

EXAMPLE/NOTICE OF PROPOSED SUSPENSION WITHOUT PAY

(Date)
(Name of Employee)
(Address)

Re: Notice of Proposed Suspension Without Pay and Opportunity to Respond

Dear (Name of Employee):

This letter is to notify you that I am considering suspending you without pay for the reasons stated below.

Maximum Number of Work Days Being Considered

(Example) Five working days.

Statute, Rule, Policy, Practice or Procedure Violated

(Example) OP-110215 entitled "Rules Concerning the Individual Conduct of Employees"

VII. Regulations Governing Activities and Relationships with Inmates or Offenders/180 Day Ex-Inmates or 180 Day Ex-Offenders

A. Definitions

1. Inmates will be defined as persons under the care or custody of a state/private or community based facility. Offenders are defined as those under supervision of ODOC..
2. "180-day ex-inmates" are those persons who are within 180 days of the date following their discharge from ODOC custody. Ex-offenders are defined as those persons who are within 180 days of the date following termination from ODOC supervision.

B. Prohibited Activities with Inmates or Offenders and 180-Day Ex-Inmates or 180-Day Ex-Offenders

1. Accepting or offering a gift, money, or anything of value, directly or indirectly. This prohibition includes any member of the inmate's/offender's or 180-day ex-inmate's/offender's family.
2. Giving, receiving, or loaning any money, or trading, selling, or buying any personal possession or anything of value, for any purpose, without the written consent of the employee's supervisor. Hobby craft items may only be purchased in accordance with the correctional facility's local procedures.

8. Engaging in any other activity which constitutes or offers the opportunity for an abuse of the employee's position.
- C. Prohibited Relationships with Inmates or Offenders and 180-Day Ex-Inmates or Ex-Offenders
3. Engaging in any nonprofessional association, contact, or personal relationship with inmates or offenders, 180-day ex-inmates or ex-offenders, or members of their families which may compromise the employee's ability to discharge effectively the duties of his/her position.

Description of Acts or Omissions Constituting Grounds for Suspension

(Example)

You engaged in an unprofessional, personal relationship with the family of inmate John Doe #XXXXXX during his incarceration by writing letters to, and accepting a watch from the inmate's mother, Mrs. John Doe Sr. You engaged in prohibited activities and unprofessional conduct by giving inmate Doe a pair of Nike athletic shoes and meeting with him while you were not on duty. Such conduct serves to jeopardize the security of the facility and undermine the department's mission to protect the public, the employees, and the inmates.

Summary of Evidence Justifying Proposed Suspension

(Example)

1. Letters dated _____ and _____ written by you and addressed to Mrs. John Doe Sr. containing information about John Doe's incarceration and thanking her for the watch she gave you for Christmas.
2. Statement from Correctional Security Officer II, John Lilley indicating that on (date) he witnessed you giving inmate Doe a pair of Nike athletic shoes.
3. Statement from inmate Doe that following his incarceration, you became a friend of the family, and gave him presents including a pair of Nike athletic shoes.

Prior Disciplinary Action

(Example)

On (date), you were issued a Letter of Concern for accepting a gift from an inmate.

On (date), you were issued a Letter of Reprimand for placing telephone calls to an inmate's family.

Right to Respond

You may respond to this proposed action by completing Attachment D (attached), entitled "Written Response to Proposed Discipline" and explaining why you believe I should not suspend you without pay. In order for your response to be considered, it must be received in my office within seven days after your receipt of this notice. Your failure to accept receipt of this notice or respond will not prevent me from taking the proposed action.

Sincerely,

(Appointing Authority)

Distribution: Original to employee
Copy to personnel file

Attachment: Attachment D "Written Response to Proposed Discipline"

(R 9/16)