

Number 9.1 - IMMEDIATE DISMISSAL

Effective Date: March 1, 1996

Applicable To: All classified employees with the Executive Branch of the State of Vermont.

Issued By: Department of Personnel

Approved By: William H. Sorrell, Secretary of Administration

PURPOSE AND POLICY STATEMENT

The State of Vermont is committed to applying progressive discipline or corrective action with a view toward uniformity and consistency. However, circumstances may warrant dismissing an employee immediately without two (2) weeks' notice or two (2) weeks' pay in lieu of notice. This policy is intended to outline what circumstances might warrant immediate dismissal.

GENERAL GUIDELINES

The Disciplinary Action Article of the current Agreements between the State of Vermont and the Vermont State Employees' Association, Inc. (VSEA) must be adhered to when imposing discipline on an employee covered by the contract..

An employee may be immediately dismissed for any of the following reasons: gross neglect of duty; gross misconduct; refusal to obey lawful and reasonable orders given by supervisors; conviction of a felony; or conduct which places in jeopardy the life or health of a co-worker or of a person under the employee's care.

Whenever employees are required by their supervisor or management to give oral or written statements on an issue involving employees, which may lead to discipline against them, or whenever employees are called to a meeting with management where discipline is to be imposed on employees, they shall be notified of their right to request the presence of a VSEA representative. If so requested, the VSEA representative has the right to accompany employees to any such meeting.

An appointing authority should use discretion to impose a penalty that is reasonable for the offense. Dismissal will be justified for minor offenses if a chronic pattern of violation, not corrected after repeated discipline, is shown.

EXAMPLES OF ACTIONS THAT MAY WARRANT IMMEDIATE DISMISSAL

Following are some examples of gross misconduct that **may** warrant immediate dismissal of a State employee:

- Failure to meet reasonable standards of conduct such as: fighting or threatening physical harm to another.
- Theft or destruction of property.
- Intentional loss, damage, destruction, or unauthorized use of property, records, or information.
- Defiance of authority, refusal to obey reasonable and lawful orders, or wanton disregard of directives.
- Conviction of a felony.
- Conviction under any criminal drug statute for a violation occurring in the workplace, while on or off duty, or on duty away from the workplace.
- Falsification of records or use of official position for personal advantage.
- Abuse of patients, inmates, or students; or mistreatment of those charged to the care of the employee.
- Compromising the examination process for State employment through unauthorized possession, use, or furnishing to others of examination information or materials.
- Compromising the security of a State institution or facility.