clients, patients, state employees or state property; or could impede the administrative investigation into the allegations that have led to the administrative leave.

When practicable, efforts shall be made to find a way to maintain the employee at work, through an alternative assignment or location, pending resolution of the issues that have led to the consideration of administrative leave.

The authority to impose administrative leave with pay lies with the Director of Human Resource Management. In her absence, the Assistant Director of Human Resource Management shall have the authority to impose such leave.

The Commissioner or Deputy Commissioner for Administration may also designate administrative leave with pay.

The attendance code for administrative leave with pay (AL) shall be used on an employee's time sheet when the employee is put out of work under this policy.

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**Human Resource Management Investigations**

DCF HR Management shall investigate all allegations of employee misconduct that may result in a violation of agency policy, state policy, regulation or performance issues that may result in disciplinary action. Investigations shall take into account the rights of the employee against whom the allegations have been raised and shall be conducted in a professional, courteous and respectful manner.

All documents created during an HR investigation shall be maintained in an investigatory file. The only document that may be retained in the employee's personnel file is the final notice of discipline or a document that serves as the disciplinary notice

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**Human Resource Management Investigations**  
(Continued)

Documents and information regarding investigations shall remain confidential to the extent possible. To this end, any employee involved in the investigatory process shall be advised that he or she may not discuss the investigation or the allegations while the investigation is pending. Any employee who violates this expectation may be disciplined for such violation.

Only those employees who are identified as having information relevant to the allegations being investigated will be interviewed in connection with the investigation. Persons interviewed in connection with an investigation shall only be given information regarding the allegation to the extent that such information is needed for that person to participate meaningfully in the process.

Upon conclusion of an investigation in which disciplinary action is imposed, management and supervisory staff in the employee's chain of command shall be provided with a copy of the disciplinary action in order to appropriately document the issue in the employee's performance evaluation and to provide appropriate guidance and supervision.

**Note:** Investigatory and disciplinary documents may be required to be released pursuant to the Freedom of Information Act, a court order or other legal process.

**Corrective Discipline**

The focus of discipline at DCF shall be to assist the employee in correcting behaviors that are interfering with the successful performance of his or her job or to address performance deficits.

In general, corrective discipline shall be progressive in nature and taken after supervisory interventions such as counseling and formal counseling fail to correct such behaviors or identified performance issues. In cases in which misconduct or poor performance is of a level such that progressive discipline is not an appropriate response, higher levels of disciplinary action shall be imposed.

The authority to impose discipline rests with the Commissioner or designee who is a manager. Disciplinary authority shall never be delegated to a bargaining unit employee.

**See:** "Supervisors Guide to Corrective Discipline including Attendance Expectation."

**Corrective Disciplinary Process and Documentation**

The standard for any disciplinary action shall be "just cause." Just cause shall be established through an investigation conducted by Human Resource Management in accordance with DCF policy. No disciplinary action resulting in a loss of pay may be imposed prior to the completion of a pre-disciplinary meeting (also known as a "Loudermill hearing").

Any bargaining unit employee subjected to disciplinary action (written reprimand, suspension, disciplinary demotion or termination of employment) shall have the right to challenge such action in accordance with his or her collective bargaining agreement.

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**Corrective  
Disciplinary  
Process and  
Documentation**  
(Continued)

Non-unionized employees shall have the right to challenge disciplinary action (suspension, disciplinary demotion or termination) to the Employee Review Board.

A written notice of discipline shall be given to the employee with copies maintained in the supervisory file and the employee's official personnel file.

All disciplinary action shall be reflected in the employee's performance evaluation for the year in which the conduct occurred or the year in which disciplinary action was imposed, should that be different. Should the action and the imposition of discipline span two review periods, the action shall not be reflected in both annual evaluations.

Copies of notices of disciplinary action shall be provided to the employee's supervisor and managers within the employee's chain of command. The notice shall also be maintained in the HR labor file related to the investigation. For employees covered by a collective bargaining agreement, a copy of the notice shall be provided to the employee's union representative. For non-unionized employees who have obtained representation during the investigatory process, a copy of the notice shall be provided to the representative.

In cases in which the employee and DCF come to an agreement to modify an imposed level of discipline, the original disciplinary notice shall be removed from all sources except the labor file and shall be replaced with notice of the new level of discipline or the written agreement that alters the original level of discipline.

Should the agreement involve rescission of disciplinary action with no alternate level of discipline being imposed, no documentation shall be maintained in any file except the labor file.

If there is an agreement that counseling shall occur, documentation shall be in accordance with the level of counseling as indicated in this policy.

Disciplinary notices shall be maintained in the official personnel file permanently unless removal is required by the employee's collective bargaining agreement, by statute or through the authority of the designated grievance process.

Requests for expunging disciplinary notices shall be directed to the Director of Human Resource Management in writing with sufficient information supporting the reason for the request in order for a decision to be made.

Absent any statutory or collective bargaining authority for removal, the decision of the Director of Human Resource Management shall be final.

**Note:** Regardless of final outcome, disciplinary documents may be required to be disclosed pursuant to the Freedom of Information Act, a court order or other legal process.

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**Communicable Illnesses**

In order to maintain a safe and healthy work environment for all employees, the Department of Children and Families shall require employees with communicable illnesses to:

- minimize their exposure to the workplace during the period of illness,
- provide all documentation required to demonstrate they have been medically cleared to return to duty following any such illness, and
- report any potential exposure to the workplace to Human Resources immediately upon determination of such potential.

Employees who identify a potential communicable illness or disease shall have that information protected; however, DCF shall take steps necessary to limit the potential exposure to other employees and users of the workplace including increased cleaning measures or notification of exposure to others as needed.

No employee shall be harassed or discriminated or retaliated against based on any medical condition or for compliance with this policy.

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**Worker's Compensation**

DCF shall comply with all state statutes and regulations regarding work-related injuries or illnesses and shall work with the Department of Administrative Services and the contracted third party provider for Worker's Compensation to ensure efficient administration of all claims.

An employee who has suffered a work-related injury or illness shall:

- report that injury or illness promptly to his or her supervisor;
- complete all required forms promptly;
- provide documentation as required; and
- properly document any absence due to a work-related injury or illness on his or her attendance records.

Supervisors shall:

- complete Worker's Compensation reports of injury or illness for any employee in their chain of command who reports such injury or illness;
- ensure prompt notification to all parties as required by DCF procedures;
- file all required paperwork with Human Resource Management in a timely fashion;
- ensure accurate documentation of the attendance of any employee out of work due to a work-related injury or illness; and
- coordinate all Worker's Compensation issues with the designated representative in Human Resource Management.

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**Payroll**

The DCF Payroll Office shall establish procedures and operating guidelines and they shall be well-documented and publicized. Unusual situations shall be individually considered and exceptions made when possible and allowable if there otherwise would be an unfair or burdensome hardship placed upon an employee.

Employees shall be encouraged to communicate with the Payroll Office through the location payroll coordinator for the employee's particular work site.

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**Payroll**  
(continued)

Major functions of the Payroll Office include:

- payroll administration;
- planning and coordination;
- centralized payroll and time accounting unit;
- benefit administration;
- retirement planning and counseling;
- disability retirements;
- payroll auditing;
- tuition reimbursement;
- longevity; and
- travel reimbursement processing transmitted from the Fiscal Services and Support Division

**Employee Compensation and Benefits - Duties of the Payroll Unit**

The Human Resource Management Payroll Unit shall ensure that employee compensation and reimbursement are made in compliance with all federal and state statutes and regulations as well as each employee's collective bargaining agreement. In addition, the Payroll Unit shall ensure proper deduction for all state-sponsored benefits and any other deductions authorized by the employee or required by law.

Compensation is set by state statute or regulation or the employee's collective bargaining agreement. The Payroll Unit shall ensure appropriate salary placement and shall take steps to prevent improper payments from being made.

Employee requests for reimbursement for expenses authorized by state statute or regulation or in accordance with the employee's collective bargaining agreement shall be reviewed and authorized for payment by the Payroll Unit.

The Payroll Unit shall ensure that all required deductions for state and federal taxes and other mandatory items are made from each employee's paycheck in accordance with the requirements of the Office of the State Comptroller.

Deductions mandated by court order, such as child support payments or wage garnishments, shall be administered through the Comptroller's Office.

Employee deductions for maintenance of benefits such as retirement, health insurance, dental insurance, life insurance and other state-sponsored supplemental benefits shall be made in accordance with the requirements of the Office of the State Comptroller.

**Authorization for Overtime**

DCF supervisors shall be authorized to approve overtime work for bargaining unit staff who are entitled to earn overtime only when such situations are deemed "absolutely necessary," meaning that the situation is critical to public health, welfare and safety or is needed for the essential management of state responsibilities.

When approving overtime, managers shall ensure that such payments are consistent with policy and the applicable collective bargaining agreements.

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**Authorization for Overtime**  
(Continued)

When a need for overtime work is anticipated, requests for authorization shall be submitted as far in advance as possible to the supervisor and appropriate manager.

In an emergency situation when supervisory personnel are not available to authorize overtime, an employee may attend to the emergency situation and advise management the following day.

Notations for overtime payment shall be recorded on the employee's time sheet and initialed by the supervisor to indicate authorization for payment.

The reason for the overtime, in general terms, shall also be indicated on the timesheet.

**Note:** Managers shall not be entitled to overtime pay.

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**Compensatory Time Off**

Bargaining unit employees whose collective bargaining agreements do not provide for overtime pay may earn compensatory time off under the same procedures used to approved overtime pay for other bargaining unit employees and consistent with the respective CBA.

Managers may be authorized to earn compensatory time off in accordance with the standards of the Department of Administrative Services guidelines.

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**Reimbursement for Travel Time**

Under certain conditions, employees shall be compensated for travel time specifically related to their assigned duties.

When an employee is required to travel to place a child, either in-state or out-of-state, or when an employee is required to travel to visit a child in an out-of-state placement, and travel time occurs outside of the employee's usual shift, the employee shall be reimbursed for time spent traveling.

Travel time to make a placement or visit includes:

- time spent traveling with a child to a placement;
- related travel without a child, *e.g.*, to pick up a child or to return without the child after a placement has been made; and
- traveling to and from a child's placement when making an out-of-state visit.

The employee shall receive his or her regular state pay for traveling during the employee's scheduled work day.

The employee shall receive overtime or compensatory time for traveling with or without the child during the following time periods:

- time spent traveling that exceeds the employee's scheduled work day, either before the work day starts or after the work day ends; and
- weekend traveling.

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**Reimbursement  
for Travel Time**  
(Continued)

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When it is necessary to complete collateral work associated with making the placement or visit, *e.g.*, telephone calls or paperwork, the employee shall receive:

- regular state pay for any work completed during the employee's scheduled work day; and
- overtime or compensatory time for work which must be completed after the employee's scheduled work day ends.

When an employee travels to or from a DCF-mandated conference, either in-state or out-of-state, the employee shall receive:

- regular state pay for time spent traveling during the employee's scheduled work day; and
- overtime or compensatory time for traveling that exceeds the employee's scheduled work day, either before the work day starts or after the work day ends.

When an employee wishes to attend a conference that is not mandated by DCF and has received approval to attend such conference, the employee shall receive his or her regular state pay for the scheduled work day(s) only. There shall be no reimbursement for any travel time that may be required beyond the employee's scheduled work day.

An employee whose work week is unscheduled shall continue to flex his or her schedule so that travel time is part of his or her normal work hours whenever possible.

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