

## **2.24 WAGE EMPLOYEES**

### **APPLICATION:**

Wage employees (P-14 authorization).

### **PURPOSE:**

Establishes guidelines for removal of wage employees and to ensure that the Virginia Department of Social Services' (VDSS) policy of Equal Employment Opportunity extends to hourly employees.

### **AUTHORITY, INTERPRETATION, AND REVISION:**

This SOP, issued by the VDSS is authorized by the Commissioner and supercedes VDSS' SOP 22, dated November 1, 1988.

The interpretation of this SOP is the responsibility of the Director of the Division of Human Resource Management (DHRM), or designee.

#### **2.24.1 Termination of disciplinary action**

1. Prior to any removal of a wage employee (P-14 authorization), the employee shall be given written notice of the offense, an explanation of the agency's evidence in support of the charge, and a reasonable opportunity to respond (usually five workdays).

#### **Exception**

An hourly employee may be immediately sent away from the work area when the employee's continued presence may be a threat to the welfare of the agency or fellow employees.

In such cases, the employee shall be given notice of the charges and an explanation of the agency's evidence as soon as possible thereafter and shall be given a reasonable opportunity to respond prior to being removed.

This same exception would apply to a wage employee when the reason for removal is that the work need has been met.

Under no circumstances will a wage employee be paid for any time they have not worked due to provisions of this policy.

2. At the same time the employee is notified of the intent of removal, a copy of the same information required by this policy to be provided to the employee will be sent to the Employee Relations Manager in the VDSS/DHRM.
3. If the employee does not respond within the specified time limit, the employee's right to appeal through this policy is lost, and the removal action will take place. If the employee does respond within the required time limit, a copy of that response must be immediately forwarded to the Employee Relations Manager in the

VDSS/DHRM. Upon receipt of the employee's response, the Employee Relations Manager or designee will review all facts in the matter. Generally, this review will follow the philosophy of the Standards of Conduct policy, which applied, to classified employees.

4. Upon completion of the review, the Employee Relations Manager or designee will issue a written recommendation to the employer. Both parties will be advised of their right to appeal the recommendation to the Commissioner in writing within five (5) workdays.
5. Upon receipt of the appeal, the Commissioner at his/her discretion may or may not review the matter. A decision at the Commissioner's level is final and cannot be appealed.
6. A wage (P-14) employee who claims that termination or other disciplinary action was based on race, color, religion, national origin, political affiliation, sex, age, or disability, may file a discrimination complaint with the Office of Equal Employment Services in the Virginia Department of Human Resource Management (VDHRM) or other agencies as appropriate.