

**ARKANSAS SCHOOL FOR THE DEAF**

<u>Policy Type</u>	<u>Subject of Policy</u>	<u>Policy No.</u>
Administrative	Employee Conduct Standards Policy and Procedures	1010

**I. POLICY STATEMENT:** It shall be the purpose of the Arkansas School for the Deaf (ASD) Employee Conduct Standards Policy 1010 to establish and maintain employee conduct standards to which all ASD employees are expected to adhere. These standards are intended to identify “common” problems associated with employee conduct. When an employee has been determined to have violated an identified standard or to have engaged in conduct warranting disciplinary action, supervisors and managers shall follow principles of progressive discipline unless documented circumstances clearly warrant (either through aggravating or mitigating facts) a deviation (lesser or greater discipline) from the procedures established by this policy.

The ASD Employee Conduct Standards Policy 1010 and the procedures established by this policy will be administered objectively without regard to race, color, sex, age, religion, national origin, disability, veterans’ status or political affiliation.

**II. INITIATING DEPARTMENT:**

Arkansas School for the Deaf  
Personnel Office  
2606 West Markham  
P.O. Box 3811  
Little Rock, AR 72203

Telephone: (501) 603-3528 (V/TTY)

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### **PURPOSE**

The purpose of the Arkansas School for the Deaf (ASD) Employee Conduct Standards Procedures is to define the conduct standards to which all ASD employees are expected to adhere. Any changes and/or adaptations must have ASD Superintendent approval prior to implementation. Nothing herein is intended to imply that the standards are all-inclusive. The standards are intended to identify “common” problems associated with employee conduct and through progressive actions, to help the employee comply with expected workplace standards. After it has been determined that an employee has violated a standard or engaged in misconduct, supervisors shall follow the principle of progressive discipline unless documented circumstances clearly justify a lesser or greater discipline than the guidelines provide due to either aggravating (more serious) or mitigating (less serious) facts. Under serious aggravating circumstances, which must be clearly documented, management is authorized to act immediately, including the suspension or discharge of an employee.

### 1. **SCOPE**

The Employee Conduct Standards shall apply to **all** employees of ASD except Grade 99 positions. Each employee shall be made aware of these standards.

### 2. **RESPONSIBILITIES**

#### A. Employee:

- (1) To be familiar with and understand the conduct standards
- (2) To strictly adhere to conduct standards
- (3) To participate, in good faith, in administrative investigations of conduct standards violations
- (4) To comply with the supervisor’s plan of corrective action when a violation has occurred
- (5) To report work problems to management before problems become serious or when they are known

#### B. Supervisor:

- (1) To assure that employees have received a copy of the conduct standards and any revisions. Each ASD employee, including new employee, shall be provided a copy of ASD Policy 1010. In all cases, policy/procedure dissemination will be documented by the employee signing an acknowledgement of receipt of such document. The receipt will be placed in the employees Personnel File
- (2) To monitor employee conduct to determine compliance with conduct standards
- (3) To establish and maintain a professional work environment in accordance with established safety, Equal Employment Opportunity (EEO) requirements, work practices and resources
- (4) To determine the discipline to be assessed when a Conduct Standards violation has occurred as required by this procedure

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- (5) To administer all conduct standards and disciplinary actions objectively. The action taken must be timely and reasonable with written notification specific to the reason for the action. All actions should be completed within 7 calendar days but no later than 14 calendar days, after the situation was known or reported to the supervisor. Any action taken more than 14 calendar days after the situation was known or reported must be supported by a written justification that outlines the cause for delay
- (6) To document, on an ASD-1173, Notice of Disciplinary Action form, each disciplinary action taken. Documentation of violation of Conduct Standards will be specific and contain factual details. Documentation records must include:
  - (a) cause for disciplinary action including the standard which has been violated together with the facts that constitute the violation, and if appropriate, identification of aggravating or mitigating circumstances which justify deviation from the guidelines provided
  - (b) disciplinary action taken
  - (c) when indicated, assistance and/or advice given to the employee to avoid the need for future disciplinary action
  - (d) when applicable, conduct expected in the future
  - (e) when applicable, consequences if Conduct Standards are not followed

**3. PROGRESSIVE DISCIPLINE**

Progressive discipline emphasizes solving problems and encourages good conduct. Progressive discipline also communicates the expectation of improved behavior.

When conduct problems cannot be resolved through counseling or through the verbal or the written warning process, or when employees misconduct is of a serious nature, the following disciplinary actions may apply:

- Employee may be suspended
- Employee may be terminated

In lieu of suspension or termination, the supervisor may consider the following disciplinary actions;

- Employee may be removed from supervisory responsibilities
- Employee may be transferred
- Employee may be demoted

In addition, an accumulation of violations (points) of the same or different standards may lead to future disciplinary action up to and including termination.

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**A. CLASSIFICATION OF PROGRESSIVE DISCIPLINARY ACTIONS**

- (1) Non-Disciplinary Counseling Statement: Documentation using an ASD-1131, Counseling Statement form, of a verbal communication informing the employee that he or she has engaged in a behavior that borders upon violation of a standard. The document must be signed and dated by the employee and supervisor with a copy given to the employee. It is kept only in the supervisor's file and points do not accumulate. The employee may document a response, which will also be kept in the supervisor's file.
- (2) Verbal Warning: A verbal communication informing the employee that he or she has violated a conduct standard and that if such violation is repeated, a more severe disciplinary action will be issued. Documentation on Notice of Verbal Warning –ASD-1173 form, of the verbal warning must be signed and dated by the employee and supervisor. A copy of the documented verbal warning will be given to the employee and a copy placed in the employee's personnel file. One point will accrue for each verbal warning. Verbal warnings shall not be removed from the employee's personnel file and points will accumulate indefinitely. For the purpose of MERIT, points will only accumulate during the current rating period.
- (3) Written Warning: An action taken to inform the employee that a conduct standard has been violated. This notification must also inform the employee that a more severe disciplinary action may be taken if the same or similar violation is repeated. Documentation on ASD-1173 Notice of Disciplinary Action form, must be signed and dated by the employee and the supervisor. A copy of the documented written warning will be given to the employee and a copy placed in the employee's personnel file. Three points will accrue for each written warning. Written warnings shall not be removed from the employee's personnel file and points will accumulate indefinitely. For the purpose of MERIT, points will only accumulate during the current rating period.
- (4) Suspension: A documented disciplinary action taken for gross violations of conduct standards, repeated violations, or when management determines that the violation warrants the immediate removal of the employee for a specified period of time. Suspensions are to be for a specified period of time. Suspensions are to be scheduled as soon as possible and shall not exceed a maximum of 10 working days. All suspensions will be without pay and must be approved by the Superintendent. Lost benefits, however, may be restored in whole or in part if the discipline is reduced to a lesser action. Documentation of suspension on the ASD-1173, Notice of Documentation Action, must be signed and dated by the employee, supervisor and the appropriate level of management below the Superintendent. A copy of the documented suspension will be given to the employee and a copy placed in the employee's personnel file. Six points shall accrue for each suspension. Suspensions shall not be removed from the employee's personnel file and points will accumulate indefinitely. For the purpose of MERIT, points will only accumulate during the current rating period.
- (5) Discharge: An action to remove/terminate an employee when a conduct violation has occurred for which the circumstances and consequences of the violation are extreme and

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continued employment is not in the best interest of the school/agency. An accumulation of violations of the same or different standards may also result in employee termination. The recommendation to discharge an employee should originate from the employee’s immediate supervisor. The decision to discharge must be approved by the Superintendent on an ASD-1174, Notice of Discharge form.

**The Superintendent is the sole authority to approve a termination action.**

- B. REFUSAL TO SIGN DISCIPLINARY ACTION:** If an employee refuses to sign a documented disciplinary action, the supervisor’s reviewing official will be asked to obtain the employee’s signature. If the employee still refuses to sign, a statement regarding the employee’s refusal must be signed by both the supervisor and the reviewing official and added to the documentation with a copy placed in the employee’s personnel file.
- C. APPEAL PROCESS:** Any employee (excluding probationary/new employees) who has received a disciplinary action may file an appeal through the ASD Grievance Procedures Policy 1014.
- D. POINTS ACCUMULATION:** Cumulative Effect – Violation of the same or different standards by an employee will have a cumulative effect. The accrual of points will be determined as follows:

Verbal Warning	=	1 point
Written Warning	=	3 points
*Suspension	=	6 points
*Alternative disciplinary action such as removal from supervisor responsibilities, transfer, or demotion will accrue 6 points.		

Any employee accruing **more than** 12 points within a 12 month time frame will be subject to termination.

**The point accumulation will accumulate indefinitely. Indefinitely indicates the life period of employment for point accumulation except for MERIT purposes, points counted will only accumulate during the current rating period.**

- 4. **CONDUCT STANDARDS:** The levels of progressive discipline for each offense are guidelines only. It is the supervisor’s responsibility to decide the appropriate level of discipline for the specific offense. The supervisor should keep in mind those work conduct standards and the discipline for violation of those standards must apply equally to all individuals within the work unit.

The supervisor should consider all the facts and circumstances surrounding the violation of the work conduct standard in deciding the level of appropriate discipline. Consideration of

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circumstances that mitigate or aggravate the conduct violation is essential in deciding the appropriate level of discipline. Facts and circumstances that mitigate or aggravate the violation should be documented in writing.

Above all, the supervisor must apply discipline for violation of work conduct standards uniformly throughout the work unit for which they are responsible.

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**Code:**

- VW – Verbal Warning**                      **S – Suspended (Number of working hours/days without pay)**  
**WW – Written Warning**                      **LWOP – Leave Without Pay**  
**D – Discharge**

<b>TYPES OF OFFENSES/INFRACTIONS</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>FOURTH OFFENSE</b>
1. Attendance				
(a) Failure to adhere to established or scheduled work hours (reporting for work after scheduled duty hours begin, leaving work before scheduled duty hours end or late return to work from meal period or break); (more than 10 minutes but less than 60 minutes).	VW	WW	S 1	D
(b) Unauthorized absences (unexcused absence in excess of 60 minutes on any work day)	VW & (LWOP)	WW & (LWOP)	S 1	D
(c) Abandonment of job for three or more consecutive days. [1.]	D			
(d) Verified misuse of sick leave. [2.]	VW & (LWOP)	WW (LWOP)	S 1	D
(e) Failure to report for scheduled compensatory/overtime duty.	WW	S 2	D	
(f) Working unauthorized compensatory/overtime.	WW	S 2	D	

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[1.] For the purpose of “abandonment of job”, all time will be considered Unauthorized Leave and will be counted as LWOP.

[2.] The supervisor shall verify misuse of sick leave in the following circumstances: a) failure or inability of the employee to verify reason for paid time; b) pattern of use of leave in excess of actual or as accrued; c) pattern of use of leave before and/or after off days/holidays; d) witness (es) that employee engaged in activity indicative of ability to work and/or knowledge employee was not ill.

When a supervisor has evidence to suspect misuse of Sick Leave, a non-disciplinary counseling statement ASD-1131 is issued. If the pattern continues, the supervisor may require an attending physician’s certificate for any amount of Sick Leave. If the employee is unable to furnish this verification, such absence will be considered misuse of sick leave.



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2. Illegal Conduct				
(a) Reporting for duty while evidence of odor related to alcohol is noticeable. (smelling of alcohol)	D			
(b) Reporting for duty while under, or failure to remain fit for duty due to, influence of alcohol.	D			
(c) Selling, possessing, and/or using alcohol beverages during working hours or on state property	D			
(d) Reporting for duty while under, or failure to remain fit for duty due to, influence of a controlled substance.	D			
(e) Selling, possessing, and/or using a controlled substance during working hours or on state property	D			
(f) Being convicted of, or admission to, a capital offense or felony charge. [3.]	D			
(g) Being convicted of, or admission to, a misdemeanor (except minor traffic offense) depending on job relatedness. [3.]	S 2 Days	D		
(h) Attempted or actual theft of ASD property or personal property on ASD property.	D			
(i) Unauthorized possession, abuse, or unauthorized use of ASD equipment, materials, property, or facility.	S – 1 Day	D		
(j) Misuse, abuse, or loss of property entrusted to employee’s care unless the misuse, abuse or loss was beyond the control of the employee.	VW	WW	S 1 Day	D

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(k) Unauthorized possession or carrying firearms or other weapons and/or explosives while on duty or on state property. [4.]	D			
(l) Gambling during working hours (unlawful betting or gambling or promotion thereof). [5.]	WW	S 1 Day	D	
(m) Bribery or accepting a bribe.	S 5 Days	D		

[3.] A plea of “Nolo Contendere” means a plea by the defendant in a criminal prosecution that without admitting guilt subjects him/her to a judgement of conviction as in case of a plea of guilty but does not preclude him from denying the truth of the charges in a collateral proceeding.

[4.] All firearms and weapons are prohibited unless specifically authorized by the Superintendent.

[5.] Includes all athletic contests.

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<b>3. Personal Conduct - Individual</b>				
(a) Unauthorized posting of personal items, altering or removing items from designated bulletin boards/posting areas.	VW	WW	S 1 Day	D
(b) Smoking on state property and in state vehicles (chartered buses).	VW	WW	S 1- Day	D
(c) Sleeping on the job	S 2 Days	D		
<b>4. Personal Conduct – Involving another employee, and/or others.</b>				
(a) Assaulting or physically attacking (infliction of bruising, swelling, or visible marks associated with physical trauma) a supervisor, employee, student or a member of the general public without provocation.	D			
(b) Immediate insubordination or refusal to carry out reasonable work-related instructions.	WW	S 1- Day	D	
(c) On-the-job use of profane or abusive language and gestures that threaten, intimidate, coerce, ridicule, or demean an employee or student that may or may not be in the presence of other employees or students to include conversation(s) on the telephone.	WW	S 1 Day	D	
(d) Excessive loitering, visiting and/or otherwise interfering	VW	WW	S 1 Day	D

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with the job performance of other employees during and after work shift.				
(e) Engaging in a conversation or activities between staff/student which could be perceived in a sexual manner or abusive manner.	D			
(f) Engaging in or pursuing a personal relationship between a staff member and a student on/off campus.	D			
(g) Engaging in or contacting a student by phone, e-mail or pager when the contact is not approved by the immediate supervisor or such contact is not in connection with the employee’s job duties.	D			
(h) Excessive personal use of Agency business telephones.	VW	WW	S 1 Day	D
(i) Making unauthorized personal long distance calls charged to the Agency. [6.]	WW and reimbursement for calls	S 1 Day and reimbursement for calls	D and reimbursement for calls	
(j) Attending to personal business during scheduled worktime.	VW	WW	S 1 Day	D

[6.] Failure to make reimbursement within one pay period from notification will result in more serious disciplinary action up to and including discharge.

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<b>5. Information related offenses</b>				
(a) Falsification of facts on student records, work records, employment applications, other work forms or applications, and/or intentional misstatement or omission of facts (written or verbal).	S – 2 Days	D		
(b) Unauthorized release or divulgence of confidential information (written or verbal). [7.]	WW	S 1 Day	D	
<b>6. Negligence</b>				
(a) Failure to or delay in reporting injury or illnesses of students or employees.	WW	S 2 Days	D	
(b) Endangering the safety or welfare of students and/or employees due to neglect of standard operating procedures in carrying out normal job functions.	S 2 Days	D		
(c) Failure to report to supervisor any incident involving police, fire, ambulance or media.	VW	WW	S 2 –Days	D
<b>7. Violation of state/federal laws and/or Agency rules governing ethical/professional activities.</b>				
(a) Willful discrimination because of race, sex, religion, disability, etc., and/or harassment. [8.]	D			
(b) Non-willful action resulting in discrimination and/or harassment by effect.	WW	S 2 Days	D	
(c) Engaging in prohibited political activities. (Refer to Governors Policy Directive #9)	WW	S 2 Days	D	

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<b>8. Operation of Agency owned motor vehicles and/or personal vehicles used for Agency business</b>				
(a) Use of vehicles for unauthorized or unofficial purposes.	WW	S 2 Days	D	
(b) Failure to report an accident to the police and Superintendent.	S 2 Days	D		
c) Conviction, plea of guilt or nolo contendere or forfeit of bond for traffic or moving vehicle violation(s). [9.]	Refer to AR State Vehicle Safety Program			
(d) Drug/Alcohol Motor Vehicle Violation	Refer to AR State Vehicle Safety Program			
<b>9. Other infractions not included but deemed to be detrimental or not in the best interest of the Agency, students and/or other employees. [10.]</b>				
<b>10. Continued violations and violations of policies that develop patterns may be reviewed by the superintendent and may be grounds for dismissal. Consequences will be determined on a case by case basis. [11.]</b>				
<b>12. Failure to notify Superintendent within 10 days of arrest and/or conviction. [12]</b>				

[7.] If violation of the state law, penalties imposed by the state law would also apply. Confidential information is defined as any information written or verbal that is restricted by any state or federal laws, regulations, executive orders or requirements.

[8.] Violation of any civil rights law/regulation pertaining protected status.

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[9.] “Nolo Contendere” means: A plea by the defendant in a criminal prosecution that without admitting guilt subjects him/her to a judgement of conviction as in case of a plea of guilty but does not preclude him from denying the truth of the charges in a collateral proceeding.

[10]. Consequences will be determined on a case by case basis.

[11]. Pattern – If an employee receives a disciplinary action for the same infraction at anytime during their term of employment.

[12.] Consequences will be determined on a case by case basis dependent on the type of offense that the arrest and/or conviction was for.

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APPROVED BY:

\_\_\_\_\_  
Superintendent, Arkansas School for the Deaf

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairperson, Arkansas School for the Deaf School Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Office of Personnel Management, Administrator

\_\_\_\_\_  
Date



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**Counseling Statement**

INSTRUCTIONS: This form is to be used to document counseling provided to an employee. The original copy of this form is to be filed in the supervisor's file on the employee. The Counseling Statement will be destroyed at the end of the performance cycle in which the statement was issued, or at the end of six months, whichever is later. Provide the employee with one copy of the completed counseling statement.

Employee's Name: \_\_\_\_\_  
(Please print or type)

Date of Counseling: \_\_\_\_\_

Describe the activity observed. (Be specific as to nature of the activity, date and time):

Employee conduct/performance expected in the future:

Consequences if activity observed is repeated:

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

HR Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I have read and received a copy of the above statement. I do  do not  wish to submit written comments of my own and about this matter.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

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Arkansas School for the Deaf
Notice of Disciplinary Action
ASD-1173

Employee's Name Personnel Number:
(Please type or print)

PTS LEVEL OF DISCIPLINE

- 1.....Verbal Warning.....VW cannot be removed from the personnel file and will be counted for progressive disciplinary purposes.
3.....Written Warning.....WW cannot be removed from the personnel file and will be counted for progressive disciplinary purposes.
6.....Suspension.....S cannot be removed from the personnel file and will be counted for progressive disciplinary purposes.

Number of Points accumulated prior to this violation
Level of discipline and points assigned for this violation
Number of points accumulated with this violation

- 1. Policy and Standard violated:
2. Cause for disciplinary action (Be specific as to nature of offense, date and time):
3. Number of and date (s) of prior violation(s) utilized for point accumulation and/or progressive discipline:
4. Disciplinary Action taken for this violation:
5. Employee conduct expected in future:
6. Consequences upon next breach of violated standards:

Supervisor's Signature and Date

HR Manager's Signature and Date

I have read and received a copy of the above statements and have knowledge of the ASD Uniform Internal Grievance Procedure Policy 1014. Probationary status employees are not eligible to receive the ASD Uniform Internal Grievance Procedure Policy 1014. My signature below denotes only knowledge of actions taken and does not necessarily imply agreement.

Comments:

Employee's Signature and Date

Cc: Employee
Originating Supervisor
ORIGINAL TO: Personnel Office

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**NOTICE OF DISCHARGE FORM  
ASD-1174**

- 
1. Policy and Standard violated: \_\_\_\_\_
  2. Cause for discharge (Be specific as to nature of offense, date and time):  
\_\_\_\_\_  
\_\_\_\_\_
  3. Number of and date (s) of prior violation(s) utilized for point accumulation and/or progressive discipline:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Superintendent's Signature and Date

\_\_\_\_\_  
HR Manager's Signature and Date

I have read and received a copy of the above statements and have knowledge of the ASD Uniform Internal Grievance Procedure Policy 1014. Probationary status employees are not eligible to receive the ASD Uniform Internal Grievance Procedure Policy 1014. My signature below denotes only knowledge of actions taken and does not necessarily imply agreement.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employee's Signature and Date

Cc: Employee  
Originating Supervisor  
**ORIGINAL TO:** Personnel Office