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**ADMINISTRATIVE REGULATION
NUMBER** 208

OPR: PERSONNEL

EMPLOYEE CORRECTIVE ACTION (ECA)

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the policies, procedures, and responsibilities for administering employee corrective action.

II. POLICY

It is the policy of the ADOC to ensure fair and equitable treatment to which all employees are entitled. This policy is a strategic and fair approach to handling employee behavior and job performance deficiencies, emphasizing correction and improvement over punitive measures.

III. DEFINITIONS AND ACRONYMS

- A. **Appointing Authority**: The ADOC Commissioner.
- B. **Corrective Action Plan (CAP)**: A plan developed for an employee to address behavioral or job performance deficiencies, inform the employee where improvement is required, the desired result(s), and a specific time period allowed for correction.
- C. **Counseling**: An opportunity for a supervisor to communicate employee behavioral or job performance deficiencies with an employee and provide him/her the opportunity to correct deficiencies before ECA becomes necessary.
- D. **Employee**: Any person employed by the ADOC as a full-time, part-time, or temporary employee.
- E. **Employee Corrective Action (ECA)**: - The rules and procedures followed by the ADOC to enforce its standards of behavior and address misconduct and/or policy violations amongst employees pursuant to the State Personnel Department

procedures and rules regarding progressive discipline. It outlines the steps taken and consequences the employee faces should he/she fail to adhere to established standards/requirements.

- F. **Employee Corrective Action System (eCAS)**: The program developed and maintained by the ADOC IT Division to track and manage workflow for corrective action approvals.
- G. **Employee Institution/Division File**: Employee work history file maintained by supervisory staff at the facility/division.
- H. **Employee Personnel (201) File**: Employee work history file maintained by the ADOC Personnel Division.
- I. **Hearing/Reviewing Officer**: Individual designated by the ADOC Commissioner, or his/her designee, who presides over administrative proceedings.
- J. **Involuntary Demotion**: A severe corrective action where an employee is assigned to a position in a lower classification for behavioral or job performance deficiencies.
- K. **Presenting (Charging) Official**: Deputy/Associate Commissioner, Wardens/Division Director, or designee(s), who charges an employee with a corrective action and subsequently presents the charge to a duly authorized Hearing Officer.
- L. **Progressive Discipline**: The process of administering corrective action in an escalating format to allow the employee the opportunity to correct behavioral and job performance deficiencies.
- M. **Severe Step of Progressive Discipline**: Step of discipline authorized by the Commissioner, or his/her designee, including suspension, involuntary demotion, and termination. Suspension days are assigned based on the employee's work schedule.
- N. **Suspension**: The third step of the ECA process where an employee is temporarily placed in an inactive work status without pay (cannot exceed 30 calendar days in one calendar year). Suspension days are assigned based on the employee's work schedule.
- O. **Termination**: the final step of the ECA process where an employee is terminated due to behavioral or job performance deficiencies.
- P. **Warning**: The first step of the ECA process used by supervisors to address employee behavioral and job performance deficiencies.
- Q. **Written Reprimand**: The second step of the ECA process used by supervisors to address employee behavioral and job performance deficiencies.

IV. RESPONSIBILITIES

- A. The Commissioner is responsible for:
 - 1. Ensuring ADOC employees are treated fairly and equitably.
 - 2. Acting on recommendations for serious steps of ECA.
- B. Deputy/Associate Commissioners, Wardens, and Division Directors are responsible for implementing and adhering to this AR.
- C. The ADOC Personnel Director is responsible for:
 - 1. Implementing, distributing, and maintaining this policy to ensure the ECA policy complies with State Personnel Department policies and procedures and applicable employment laws.
 - 2. Providing policy oversight and guidance to ADOC supervisors so ECA is carried out in a timely, consistent, and fair manner.
 - 3. Providing training opportunities for supervisory staff authorized to implement and/or participate in the ECA process.
 - 4. Managing eCAS workflow in coordination with Deputy/Associate Commissioners and Division Directors.
- D. The ADOC Personnel Legal Counsel is responsible for ensuring the ECA policy complies with applicable laws and regulations.
- E. Supervisors are responsible for appropriately addressing employee behavioral or job performance deficiencies.
- F. Employees are responsible for reading, understanding, and complying with this AR.

V. PROCEDURES

- A. The escalation of penalties within the ECA usually proceeds as follows:
 - 1. Counseling (Non-Disciplinary);
 - 2. Warning;
 - 3. Written Reprimand;
 - 4. Suspension from Work Without Pay;
 - 5. Involuntary Demotion (often combined with another step of ECA);

6. Termination.
- B. Expectations for Supervisors: Before a supervisor decides whether a particular situation requires ECA, he/she shall adhere to each of the following:
1. Supervisors should make reasonable efforts to ensure employees are aware of and have access to ADOC ARs, policies, and standard operating procedures (SOPs) for which they are responsible and held accountable.
 2. Supervisors should attempt to bring about positive changes in employee behavior and job performance.
 3. When an employee's behavior or job performance falls below standards, the supervisors should, when appropriate, gather written statements from employees/witnesses, departmental forms/ documents, surveillance video, audio recordings, etc., and, when practical, talk to the employee regarding the relevant behavioral or job performance deficiencies prior to implementing ECA.
 4. Counseling and/or additional training should typically take place prior to implementing ECA.
 5. The step of ECA depends, among other considerations, upon the severity of the present infraction and the employee's work history. To promote fair and equitable treatment of employees, supervisors should reference Annex E, *ADOC Employee Corrective Action Table*, and/or consult with the ADOC Personnel Director when administering corrective action. Prior offenses within 3 years of the infraction date must be considered, while prior offenses older than 3 years may be used as aggravating factors to increase the level of ECA.
 6. Because prompt action is necessary to achieve the desired corrective result, a supervisor should address and document an employee's behavioral or job performance deficiencies as they occur. A corrective action should be uploaded to eCas within ten (10) days from the date of the incident. A supervisor's failure to address issues as they occur prevents the employee from correcting behavioral or job performance deficiencies. Supervisors should not accumulate issues over time to implement a more severe step of ECA. Exceptions to the ten-day rule may be considered when awaiting investigative results or drug test results.
 7. Regardless of the circumstances, in accordance with § 36-26-29, *Code of Alabama (1975)*, "no charges for dismissal or disciplinary action shall be preferred against any employee in the classified service of the state after the expiration of three (3) years from the date such cause became known to the authority having the power to terminate or discipline such employee."

8. Only the Commissioner, or his/her designee, can implement severe steps of ECA.
9. A supervisor should always conduct ECA meetings with an employee in a confidential setting, with only the appropriate personnel present (e.g., supervisory chain of command, ADOC Personnel Director/designee, or ADOC Personnel Legal Counsel/designee). The supervisor should provide the employee with a clear statement of the behavioral or job performance deficiencies and, if applicable, a CAP.

C. Counseling Before ECA:

1. The Deputy/Associate Commissioner may delegate the authority to conduct counseling sessions to subordinate supervisors.
2. Where appropriate, supervisors are encouraged to counsel employees before administering ECA. Counseling is not discipline, but rather is an opportunity for a supervisor to document that he/she clearly and concisely communicated behavioral or job performance deficiencies to an employee and provided him/her the opportunity to improve in problem areas before ECA becomes necessary.
3. Supervisors will use eCAS to compose a Counseling, upload supporting information (e.g. witness statements, video/audio evidence, work product samples), and receive necessary supervisory approvals prior to administration to the employee. All information relied upon to support the corrective action must be uploaded into eCAS.
4. Supervisory staff included in the eCAS review/approval workflow are tasked with ensuring that ECA is applied in a timely, consistent, and fair manner.
5. Supervisors should not serve Counseling documentation or conduct a corrective action session with the employee until all approvals have been received through eCAS.
6. The eCAS generated ADOC Form 208-A, *Employee Counseling Form*, should be administered in a confidential setting. The supervisor should inform the employee that his/her failure to correct the behavioral or job performance deficiencies that necessitated counseling may lead to ECA.
7. During counseling, the supervisor should assist the employee in identifying behavioral and job performance deficiencies and offer specific ways or opportunities in which the employee can correct/improve the behavioral or job performance deficiencies.
8. The employee must sign the ADOC Form 208-A, *Employee Counseling Form*, acknowledging counseling occurred. Signing the form does not indicate that the employee agrees or assents to anything discussed during

counseling, or even the necessity of counseling. An employee's refusal to sign the form will be considered insubordination and will result in additional corrective action.

9. After the counseling session, the supervisor should provide a copy of the ADOC Form 208-A, *Employee Counseling Form*, to the employee. The original is maintained in the Employee Facility/Division File.
10. An electronic copy of the completed Counseling, and employee rebuttal, if applicable, should be uploaded into eCAS and submitted after the five (5) working days have passed. The status of the corrective action will be modified to "Closed".
11. Because counseling is not considered corrective action, ADOC Form 208-A, *Employee Counseling Form*, shall not be placed in an Employee's 201 File. However, should the employee's behavioral or job performance deficiencies fail to be remedied through counseling, and ultimately require that the supervisor use ECA, it is possible that a related ADOC Form 208-A, *Employee Counseling Form*, will be placed in the Employee 201 file. Further, ADOC Form 208-A, *Employee Counseling Form*, can be used by supervisors for training purposes and to justify/supplement performance appraisal ratings.
12. Supervisors may use counseling to address behavioral or job performance deficiencies, including punctuality, absenteeism, dress code, or excessive use of personal mobile/electronic devices. However, depending on the severity of the behavioral or job performance deficiencies, the supervisor may elect to skip counseling and implement ECA. Supervisors should address serious rule violations through ECA and not through counseling.

D. Warning:

1. Employees who fail to adequately improve after counseling, or who's behavioral or job performance deficiencies are too severe for counseling to be deemed appropriate, will be subject to ECA. The first step of ECA is a Warning.
2. A supervisor will use eCAS to compose a Warning, upload supporting information (e.g., ADOC Form 208-A, *Employee Counseling Form*, witness statements, video/audio evidence, work product samples), and receive necessary supervisory approvals prior to administration to the employee. It may be appropriate for a supervisor to develop a CAP to address behavioral or job performance deficiencies. A CAP informs the employee of the area(s) where improvement is required, the desired result(s), and a specific time period for the employee to correct the issue(s) and for supervisory staff to review behavior and job performance. All information relied upon to support the corrective action must be uploaded into eCAS.

3. A CAP is not created in eCAS but should be uploaded into eCAS to supplement the Warning. Supervisors seeking assistance in composing a CAP should reference the Progressive Discipline Manual published by the State Personnel Department Training Division.
4. Supervisory staff included in the eCAS review/approval workflow are tasked with ensuring that ECA is applied in a timely, consistent, and fair manner.
5. Supervisors should not serve Warning documentation or conduct a corrective action session with the employee until all approvals have been received through eCAS.
6. The eCAS generated ADOC Form 208-B, *Warning*, should be administered in a confidential setting, at which time the supervisor should inform the employee that further corrective action will be implemented if the behavioral and/or job performance area(s) fails to improve to the desired level. At no time will a supervisor specify the next step of ECA to an employee.
7. The employee must sign the ADOC Form 208-B, *Warning*, to acknowledge supervisory discussion and receipt of the form. The employee's signature does not indicate that he/she agrees with any facts documented and relied upon in the ADOC Form 208-B, *Warning*, or any corrective action taken. An employee's refusal to sign the ADOC Form 208-B, *Warning*, will be considered insubordination and will result in further corrective action.
8. The employee shall be provided with a copy of the completed ADOC Form 208-B, *Warning*, with the original being placed in the Employee Facility/Division File.
9. The employee does not have the right to appeal the Warning; however, he/she can submit a written rebuttal to the administering supervisor within five (5) working days of receipt. A timely filed employee rebuttal shall be placed in the Employee Facility/Division File to supplement the ADOC Form 208-B, *Warning*.
10. An electronic copy of the completed ADOC Form 208-B, *Warning*, and employee rebuttal, if applicable, should be uploaded into eCAS and submitted after the five (5) working days have passed. The status of the corrective action will be modified to "Closed" once the ADOC Personnel File Clerk has received a copy of the completed ADOC Form 208-B, *Warning*, and employee rebuttal, if applicable, for placement in the Employee 201 File.
11. The rating supervisor shall document a Warning on the Employee Performance Appraisal for the appropriate appraisal period in which it was administered. A Warning does not result in any points being deducted from the employee's overall performance appraisal score; however, the Warning may negatively impact an applicable work-habit area and/or the

responsibility rating. The rating supervisor shall attach a copy of the Warning to the completed Employee Performance Appraisal as documentation.

E. Written Reprimand:

1. A Written Reprimand is the second step of ECA. A Written Reprimand typically is implemented when an employee's behavioral or job performance deficiencies do not adequately improve after he/she received counseling and/or received a Warning.
2. A supervisor will use eCAS to compose a Written Reprimand, upload supporting information (e.g., ADOC Form 208-A, *Employee Counseling Form*, witness statements, video/audio evidence, work product samples), and receive necessary supervisory approvals prior to administration to the employee.
3. It may be appropriate for a supervisor to develop a CAP to address the problem area(s). A CAP informs the employee of the area(s) where improvement is required, the desired result(s), and a specific time period for the employee to correct the issue(s) and for supervisory staff to review the behavior.
4. A CAP is not created in eCAS but should be uploaded into eCAS to supplement the Written Reprimand. Supervisors seeking assistance in composing a CAP should reference the Progressive Discipline Manual published by the State Personnel Department Training Division.
5. Supervisory staff included in the eCAS review/approval workflow are tasked with ensuring that ECA is applied in a timely, consistent, and fair manner.
6. Supervisors should not serve Written Reprimand documentation or conduct a corrective action session with the employee until all approvals have been received through eCAS.
7. The eCAS generated ADOC Form 208-C, *Written Reprimand*, should be administered in a confidential setting, at which time the supervisor should inform the employee that further corrective action will be implemented if the behavioral or job performance deficiencies fail to improve to the desired level. At no time will a supervisor specify the next step of ECA to an employee.
8. The employee must sign the ADOC Form 208-C, *Written Reprimand*, to acknowledge supervisory discussion and receipt. The employee's signature does not indicate that he/she agrees with any facts documented and relied upon in the ADOC Form 208-C, *Written Reprimand*, or any corrective action taken. An employee's refusal to sign the ADOC Form 208-C, *Written*

Reprimand, will be considered insubordination and will result in further corrective action.

9. The employee shall be provided with a copy of the completed ADOC Form 208-C, *Written Reprimand*, with the original being placed in the Employee Facility/Division File.
10. The employee does not have the right to appeal the Written Reprimand; however, he/she can submit a written rebuttal to the administering supervisor within five (5) working days of receipt. A timely filed employee rebuttal shall be placed in the Employee Facility/Division File to supplement the ADOC Form 208-C, *Written Reprimand*.
11. An electronic copy of the completed ADOC Form 208-C, *Written Reprimand*, and employee rebuttal, if applicable, should be uploaded into eCAS and submitted after the five (5) working days have passed. The status of the corrective action will be modified to "Closed" once the ADOC Personnel File Clerk has received a copy of the completed ADOC Form 208-C, *Written Reprimand*, and employee rebuttal, if applicable, for placement in the Employee 201 File.
12. The rating supervisor shall document a Written Reprimand on the Employee Performance Appraisal for the appropriate appraisal period in which it was administered. The work habit area or responsibility of poor performance should reflect the corrective action that occurred. The Written Reprimand should be documented in the disciplinary portions of the Employee Performance Appraisal. Any employee who receives a Written Reprimand shall have his/her overall performance appraisal score reduced by seven (7) points.

F. Suspension:

1. The third step of ECA is a Suspension from State service without pay. A Suspension is appropriate when an employee's behavioral or job performance deficiencies do not adequately improve after he/she received a Counseling, Warning, or Written Reprimand. Supervisors may recommend a Suspension for the violation of serious work rules on the first infraction.
2. A Suspension is a substantial punishment and must be imposed by the Commissioner, or his/her designee. An employee cannot be suspended for more than 30 calendar days within a 1-year period.
3. The Presenting (Charging) Official should submit a Notice of Recommended Suspension (see AR 208 Annex A, *Sample Notice of Recommended Suspension*) and supporting documentation/evidence (e.g., witness statements, video/audio evidence, and work product samples) into eCAS to receive necessary approvals prior to administration to the employee. The

Notice of Recommended Suspension must state the behavioral or job performance deficiencies in sufficient detail.

4. Should the proposed Suspension receive necessary approvals in eCAS, the Presenting (Charging) Official is authorized to serve the Notice of Recommended Suspension to the employee. The employee must sign and date the Notice of Recommended Suspension acknowledging his/her receipt, not agreement with the recommended Suspension or the content supporting the recommendation.
5. The employee is to be provided a copy of the Notice of the Recommended Suspension. The copy signed by the employee is to be uploaded into eCAS with the original being placed in the Employee Facility/Division File.
6. After the Presenting (Charging) Official administers the Notice of Recommended Suspension to the employee, the employee can choose to either:
 - a. Request a hearing, with or without witnesses being made available;
 - b. Waive his/her right to a hearing and instead provide a written response to the allegations for consideration by the Commissioner, or his/her designee(s); or
 - c. Waive his/her right to a hearing or to provide a written response and accept the Suspension.
7. Any employee who desires to provide a written response must do so within 10 business days from the date he/she received the Notice of Recommended Suspension. The Presenting (Charging) Official will upload the ADOC Form 208-D, *Employee Response for Hearing*, along with the written response into eCAS for review.
8. Any employee who desires a hearing must submit his/her election on ADOC Form 208-D, *Employee Response for Hearing*, within 10 business days from the date he/she received the Notice of Recommended Suspension. The Presenting (Charging) Official will subsequently upload the ADOC Form 208-D, *Employee Response for Hearing*, and any associated attachments into eCAS and indicate whether the employee desires a hearing. The ADOC Personnel Director, or his/her designee(s), will coordinate scheduling the hearing.
9. The Hearing Officer will conduct a hearing to receive information supporting or opposing Suspension. The employee may retain, at his/her own expense, an attorney or an employees' association representative to represent him/her. Moreover, the employee may call ADOC employees who have direct knowledge of the actions/incidents upon which the allegations are based as witnesses and must identify those witnesses on the ADOC Form 208-D,

Employee Response for Hearing he/she submits to the Presenting (Charging) Official indicating his/her desire for a hearing. Hearings are closed to the public and to other employees who have no official purpose in attending.

- a. Virtual hearings may be authorized through coordination between the Presenting (Charging) Official and the Hearing Officer. Virtual hearings will be held through approved video conferencing platforms (e.g., Microsoft TEAMS) at approved locations throughout the state.
 - b. Hearing participants authorized to attend virtually will receive a notification with instructions regarding date, time, and where to report locally. Virtual attendees are subject to the same rules, procedures, and decorum as those attending in person. Participants must maintain appropriate confidentiality measures, including securing their environment and avoiding disruptions.
10. After the hearing concludes, the Hearing Officer will formulate a written recommendation that either upholds the recommended Suspension or offers an alternative solution (see AR 208 Annex B, *Record of Administrative Hearing*). This recommendation will be presented to the Commissioner, or his/her designee(s), for him/her to make a final decision.
 11. The ADOC Personnel Director, or his/her designee, after consultation with the Presenting (Charging) Official to learn potential suspension dates, will prepare a letter that notifies the employee of the final decision. If the Commissioner, or his/her designee, upholds the Suspension, the letter will include specific terms of the Suspension (i.e., suspension dates and return to work obligations).
 12. The letter signed by the Commissioner, or his/her designee(s), will be forwarded to the Presenting (Charging) Official to present to the employee in a confidential setting. The employee must sign and date the letter acknowledging receipt, not agreement with the content or corrective action. The employee's refusal to sign and date the letter will result in additional corrective action.
 13. The employee shall be provided a copy of the completed Suspension letter, with the original being placed in the Employee Facility/ Division File.
 14. The signed copy of the completed Suspension should be uploaded into eCAS and submitted. The status of the corrective action will be modified to "Closed" once the ADOC Personnel File Clerk has received a copy of the completed Suspension for placement in the Employee 201 File.
 15. A Suspension is documented on the Employee Performance Appraisal for the appropriate review period. The work habit area and/or responsibility of poor performance should reflect the corrective action that occurred. The step of ECA should be documented in the disciplinary portions of the Employee

Performance Appraisal. An employee who receives a Suspension shall have his/her overall performance appraisal score reduced by 17 points.

G. Involuntary Demotion:

1. An Involuntary Demotion (Demotion) is a severe and serious step in the corrective action process and must be imposed by the Commissioner. A Demotion may be combined with another step of ECA such as a Warning, Written Reprimand, or Suspension.
2. When considering whether to demote an employee, the Presenting (Charging) Official should perform a thorough review of the employee's work history, annual evaluations, and other corrective actions. In situations where it is believed that a Demotion is warranted, the Presenting (Charging) Official should prepare a Notice of Recommended Demotion memorandum (see AR 208 Annex C, *Sample Notice of Recommended Demotion*). The Notice of Recommended Demotion should state behavioral or job performance deficiencies in sufficient detail.
3. The Presenting (Charging) Official should submit the Notice of Recommended Demotion and associated documentation/evidence (e.g., witness statements, video/audio evidence, and work product samples) into eCAS to receive necessary approvals prior to administration to the employee.
4. Once approved, the Presenting (Charging) Official is authorized to administer the Notice of Recommended Demotion to the employee. The employee must sign and date the Notice of Recommended Demotion acknowledging his/her receipt, not agreement with the recommended Demotion or the content supporting the recommendation.
5. The employee is to be provided a copy of the Notice of Recommended Demotion. The copy signed by the employee is to be uploaded into eCAS with the original being placed in the Employee Facility/Division File.
6. After the Presenting (Charging) Official administers the Notice of Recommended Demotion to the employee, the employee can choose to either:
 - a. Request a hearing, with or without witnesses being made available;
 - b. Waive his/her right to a hearing and instead provide a written response to the allegations for consideration by the Commissioner, or his/her designee(s); or
 - c. Waive his/her right to a hearing or to provide a written response and accept the Demotion.

7. Any employee who desires to provide a written response must do so within 10 business days from the date he/she received the Notice of Recommended Demotion. The Presenting (Charging) Official will upload the ADOC Form 208-D, *Employee Response for Hearing*, along with the written response into eCAS for review.
8. Any employee who desires a hearing must submit his/her election on AR 208 Form D, *Employee Response for Hearing*, within 10 business days from the date he/she received the Notice of Recommendation for Demotion. The Presenting (Charging) Official will subsequently upload the AR 208 Form D, *Employee Response for Hearing*, and any associated attachments into eCAS and indicate whether the employee desires a hearing. The ADOC Personnel Director, or his/her designee(s), will coordinate scheduling the hearing.
9. The Hearing Officer will conduct a hearing to receive information supporting or opposing Demotion. The employee may retain, at his/her own expense, an attorney or an employees' association representative to represent him/her. Moreover, the employee may call ADOC employees who have direct knowledge of the actions/incidents upon which the allegations are based as witnesses and must identify those witnesses on the AR 208 Form D, *Employee Response for Hearing*, he/she submits to the Presenting (Charging) Official indicating his/her desire to have a hearing. Hearings are closed to the public and to other employees who have no official purpose in attending.
 - a. Virtual hearings may be authorized through coordination between the Presenting (Charging) Official and the Hearing Officer. Virtual hearings will be held through approved video conferencing platforms (e.g., Microsoft TEAMS).
 - b. Hearing participants authorized to attend virtually will receive a notification with instructions regarding date, time, and where to report locally. Virtual attendees are subject to the same rules, procedures, and decorum as those attending in person. Participants must maintain appropriate confidentiality measures, including securing their environment and avoiding disruptions.
10. After the hearing concludes, the Hearing Officer will formulate a written recommendation that either upholds the recommended Demotion or offers an alternative solution (see AR 208 Annex B, *Record of Administrative Hearing*). This recommendation will be presented to the Commissioner, or his/her designee(s), for him/her to make a final decision.
11. The ADOC Personnel Director, or his/her designee, will prepare a letter for the Commissioner's signature notifying the employee of the final decision. If the Commissioner upholds the recommended Demotion, the letter will include specific terms of the Demotion (i.e., new classification title, job assignment and location, salary rate).

12. When an employee receives a Demotion, his/her salary must be reduced to at least the maximum rate for the new classification. If the employee's present salary falls within the range for the lower classification, the salary may be decreased at the time of Demotion, at the Commissioner's request and in compliance with State Personnel Department Rules.
13. The letter signed by the Commissioner will be forwarded to the Presenting (Charging) Official to administer to the employee in a confidential setting. The employee must sign and date the letter acknowledging receipt, not agreement with the content or corrective action. The employee's refusal to sign and date the letter will result in additional corrective action.
14. The employee shall be provided a copy of the Demotion letter with the original being placed in the Employee Facility/Division File.
15. The signed copy of the completed Demotion should be uploaded into eCAS and submitted. The status of the corrective action will be modified to "Closed" once the ADOC Personnel File Clerk has received a copy of the completed Demotion for placement in the Employee 201 File.
16. An employee who receives a Demotion cannot appeal the decision to the State Personnel Board but may seek review of the decision from the State Personnel Director within 10 business days after receiving notice of the Demotion.
17. A Demotion is documented on the Employee Performance Appraisal for the appropriate review period. The work habit area and/or responsibility of poor performance should reflect the corrective action that occurred. The step of ECA should be documented in the disciplinary portions of the Employee Performance Appraisal. An employee who receives a Demotion shall have his/her overall performance appraisal score reduced by 24 points.

H. Termination:

1. Termination is the final step of ECA. Only the Commissioner can terminate an individual's employment.
2. The Presenting (Charging) Official should prepare and submit a Notice of Recommended Termination of Employment (see AR 208 Annex D, *Sample Notice of Recommended Termination of Employment*) and supporting documentation/evidence (e.g., witness statements, video/audio evidence, and work product samples) into eCAS to receive necessary approvals. The Notice of Recommended Termination of Employment must state the behavioral or job performance deficiencies in sufficient detail.
3. Once approved, the Presenting (Charging) Official shall serve the employee with the Notice of Recommended Termination of Employment. The employee must sign and date the Notice of Recommended Termination of

Employment acknowledging his/her receipt, not agreement with the recommended Termination or the content supporting the recommendation.

4. The employee is to be provided a copy of the Notice of Recommended Termination of Employment. The copy signed by the employee is to be uploaded into eCAS with the original being placed in the Employee Facility/Division File.
5. After the Presenting (Charging) Official serves the Notice of Recommended Termination of Employment, the employee may either:
 - a. Request a conference;
 - b. Submit a written response to the allegations for the Commissioner's consideration; or
 - c. Request to voluntarily resign from State service (see ADOC Form 208-E, *Notification of Voluntary Separation*), with the understanding that the Commissioner reserves the right to deny the request and you most likely will not be recommended for re-employment.
6. Depending on the nature of the infraction leading to the recommended Termination, an employee may be placed on mandatory leave until the Commissioner reaches a final decision. Mandatory leave requires prior approval of the State Personnel Director. The ADOC Personnel Director will coordinate with the State Personnel Director to receive proper authorization.
7. In situations where the ADOC places an employee on mandatory leave, the Presenting (Charging) Official, or his/her designee, is responsible for collecting any State-issued equipment and credentials. The employee must adhere to applicable ARs, policies, and SOPs while he/she is on mandatory leave.

Any employee who desires to provide a written response must do so within 10 business days from the date he/she received the Notice of Recommended Termination of Employment. The Presenting (Charging) Official will upload the ADOC Form 208-D, *Employee Response for Conference*, along with the written response into eCAS for review.

8. An employee who desires a conference must submit ADOC Form 208-F, *Employee Response for Conference* within 10 business days from the date he/she received the Notice of Recommended Termination of Employment). The Presenting (Charging) Official will subsequently upload the AR 208 Form F, *Employee Response for Conference*, and any associated attachments into eCAS and indicate whether the employee desires a conference. The ADOC Personnel Director, or his/her designee(s), will coordinate scheduling the conference. A Reviewing Officer, who is identified and assigned by the ADOC Personnel Director, or his/her designee, will conduct a conference to

allow the employee to respond to the Notice of Recommended Termination and the behavioral or job performance deficiencies included therein (i.e., “tell your side of the story”). The employee may retain an attorney or an employees’ association representative, at his/her own expense. The conference is closed to the public and to other employees who have no official purpose in attending.

9. After the conference concludes, the Reviewing Officer will formulate a written recommendation that either upholds the recommended Termination or offers an alternative solution. The Reviewing Officer will forward this recommendation to the ADOC Personnel Director, or his/her designee, who will present the recommendation to the Commissioner for a final decision.
10. Should the Commissioner uphold the Termination, the ADOC Personnel Director, or his/her designee, will prepare a letter for the Commissioner’s signature notifying the employee of the final decision.
11. For an employee who is not on mandatory leave, the signed Termination letter will be forwarded to the Presenting (Charging) Official to facilitate administration of the letter to the employee. The employee is required to sign and date the letter to acknowledge receipt. The employee shall be provided a copy of the Termination letter with the original being placed in the Employee Facility/Division File.
12. The signed copy of the completed Termination should be uploaded into eCAS and submitted. The status of the corrective action will be modified to “Closed” once the ADOC Personnel File Clerk has received a copy of the completed Termination for placement in the Employee 201 File.
13. For employees on mandatory leave, the signed Termination letter will be sent by regular U.S. mail and certified mail to the employee’s address on file. The ADOC Personnel Director, or his/her designee, will upload the Termination letter into eCAS and change the status of the corrective action to “Closed.”
14. A permanent employee who is terminated from State service may appeal the decision to the State Personnel Board. Any employee who wishes to request a hearing before the Board must do so within 10 days of receiving the Commissioner's letter notifying him/her of the Termination. An appeal request must specifically address all behavioral and job performance deficiencies contained in the Notice of Recommended Termination of Employment and should include the employee’s contact information, (i.e., current mailing address, telephone number, e-mail address).

I. Guidance for the use of AR 208 Annex E, *Employee Corrective Action Table*:

1. AR 208 Annex E, *Employee Corrective Action Table*, is intended to promote consistent corrective action within the ADOC and guide supervisors at all levels when ECA becomes necessary.

2. At times, there are mitigating or aggravating circumstances surrounding the infraction, and as such, the appropriate level of ECA may be increased or decreased in relation to AR 208 Annex E, *Employee Corrective Action Table*. When determining the severity of ECA, supervisors should consider the following relevant factors:
 - a. The nature and seriousness of the infraction, and its relation to the employee's job duties, position, and responsibilities, including frequency, intent, and negligence.
 - b. The employee's job level and type of employment.
 - c. The employee's past corrective action record.
 - d. The employee's past work record, including length of service, performance on the job, cooperation with co-workers, and dependability.
 - e. The effect of the infraction upon the employee's ability to behave and perform at a satisfactory level and its effect upon supervisors' confidence in the employee's work behavior and ability to perform assigned duties.
 - f. Consistency of the corrective action imposed upon other employees for the same or similar infractions.
 - g. The impact of the infraction upon the reputation of the ADOC.
 - h. The employee's knowledge of applicable ARs and SOPs that the employee's behavioral or job performance deficiencies violated and that the behavioral or job performance deficiencies would result in corrective action.
 - i. The potential for the employee to correct the behavioral or job performance deficiencies.
 - j. Mitigating circumstances surrounding the infraction such as unusual job tensions, personality conflicts, mental impairment, harassment, or other involved parties' bad faith, malice, or provocation.
 - k. The adequacy and effectiveness of alternative corrective action to deter such behavioral or job performance deficiencies in the future by the employee or others.
3. Deviation from AR 208 Annex E, *Employee Corrective Action Table*, shall be fully justified in writing through the chain of command for necessary approvals by the respective Deputy Commissioner, in collaboration with the ADOC Personnel Director or their designee(s).

J. ADOC Rights and Declarations:

1. Nothing in this regulation is intended to abrogate the Commissioner's authority under Section 36-26-27, Code of Alabama, 1975, and Rule 670-X-18-.02, Alabama Administrative Code.
2. Although the ECA process is normally used to apply increasingly severe corrective action, cases involving serious violations of general work rules could result in Suspension, Demotion, or Termination on the first infraction. It is recommended that the Presenting (Charging) Official consult with the ADOC Personnel Director, or his/her designee, prior to taking corrective action for a serious violation. Serious violations are identified in State Personnel General Work Rules established by Alabama Administrative Code, Chapter 670-x-19, incorporated by the AR 250, *ADOC General Work Rules and Standards of Conduct*.
3. Conduct resulting in corrective action may also subject an employee to criminal prosecution for the same conduct.

VI. DISPOSITION

ECA documentation, forms, evidence, etc. shall be maintained as established herein and subsequently retained and disposed of in accordance with ARs addressing compliance with the ADOC Records Disposition Authority (RDA).

VII. ANNEXES AND FORMS

- A. ADOC Form 208-A, *Employee Counseling Form* (eCAS generated)
- B. ADOC Form 208-B, *Warning* (eCAS generated)
- C. ADOC Form 208-C, *Written Reprimand* (eCAS generated)
- D. ADOC Form 208-D, *Employee Response for Hearing*
- E. ADOC Form 208-E, *Notification of Voluntary Separation*
- F. ADOC Form 208-F, *Employee Response for Conference*
- G. Annex A, *Sample: Notice of Recommended Suspension*
- H. Annex B, *Record of Administrative Hearing*
- I. Annex C, *Sample: Notice of Recommended Demotion*
- J. Annex D, *Sample: Notice of Recommended Termination of Employment*

K. Annex E, *ADOC Employee Corrective Action Table*

VIII. SUPERSEDES

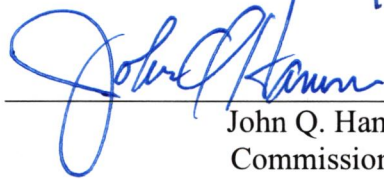
This Administrative Regulation supersedes AR 208, *Employee Corrective Action (ECA)*, dated May 1, 2025, and any changes.

IX. PERFORMANCE

A. Code of Alabama 1975 § 14-1-1.1 *et seq.*

B. State Personnel Department Progressive Discipline Manual.

Approval Date: 1/5/2026



John Q. Hamm
Commissioner

EMPLOYEE COUNSELING FORM

1. This form is to be used by supervisors to document remedial discussions with employees. ***This is not disciplinary.***
2. Prior to administering the form, it should be forwarded to the Deputy/Associate Commissioner, or his/her designee, for review and approval.
3. After the counseling session, a completed copy of this form must be provided to the employee and forwarded to the ADOC Personnel Division. The original copy is maintained in the Employee Institution/Division File.

Employee's Full Name: _____ Employee ID XXX-XX-_____

Department: _____ Institution / Division: _____

State in detail the problem to be discussed with the employee. Provide the administrative regulation, policy, and/or standard operating procedure the employee violated and/or must improve. Refer to AR 250, General Work Rules and Standards of Conduct, institution/division SOPs, and the employee's responsibilities and results and work habits. Additional sheets can be attached as necessary.

State how the problem is going to be resolved. Employee is encouraged to provide the appropriate resolution to the problem. If the employee is unable to provide their own resolution the rating supervisor should suggest a remedy.

State the time frame in which the problem will be corrected. For some issue "immediately" may be appropriate; however, some issues require the supervisor to establish a reasonable time frame in which the problem is to be corrected by the employee. A meeting should be rescheduled for the employee and the rating supervisor to review the employee's progress, or lack thereof.

SIGNATURES: The employee's signature is an acknowledgment of discussion. It does not necessarily mean that the employee agrees. The employee may submit written comments relating to the above action to the rating supervisor. Comments will be attached to this form. ***REFUSAL TO SIGN THIS FORM IS AN ACT OF INSUBORDINATION AND WILL RESULT IN PROGRESSIVE DISCIPLINE.***

Supervisor Signature: _____

Date: _____

Employee Signature: _____

Date: _____



KAY IVEY
GOVERNOR

State of Alabama Department of Corrections

Alabama Criminal Justice Center
301 South Ripley Street
P. O. Box 301501
Montgomery, AL 36130-1501
(334) 353-3883



JOHN Q. HAMM
COMMISSIONER

Date

MEMORANDUM

To:

From:

Facility/Division:

Recommendation: Warning

Infraction Date:

Description:

Specific citation of Administrative Regulation violated:

AR 250 General Work Rules and Standards of Conduct

AR 208, Annex E, Employee Corrective Action Table

According to your ADOC work history file(s), you have been employed with the ADOC since **Appointment Date**.
During your tenure, you have received the following corrective actions:

<u>Date</u>	<u>Corrective Action</u>	<u>Offense(s)</u>
-------------	--------------------------	-------------------

Employee Date

Witness Date



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JOHN Q. HAMM
COMMISSIONER

Date

MEMORANDUM

To:

From:

Facility/Division:

Recommendation: Written Reprimand

Infraction Date:

Description:

Specific citation of Administrative Regulation violated:

AR 250 General Work Rules and Standards of Conduct

AR 208, Annex E, Employee Corrective Action Table

According to your ADOC work history file(s), you have been employed with the ADOC since **Appointment Date**.
During your tenure, you have received the following corrective actions:

<u>Date</u>	<u>Corrective Action</u>	<u>Offense(s)</u>
-------------	--------------------------	-------------------

Employee

Date

Witness

Date



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JOHN Q. HAMM
COMMISSIONER

MEMORANDUM

TO: ADOC Personnel Director
FROM: EMPLOYEE NAME
RE: Employee Response for Hearing

I recently received written notice of the recommended **CORRECTIVE ACTION HERE**. I was advised that my status as a permanent merit system employee entitles me to a hearing prior to a final decision being made regarding this corrective action. After careful consideration, I have decided that:

I **DO** desire a hearing to respond to the alleged behavioral and job performance deficiencies and:

I **will** **will not** be represented by an attorney or employee's association representative.

I request that ADOC make available the following ADOC employees to respond to specific questions associated with the alleged behavioral and job performance deficiencies.

Name	Job Classification	Work Location

I **DO NOT** desire a hearing. Instead, I desire to respond to each alleged behavioral and job performance deficiency in writing (attached). Please present my written response to the Commissioner for consideration prior to a final decision being made regarding this corrective action.

I **DO NOT** want a hearing to respond to alleged behavioral and job performance deficiencies. I will not provide a written response or any other information to supplement what has already been provided to the Commissioner. I hereby accept the recommended corrective action.

My signature certifies I fully understand the information included herein and have made the aforementioned decision independently and without coercion or influence.

Signature: _____

Date: _____

Notification of Voluntary Separation



TO: Alabama Department of Corrections (ADOC) Personnel Division	DATE: _____
FROM: _____ <i>Employee's Full Name</i>	SSN: XXX-XX-_____
CLASS/ JOB TITLE: _____ <i>Example: Correctional Officer, Senior</i>	FACILITY/ DIVISION: _____
SUBJECT: Separation	

I am separating employment with the ADOC effective close of business:

My reason(s) for separation is/are as follows:

Check one:

- I am accepting an appointment w/ _____ as a _____
beginning on _____. *Name of State Agency* *New Classification Date*
- I am accepting employment with an employer other than the State of Alabama.
- I am choosing to pursue/further my education.
- I am no longer able to perform my responsibilities.
- I am retiring effective close of business: _____

Have you submitted paperwork to RSA? Yes No

Other Reason:

My signature acknowledges that my decision to resign is being made of my own free will and volition and without any coercion or outside influence. I understand that in order to ensure favorable consideration for reemployment with ADOC I am required to provide at least a two (2) weeks advanced notice and resign in good standing without the prospect of pending disciplinary action.

I understand that if I am resigning to accept another position in state service, I must coordinate with ADOC Personnel Division to ensure adherence with proper separation procedures.

Employee's Signature

Receiving Supervisor's Signature



KAY IVEY
GOVERNOR

State of Alabama Department of Corrections

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JOHN Q. HAMM
COMMISSIONER

MEMORANDUM

TO: ADOC Personnel Director
FROM: EMPLOYEE NAME
RE: Employee Response for Conference

I recently received written notice of the recommendation that my employment with the State be terminated. I was advised that my status as a permanent merit system employee entitles me to a conference prior to a final decision being made regarding my employment status. After careful consideration, I have decided:

I **DO** desire a conference to respond to the alleged behavioral or job performance deficiencies and:
I **will** **will not** be accompanied by an attorney or employee's association representative.

I **DO NOT** desire a conference. Instead, I desire to respond to each alleged behavioral or job performance deficiency in writing (attached). Please present my written response to the Commissioner for consideration prior to a final decision being made regarding my employment status.

I **DO NOT** want a conference to respond to alleged behavioral or job performance deficiencies that I violated ADOC administrative regulations. Instead, I voluntarily resign from State service, with the understanding that it is highly probable that the ADOC will not recommend for re-employment (attach ADOC Form 208-E, *Notification of Voluntary Separation*).

My signature certifies I fully understand the information included herein and have made the aforementioned decision independently and without coercion or influence.

Signature: _____ Date: _____



KAY IVEY
GOVERNOR

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JOHN Q. HAMM
COMMISSIONER

DATE

MEMORANDUM

TO: EMPLOYEE
FROM: WARDEN/DIVISION DIRECTOR
SUBJECT: Notice of Recommended Suspension

This memorandum serves as official notice of my recommendation to suspend your employment with the ADOC for one (1) business day(s) according to your work schedule based upon your violation of ADOC administrative regulations (ARs). The circumstances prompting this recommended suspension are outlined below.

On Tuesday, April 16, 2024, you arrived at work at 6:45 am, which is 45 minutes past your scheduled start time of 6:00 am. Your supervisor, Sergeant Drake Rapper, questioned you to ascertain specific details regarding your tardiness and noted your failure to adhere to ADOC call-in procedures. In response, you stated that you were late because you overslept and did not hear your alarm.

Your actions, as described, are in violation of the following ARs:

AR 250 - General Work Rules and Standards of Conduct:

Section V. Procedures

A. General Work Rules:

1. In addition to any special rules various appointing authorities for the guidance of their employees, the following standard general work rules shall apply to all classified employees. These rules are consistent with those in Chapter 670-x-19-0.1, *Alabama Administrative Code*, as amended.
 - a. Violations that normally result in corrective actions of increasing severity:
 2. Tardiness, not on the job ready to work at the beginning of the shift.
 8. Violations of department rules;
 - b. More serious violations that may result in suspension, involuntary demotion, or termination on the first offense:
 1. Violations of safety rules;
 10. Serious violation of any other ADOC rule;

Annex A to AR 208
Page 1 of 3

B. Standards of Conduct: Employees are expected to demonstrate high standards of personal integrity, conduct themselves in a professional manner, and display an attitude of cooperation and respect. Employees who violate

or fail to adhere to these standards of conduct may be subjected to employee corrective action in accordance with AR 208, *Employee Corrective Action*.

1. All ADOC employees shall adhere to the following standards:
 - a) Report to work on time and in a condition to perform their job properly, obtaining approval for any absence from work.
 - b) Tardiness, failure to follow proper call-in procedures and unexcused absence.
 - c) Render full, efficient and industrious service.
 - d) Respond promptly to directions and instructions of supervisor.
 - e) Exercise courtesy and tact.
 - h) Observe all laws, rules and regulations.

AR 220 – Departmental Leave Policy

Section V. Procedures

Q. Call-in Procedures:

1. Every employee is responsible for reporting to work at the appropriate work site or duty post ready to begin work at the scheduled time.
3. Security personnel shall call-in not less than two (2) hours prior to their beginning duty time.

In reviewing this action and determining the appropriate corrective action, I considered the following infractions under AR 208, Annex E, ADOC Employee Corrective Action Table:

- 2. Late for work (tardiness)/failure to follow proper call-in procedures.

According to your ADOC work history file(s), you have been employed with the ADOC since September 1, 2022. During your tenure, you have received the following corrective actions:

Date	Corrective Action¹	Infraction
January 3, 2024	Written Reprimand	2. Tardiness/failed to follow call-in procedures.
October 31, 2023	Warning	2. Tardiness/failed to follow call-in procedures.
June 10, 2023	Counseling	6. Failed to perform job properly.
November 22, 2022	Counseling	2. Tardiness/failed to follow call-in procedures.

Because this is your fourth infraction for tardiness, and there are not any mitigating or aggravating circumstances warranting a deviation from the ADOC Employee Corrective Action Table, recommending your suspension from work without pay for one (1) business day(s) according to your work schedule appears to be the most appropriate corrective action. Based on your status as a permanent merit system employee, you are entitled to a hearing before an impartial Hearing Officer which affords you the opportunity to respond to the allegations prompting the recommended suspension.

AR 208 requires that you notify the ADOC Personnel Director, or his/her designee, in writing of your desire to either (1) have a hearing, with or without witnesses being made available (witnesses must be specified in writing); (2) waive your right to a hearing and instead provide a written response to the allegations for the Commissioner; or (3) waive your right to a hearing or respond in writing and accept the suspension. To specify your election, complete the ADOC Form 208-D, *Employee Response for Hearing*, and return it to me within ten (10) business days from the date you receive this notice.

Annex A to AR 208
Page 2 of 3

¹ Counseling (verbal or written) is not considered corrective action but rather formal documentation of behavioral or job performance deficiencies.

To specify your election, complete the attached memorandum and return it to me within ten (10) business days from the date you receive this notice. If you decide to provide a written response rather than have a hearing, your response must also be submitted to me within ten (10) business days from the date you receive this notice. Your failure to respond will be interpreted as a waiver of your right to a hearing, resulting in the Commissioner moving forward in making a final decision on your employment status.

Should you decide to exercise your right to the hearing, you may, at your own expense, have representation present at this hearing. You may present information on your behalf and request that ADOC employee(s) who have direct knowledge of the incident(s) resulting in the hearing attend as a witness. Character witnesses and multiple witnesses making the same statement generally are not allowed.

The Commissioner will receive and review the recommendations of the Hearing Officer but is not bound by the recommendation. The Commissioner's decision is final with the ADOC.

Employee acknowledgement of receipt: _____
Signature Date Time

DISTRIBUTION:
ADOC Personnel/201 File
Facility/Division File
Employee

Annex A to AR 208
Page 3 of 3



KAY IVEY
GOVERNOR

State of Alabama Department of Corrections

Alabama Criminal Justice Center
301 South Ripley Street
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Montgomery, AL 36130-1501
(334) 353-3883



JOHN Q. HAMM
COMMISSIONER

ALABAMA DEPARTMENT OF CORRECTIONS RECORD OF ADMINISTRATIVE HEARING

Facility/Division:

This hearing is hereby convened on *(insert date)* at *(insert time)* under the authority of ADOC Administrative Regulation 208 dated April 2024 in the *(specify location)* at *(insert facility/division)*.

Hearing Officer: *(insert name)*, *(insert job title)* at *(insert facility or assignment)*

Presenting (Charging) Official: *(insert name)*, *(insert job title)* at *(insert facility or assignment)*

Employee Being Charged: *(insert name)*, *(insert job title)*
Work Location: *(insert work location)*
Date of Employment with ADOC: *(insert date of employment)*
Home Address: *(insert address)*
Telephone: *(insert telephone number)*

Employee is is not represented by counsel or employee's association representative.

Counsel's or Representative's name: *(insert name)*

Office address: *(insert address)*

Telephone: *(insert telephone number)*

All witnesses are to be sworn in simultaneously or as each is called to provide testimony.

WITNESSES:

Called by Presenting Official:

(List each by name and job title. If non-ADOC employee, provide address and telephone number.)

Called by Employee:

(List each by name and job title. If non-ADOC employee, provide address and telephone number.)

INFRACTIONS:

Hearing Official shall read the specific infractions into the record or indicate that the employee waives the reading of the infractions.

PRESENTATION BY PRESENTING OFFICIAL:

Identify exhibits – Assign each with distinguishing, sequential numbering (P-1, P-2, etc.)

Witness testimony (summary)

Cross examination by Employee/Counsel or Representative (summary)

PRESENTATION BY EMPLOYEE:

Identify exhibits – Assign each with distinguishing, sequential numbering (E-1, E-2, etc.)

Witness testimony (summary)

Cross examination by Presenting Official (summary)

SUMMATION:

PRESENTING OFFICIAL: _____

EMPLOYEE: _____

REVIEW OF EMPLOYEE’S SERVICE RECORD:

A review of the employee’s service record reflects the following corrective action(s):

Most recent three appraisal scores (indicate rating period):

COMMENTS BY HEARING OFFICIAL:

OPTIONS OF THE COMMISSIONER (shall be explained to the employee as provided in AR 208):

- A. May approve or disapprove the recommendation of the Hearing Officer.
- B. Direct that a different corrective action be taken to include an increase or decrease of punishment.
- C. Direct another hearing on the matter.

The hearing was concluded at (*insert time*).

FINDINGS OF THE HEARING OFFICER:

The hearing officer agrees/disagrees with the recommend corrective action (be specific and provide findings for each infraction).

AUTHENTICATION:

SIGNATURE OF HEARING OFFICER

DATE

Attachments (List):

Annex B to AR 208
Page 3 of 3



KAY IVEY
GOVERNOR

State of Alabama Department of Corrections

Alabama Criminal Justice Center
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JOHN Q. HAMM
COMMISSIONER

DATE

MEMORANDUM

TO: EMPLOYEE
FROM: WARDEN/DIVISION DIRECTOR
SUBJECT: Notice of Recommended Demotion

This memorandum serves as official notice of my recommendation of your involuntary demotion from Correctional Sergeant (60712) to Correctional Officer, Senior (60709) based upon your behavioral and job performance deficiencies. The circumstances prompting this recommended demotion are outlined below.

On April 15, 2024, through April 18, 2024, you were assigned to the ADOC Training Academy Facility in Selma to participate in a leadership development and training class that was offered to the ADOC in partnership with Jacksonville State University. At the conclusion of the course, instructors and attendees reported that the ADOC Training Academy Commander that you were consistently disruptive throughout the training, possibly impeding the overall effectiveness of the curriculum for other attendees. Specifically, it was reported that you talked loudly while instructors were teaching; used your personal mobile device to play games, access social media, and watch streaming video content; made inappropriate comments in a failed attempt to be humorous (e.g., "that's what she said"), and fell asleep on multiple instances. The complainants collectively agreed that your behavior was inappropriate, embarrassing, and failed to represent ADOC leadership in a positive light, damaging our reputation with the training provider.

Your actions, as described, are in violation of the following Administrative Regulations:

AR 250 - General Work Rules and Standards of Conduct:

Section V. Procedures

A. General Work Rules:

1. In addition to any special rules various appointing authorities for the guidance of their employees, the following standard general work rules shall apply to all classified employees. These rules are consistent with those in Chapter 670-x-19-0.1, *Alabama Administrative Code*, as amended.
 - a. Violations that normally result in corrective actions of increasing severity:
 8. Violations of department rules.
 - b. More serious violations that may result in suspension, involuntary demotion, or termination on the first offense:

- 1. Violations of safety rules;
- 8. Sleeping on the job;
- A. Serious violation of any other ADOC rule;
- 12. Disruptive conduct of any sort;

B. Standards of Conduct: Employees are expected to demonstrate high standards of personal integrity, conduct themselves in a professional manner, and display an attitude of cooperation and respect. Employees who violate or fail to adhere to these standards of conduct may be subjected to employee corrective action in accordance with AR 208, *Employee Corrective Action*.

- 2. All ADOC employees shall adhere to the following standards:
 - c) Render full, efficient and industrious service.
 - d) Respond promptly to directions and instructions of supervisor.
 - e) Exercise courtesy and tact.
 - h) Observe all laws, rules and regulations.

In reviewing this action and determining the appropriate corrective action, I considered the following infractions under AR 208, Annex E, *ADOC Employee Corrective Action Table*:

13. Violations of rules, policies, procedures, regulations, laws, or reasonable conduct expectations to include safety/security regulations.

19. Sleeping or giving the appearance of sleeping on duty.

According to your ADOC work history file(s), you have been employed with the ADOC since October 7, 2019. You were promoted to your current position in the Sergeant classification on April 1, 2023. During your tenure, you have received the following corrective actions:

<u>Date</u>	<u>Corrective Action*</u>	<u>Infraction</u>
February 29, 2024	Written Reprimand	Failure to perform job properly (with consequences)
September 4, 2023	Warning	Minor violations of ARs (no serious consequences)
August 30, 2022	Warning	Failure to perform job properly (with consequences)
May 16, 2021	Counseling	Minor violations of ARs (no serious consequences)
December 25, 2020	Written Reprimand	Refusal to remain on duty during shortage

After reviewing and considering all available information, I have concluded that the most appropriate corrective action is an Involuntary Demotion to Correctional Officer, Senior. Although you have violated the infractions referenced in AR 208 Annex E, and a Written Reprimand is recommended for violations of numbers 15 and 24, the following aggravating circumstances increase the severity of this corrective action:

* Counseling (verbal or written) is not considered corrective action but rather formal documentation of behavioral or job performance deficiencies.



KAY IVEY
GOVERNOR

State of Alabama Department of Corrections

Alabama Criminal Justice Center
301 South Ripley Street
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JOHN Q. HAMM
COMMISSIONER

DATE

MEMORANDUM

TO: EMPLOYEE
FROM: WARDEN/DIVISION DIRECTOR
SUBJECT: Notice of Recommended Termination of Employment

This memorandum serves as official notice of my recommendation that your employment with the ADOC be terminated based upon your behavioral and job performance deficiencies. The circumstances prompting this recommendation are outlined below.

On Tuesday, April 16, 2024, during a search, you used inappropriate and unnecessary force against an inmate as a form of punishment, resulting in severe injuries that necessitated his immediate transfer to a local medical facility for treatment. Additionally, you falsified the incident report and directed subordinate officers to provide false information in their reports, which negatively impacted the internal investigation. These actions are not only in violation of our established regulations but also breach the principles of integrity and professionalism that are fundamental to the ADOC.

Your actions, as described, are in violation of the following Administrative Regulations (ARs):

AR 250 - General Work Rules and Standards of Conduct:

Section V. Procedures

A. General Work Rules:

1. In addition to any special rules various appointing authorities for the guidance of their employees, the following standard general work rules shall apply to all classified employees. These rules are consistent with those in Chapter 670-x-19-0.1, *Alabama Administrative Code*, as amended.
 - a. Violations that normally result in corrective actions of increasing severity:
 8. Violations of department rules;

Annex D to AR 208
Page 1 of 4

- b. More serious violations that may result in suspension, involuntary demotion, or termination on the first offense:
 - 6. Falsification of records – Application for Employment, timecard, doctor’s excuse, etc.
 - 10. Serious violation of any other ADOC rule;
 - 12. Disruptive conduct of any sort;
 - 13. Conduct unbecoming a state employee;

B. Standards of Conduct: Employees are expected to demonstrate high standards of personal integrity, conduct themselves in a professional manner, and display an attitude of cooperation and respect. Employees who violate or fail to adhere to these standards of conduct may be subjected to employee corrective action in accordance with AR 208, *Employee Corrective Action*.

- 1. All ADOC employees shall adhere to the following standards:
 - c. Render full, efficient and industrious service.
 - d. Respond promptly to directions and instructions of supervisor.
 - e. Exercise courtesy and tact
 - h. Observe all laws, rules and regulations.
 - i. Uphold, with integrity, the public’s trust involved in their position.

- 2. ADOC employees shall not:
 - b. Abuse inmates in any manner

- 7. Employee/Witness Statements:
 - c. Any ADOC employee who makes false statements; refuses to testify, make statements, and/or answer questions; or is obviously evasive in answers shall be subject to corrective action, up to and including termination.
 - e. Any ADOC employee who makes false statements; refuses to testify, make statements, and/or answer questions; or is obviously evasive in answers shall be subject to corrective action, up to and including termination.

Use of Force Manual

03.00 GENERAL USE OF FORCE

- A. Officers may only use the amount of force that is reasonably necessary under the circumstances to maintain order or gain control of an inmate or incident.
- E. Force should not be used to retaliate or punish.
- I. A use of force incident must be reported and review per policy and this Manual.

In reviewing this action and determining the appropriate corrective action, I considered the following infractions under AR 208, Annex E, *ADOC Employee Corrective Action Table*:

- 13. Violations of rules, policies, procedures, regulations, laws, or reasonable conduct expectations to include safety/security regulations.
- 28. Conduct that is disgraceful, on or off the job, that does adversely affect an employee's effectiveness on the job.
- 31. Fighting, assault, physical violence, or disruptive behavior.
- 42. Giving false information or verbal/written statement in connection with an investigation or inquiry.

According to your ADOC work history file(s), you have been employed with the ADOC since August 22, 2015. During your tenure, you have received the following corrective actions:

Date	Corrective Action*	Infraction
October 7, 2023	Written Reprimand	6. Failure to perform job properly (with consequences)
March 21, 2022	Warning	1. Minor violations of ARs (no serious consequences)
August 30, 2022	Counseling	1. Minor violations of ARs (no serious consequences)
May 16, 2021	Warning	6. Failure to perform job properly (with consequences)
December 25, 2020	Written Reprimand	16. Refusal to remain on duty during shortage
January 30, 2019	Written Reprimand	9. Disagreeable behavior (insubordination)
February 4, 2018	Suspension (2 days)	19. Sleeping or giving appearance of sleeping on duty
June 16, 2017	Counseling	2. Tardiness
November 12, 2016	Written Reprimand	19. Sleeping or giving appearance of sleeping on duty

After review and consideration of all available factors, the recommendation to terminate your employment is the most appropriate corrective action. Based on your status as a permanent merit system employee, you are entitled to a conference before a Reviewing Officer to "tell your side of the story." AR 208, *Employee Corrective Action*, requires that you use the attached memorandum to notify the ADOC Personnel Director, or his/her designee, of your desire to either (1) request a conference; (2) submit a written response to the allegations for the Commissioner's consideration; or (3) request to voluntarily resign from State service (see ADOC Form 208-E, *Notification of Voluntary Separation*), with the understanding that the Commissioner reserves the right to deny the request and you most likely will not be recommended for re-employment.

You are required to notify the ADOC Personnel Director, or his/her designee, of your election within ten (10) business days from the date you receive this notice. If you decide to provide a written response rather than have a conference, your response must also be submitted to me within ten (10) business days from the date you receive this notice. Your failure to respond will be interpreted as a waiver of your right to a conference, resulting in the Commissioner moving forward in making a final decision on your employment status.

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* Counseling (verbal or written) is not considered corrective action but rather formal documentation of behavioral or job performance deficiencies.

Should you decide to exercise your right to the conference, you may present written statements of witnesses or any other information regarding these charges. You may, at your own expense, have representation present at this conference.

The Commissioner will receive and review the recommendations of the Hearing Officer but is not bound by the recommendation. The Commissioner's decision is final with the ADOC.

Signature

Date

Time

DISTRIBUTION:

ADOC Employee 201 File

Facility/Division File

Employee

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Alabama Department of Corrections
ADOC EMPLOYEE CORRECTIVE ACTION TABLE

Nbr.	<u>Infraction</u>	<u>First Infraction</u>	<u>Second Infraction</u>	<u>Third Infraction</u>	<u>Fourth Infraction</u>	Prior AR Infraction Numbers	
						May 2024	Oct. 2009
1.	Minor violations of or non-compliance with ADOC regulations, rules, policies, procedures that do not result in serious consequences.	Counseling	Warning	Written Reprimand	1 day suspension 5 th 2 days suspension 6 th – 3 days suspension 7 th – 5 days suspension 8 th – Termination	#1	#1 #2 #15
2.	Late for work (tardiness). (For priors, look at prior 12-month period from infraction date).	Counseling	Warning	Written Reprimand	1 day suspension 5 th 2 days suspension 6 th – 3 days suspension 7 th – 5 days suspension 8 th - Termination	#2	#7
3.	Failure to follow proper call-in procedures. (For priors, look at prior 12-month period from infraction date).	Counseling	Warning	Written Reprimand	1 day suspension 5 th 2 days suspension 6 th – 3 days suspension 7 th – 5 days suspension 8 th - Termination	#2	#2
4.	Failure to follow Labor Management System (i.e., eSTART) procedures to include, but not limited to, clocking-in/out, timecard approval, roster management including but not limited to Telestaff and/or working in overtime status without prior approval (including loitering and not promptly clocking out causing employee to go into unapproved overtime). (For priors, look at prior 12-month period from infraction date).	Counseling	Warning	Written Reprimand	1 day suspension 5 th - 2 days suspension 6 th – 3 days suspension 7 th – 5 days suspension 8 th - Termination	#3	#8

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ADOC EMPLOYEE CORRECTIVE ACTION TABLE

Nbr.	<u>Infraction</u>	<u>First Infraction</u>	<u>Second Infraction</u>	<u>Third Infraction</u>	<u>Fourth Infraction</u>	<u>Prior AR Infraction Numbers</u>	
						May 2024	Oct 2029
5.	Refusal of a supervisor's instruction to remain on duty during a shortage or personnel situation and/or emergency situation.	Counseling	Warning	Written Reprimand	1 day suspension 5 th 2 days suspension 6 th – 3 days suspension 7 th – 5 days suspension 8 th - Termination	#16	#21
6.	Abuse, misuse, or unauthorized use of equipment such as telephone, bulletin boards, state vehicles, including but not limited to speeding, or other state property, not causing damages.	Counseling	Warning	Written Reprimand	1 day suspension 5 th – 2 days suspension 6 th – 3 days suspension 7 th – Termination	#4	#3 #5
7.	Participation in unauthorized activity of a minor nature at the workplace.	Counseling	Warning	Written Reprimand	1 day suspension 5 th – 2 days suspension 6 th – 3 days suspension 7 th – Termination	#5	#6
8.	Failure to perform job properly.	Warning	Written Reprimand	2 days suspension	3 days suspension 5 th – 5 days suspension 6 th – 10 days suspension 7 th - Termination	#6	#10
9.	Failure to follow supervisor's instructions or non-compliance with policies and procedures.	Written Reprimand	2 days suspension	3 days suspension	5 days suspension 5 th & 6 th – 10 days suspension 7 th - Termination	#7	#11
10.	Leaving assigned post and/or workstation before the end of the shift/workday without permission from proper authority or proper relief.	Written Reprimand	2 days suspension	3 days suspension	5 days suspension 5 th & 6 th – 10 days suspension 7 th - Termination	#8	#12 #28
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ADOC EMPLOYEE CORRECTIVE ACTION TABLE

Nbr.	<u>Infraction</u>	<u>First Infraction</u>	<u>Second Infraction</u>	<u>Third Infraction</u>	<u>Fourth Infraction</u>	<u>Prior AR Infraction Numbers</u>	
						May 2024	Oct 2009
11.	Disagreeable behavior, including lack of cooperation or insubordination.	Written Reprimand	2 days suspension	3 days suspension	5 days suspension 5 th & 6 th – 10 days suspension 7 th – Termination	#9	#13
12.	Failure to immediately report to proper authority (supervisor) the violation of any rule, practice, or policy involving self or others.	Written Reprimand	2 days suspension	3 days suspension	5 days suspension 5 th & 6 th – 10 days suspension 7 th – Termination	#7	#14
13.	Inattention to the job.	Written Reprimand	2 days suspension	3 days suspension	5 days suspension 5 th & 6 th – 10 days suspension 7 th – Termination	#11	#16
14.	Taking into any ADOC facility any article, item, or property which is not authorized by regulation or otherwise addressed in this table without the approval of the Warden/Division Director/Designee.	Written Reprimand	2 days suspension	3 days suspension	5 days suspension 5 th & 6 th – 10 days suspension 7 th - Termination	#12	#17
15.	Violations of rules, policies, procedures, regulations, laws, or reasonable conduct expectations to include safety/security regulations.	Written Reprimand	2 days suspension	3 days suspension	5 days suspension 5 th & 6 th – 10 days suspension 7 th - Termination	#13	#18
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ADOC EMPLOYEE CORRECTIVE ACTION TABLE

Nbr.	<u>Infraction</u>	<u>First Infraction</u>	<u>Second Infraction</u>	<u>Third Infraction</u>	<u>Fourth Infraction</u>	Prior AR Infraction Numbers	
						May 2024	Oct 2009
16.	Misuse of state equipment, supplies or funds resulting in loss or damage/using another employee's login credentials (email, apps, etc.)/misuse of state information, including but not limited to ADOC documents, (providing to outside sources without approval).	Written Reprimand	2 days suspension	3 days suspension	5 days suspension 5 th & 6 th – 10 days suspension 7 th - Termination	#14	#19
17.	Use of abusive, profane, or threatening language to other employees, inmates, or the public.	Written Reprimand	2 days suspension	3 days suspension	5 days suspension 5 th & 6 th – 10 days suspension 7 th – Termination	#15	#20
18.	Unauthorized communication or association with inmates/felons and/or inmates/felons family, including failure to report such violations, in violation of AR 318 – <i>Employee/Inmate Relationships</i> .	Written Reprimand Termination - if related to contraband or PREA violations.	5 days suspension	10 days suspension	10 days suspension.	N/A	N/A
19.	Unauthorized use of computer systems.	Written Reprimand	2 days suspension	3 days suspension	5 days suspension 5 th & 6 th – 10 days suspension 7 th - Termination	#17	#23

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ADOC EMPLOYEE CORRECTIVE ACTION TABLE

Nbr.	<u>Infraction</u>	<u>First Infraction</u>	<u>Second Infraction</u>	<u>Third Infraction</u>	<u>Fourth Infraction</u>	Prior AR Infraction Numbers	
						May 2024	Oct 2009
20.	The possession of any communication device, or accessories, including but not limited to, cell phones/chargers, SIM cards, MP3 players, land-line phones, link phones, batteries, walkie-talkies, or any and all electronic devices emitting a signal and/or frequency not authorized by regulation or the Commissioner, or his/her designee, when no intent is shown to provide the device to an inmate.	Written Reprimand	2 days suspension	3 days suspension	5 days suspension 5 th ^ 6 th – 10 days suspension 7 th - Termination	#18	#36
21.	Sleeping or giving the appearance of sleeping on duty.	Written Reprimand	2 days suspension	3 days suspension	5 days suspension 5 th & 6 th – 10 days suspension 7 th - Termination	#19	#26
22.	Failure to report to work (unexcused absence).	Written Reprimand	2 days suspension	3 days suspension	5 days suspension 5 th & 6 th – 10 days suspension 7 th - Termination	#20.	#27
23.	Refusal to sign performance appraisal or other ADOC official document.	Written Reprimand	2 days suspension	3 days suspension	Termination	#21	#9
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ADOC EMPLOYEE CORRECTIVE ACTION TABLE

Nbr.	<u>Infraction</u>	<u>First Infraction</u>	<u>Second Infraction</u>	<u>Third Infraction</u>	<u>Fourth Infraction</u>	Prior AR Infraction Numbers	
						May 2024	Oct 2009
24.	Failure to immediately inform and provide written report to the Warden/Division Director/Designee concerning any incident of arrest, conviction, or when required to appear as a defendant in any criminal court, except for minor traffic violations.	Written Reprimand	3 days suspension	Termination		#22	#24
25.	Abuse or misuse of authority, including but not limited to departmental property and/or ADOC badges/identification cards/items.	Written Reprimand	3 days suspension	Termination		#23	#25
26.	Inappropriate application or unnecessary use of force in violation of AR 327, <i>Use of Force</i> .	Written Reprimand	5 days suspension	Termination		#24	N/A
27.	Conviction of Driving Under the Influence (DUI)/Driving While Intoxicated (DWI).	5 days suspension	Termination			#25	#22
28.	Harassment or discrimination as defined in Administrative Regulation 206, <i>Harassment and Discrimination Policy</i> .	5 days suspension	Termination			#26	#31
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ADOC EMPLOYEE CORRECTIVE ACTION TABLE

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						May 2024	Oct 2009
29.	Failure to report violation of safety/security rules involving self or others that result in injury to persons or significant damage to property.	5 days suspension	Termination			#27	#32
30.	Conduct that is disgraceful, on or off the job, that does adversely affect an employee's effectiveness on the job.	10 days suspension	Termination			#28	#33
31.	Excessive physical force in dealing with inmates.	10 days suspension	Termination			#29	#30
32.	Intentionally falsifying data associated with agency records (eSTART, shift logs, inmate counts, case management system).	10 days suspension	Termination			#30	#35
33.	Bringing unauthorized or personal weapon into ADOC facility or vehicle.	10 days suspension	Termination			N/A	N/A
34.	Fighting, assault, physical violence, or disruptive behavior.	10 days suspension	Termination			#31	#29
35.	Theft or unauthorized possession of ADOC or another individual's property.	Termination				#32	#37

Alabama Department of Corrections
ADOC EMPLOYEE CORRECTIVE ACTION TABLE

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						May 2024	Oct 2009
36.	Borrowing/receiving money or other items from, or giving money/items to, inmate(s) or inmate family members.	Termination				#33	#34
37.	Commission of sexual crimes in violation of the Code of Alabama or substantiated cases of sexual abuse in violation of PREA Standards.	Termination				#34	#39
38.	Tampering with a drug screen sample or any similar action that may invalidate or falsify the results.	Termination				#35	#38
39.	Refusal to submit to an alcohol/drug screening.	Termination				#36	#40
40.	Possession of illegal substances, a positive drug screen in violation of AR 227, <i>Controlled Substance Testing of Employees</i> , or possession of alcohol for consumption on duty.	Termination				#37	#41
41.	Reporting to work under the influence of intoxicants, illegal substances, and controlled substances in violation of AR 227, <i>Controlled Substance Testing of Employees</i> .	Termination				#38	#42
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ADOC EMPLOYEE CORRECTIVE ACTION TABLE

Nbr.	<u>Infraction</u>	<u>First Infraction</u>	<u>Second Infraction</u>	<u>Third Infraction</u>	<u>Fourth Infraction</u>	Prior AR Infraction Numbers	
						May 2024	Oct 2009
42.	Failure to meet Alabama Peace Officers Standards and Training Commission (APOSTC) certification and minimum standards.	Termination				#39	#43
43.	Gross negligence that results in serious consequences; including but not limited to, allowing an inmate(s) to escape, riot, etc.	Termination				#40	#44
44.	Refusal to submit to an authorized search of one's person, personal property, or vehicle on facility property, when required by proper authority.	Termination				#41	#45
45.	Giving false information or verbal/written statement in connection with an investigation or injury.	Termination				#42	#46
46.	Conviction of a crime that disqualifies the employee in the job classification in which he or she is employed.	Termination				#43	#47
47.	Tampering, hacking, or altering of computer systems and data.	Termination				#44	#48
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Nbr.	<u>Infraction</u>	<u>First Infraction</u>	<u>Second Infraction</u>	<u>Third Infraction</u>	<u>Fourth Infraction</u>	Prior AR Infraction Numbers	
						May 2024	Oct 2009
48.	Promoting prison contraband/possession of contraband items, to include but not limited to, unauthorized drugs, paraphernalia, and weapons, communication devices, or accessories, such as, but not limited to, cell phones, cell phone chargers, SIM cards, MP3 players, land-line phones, link phones, batteries, walkie-talkies, or other electronic devices emitting a signal and/or frequency, which are reasonably suspected of being intended for distribution to an inmate.	Termination				#45	#49

Disclaimer: The intent of the ADOC Employee Corrective Action Table is to ensure fair and equitable treatment of all ADOC employees. The Table serves as a guide for supervisors to navigate corrective actions in response to various infractions. However, it is important to note that each situation is unique, and consideration of mitigating or aggravating circumstances may lead to alternative corrective actions not explicitly outlined in this Table (reference AR 208 Section V, H). The ADOC's commitment to fair treatment means that while this Table provides a structured framework, it is not exhaustive and cannot encompass every possible scenario.
