

**ARIZONA STATE PERSONNEL SYSTEM
STATEWIDE HUMAN RESOURCES BULLETIN**

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Subject: Definitions for Dismissal or Discipline	Effective: September 29, 2012
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In accordance with A.R.S. §41-773(C) the Director of the Arizona Department of Administration shall prescribe definitions for each of the causes for dismissal or discipline for covered employees.

The definitions are intended to assist agency management in determining when discipline and/or dismissal would be appropriate. The definitions are not intended to replace the requirement for supervisors and managers to consider all of the facts surrounding the employee's conduct, the employee's previous work history and the effect of the employee's conduct prior to taking disciplinary action.

DEFINITIONS

“Fraud or misrepresentation in securing appointment” means a deliberate and/or intentional fraudulent act, such as concealment of a conviction of a crime or a misstatement of qualifications on the state employment application material to the hiring decision. Disclosure of the information would have disqualified the person or lessened his or her value in light of other applicants or potential applicants had the conviction or true qualifications been known at the time of selection. It also includes situations that occur when a person pretends to be who (by name) he or she is not or what (by profession, occupation or title) he or she is not to gain an unfair advantage in securing employment with the State of Arizona. Examples include but are not limited to:

- a. Intentional or negligent misrepresentation or omission on the application for employment, resume, or other personnel forms. The misrepresentation must deal with a material fact that may have adversely affected selection for appointment.
- b. Taking or permitting another person to take all or part of a State Service Examination for someone else.
- c. Submitting an application for employment, resume, or other supportive documents under a false identity.
- d. Obtaining interview or test questions in advance.

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"Incompetency" means the employee has demonstrated an inability to perform the duties and responsibilities of the position or the employee has demonstrated that he does not possess the capability or skill necessary to perform the duties of the assigned job. It also includes the absence of a degree, license, certification, or other qualification required for the position. It also indicates that utilization of poor judgment in the performance of job duties. Examples include but not limited to:

- a. Careless or sloppy work; frequent mistakes or errors.
- b. Failing to complete work assignments accurately and on schedule.
- c. Failing to take corrective action when warranted, including failing to report misconduct of subordinates and/or coworkers.
- d. Failing to accurately prepare reports or maintain prescribed records.
- e. Failing to complete assigned daily duties on a regular basis.
- f. Loss or suspension of driver's or pilot's license.

"Inefficiency" means failure to perform the assigned job duties in an organized, accurate and timely manner or to produce the intended results of the assigned job. It includes engaging in activities unrelated to the position, wasting time, energy, materials, and effort. Examples include but are not limited to:

- a. Wasting time or loitering
- b. Failing to keep work area clean and uncluttered so as to cause a work hazard or misplacement of or loss of important documents or property.
- c. Failing to properly maintain state equipment, materials, or supplies.
- d. Allowing unauthorized personnel to enter work area.
- e. Failing to exercise proper supervision over subordinates.
- f. Failing to organize and/or prioritize one's work assignments so as to ensure their timely completion.
- g. Failing to complete work assignments accurately and on schedule.
- h. Failing to accurately prepare reports or maintain prescribed records.

"Neglect of duty" means to omit, or fail to perform a job duty or performance of a job duty without the usual amount of care or attention to task. It also means inappropriate behavior while on duty including discourteous treatment of coworkers and supervisors, disruption of the work environment and the commission of a felony or misdemeanor. It also means negligent or reckless performance of a job duty or failure to perform a job duty. Examples include but are not limited to:

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- a. Sleeping on the job.
- b. Leaving work area or job site without authority.
- c. Conducting personal affairs on state time.
- d. Restricting output or engaging in a work slowdown or stoppage.
- e. Failing to complete assigned duties others are capable of completing in a similar time frame.
- f. Disregarding the orders or directive of a supervisor.
- g. Disregarding directives, policies, guidelines, procedures and other instructional materials.
- h. Physically abusing client, inmate, patient, resident, or ward in violation of agency policy, rule, or law.
- i. Not being available to perform the duties of the job due to abuse of sick leave whether intentional or not.
- j. Giving job duties little attention or respect.
- k. Filing frivolous or false complaints.

“Insubordination” means the knowing refusal or failure to obey an order or a directive, given by a person in authority. This also includes the failure or refusal to perform the employee’s job duties as assigned. It also includes the failure or refusal to follow laws, rules, policies, guidelines, and procedures. Examples include but are not limited to:

- a. Refusing to perform assigned duties.
- b. Refusing or failing to carry out a lawful order or directive given by a person in authority.
- c. Interacting with a person in authority in an argumentative or hostile manner, including using insulting, abusive or profane language or engaging in insulting, abusive or disrespectful conduct, including threats of physical assault, directed at an immediate or other supervisor responsible for the proper operation of a work unit.
- d. Failing to cooperate in an investigation.

“Dishonesty” means a knowingly dishonest action, statement or omission by an employee. It includes those committed outside of work which could bring discredit to the State of Arizona. It includes theft, cheating, false oral and written statements, fraud, and any action or omission which demonstrates a lack of ethics or integrity. Examples include but are not limited to:

- a. Stealing or misappropriating funds or property of the state or another employee.
- b. Knowingly making false or inaccurate statements on travel claims, attendance/time reporting, or other official documents.
- c. Receiving travel expenses through false pretenses.
- d. Knowingly making false or inaccurate entries in public records.
- e. Making false, unfounded, or inaccurate statements, whether intentional or not, to co-workers or supervisors.

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- f. Using official position to obtain unlawful benefits for or information on clients, family members, or friends.
- g. Failing to answer truthfully when questioned during an investigation.
- h. Knowingly making false or inaccurate statements to investigators or polygraph examiners.
- i. Receiving employment benefits through false pretenses.
- j. Falsifying time sheets or time records.
- k. Soliciting or accepting money or favors from members of the public for the employee's personal use because of the employee's position with the State of Arizona.

“Being impaired by alcohol or drugs while on duty” means consuming or being under the influence of an intoxicant or other substances while on duty to the extent that the employee's judgment or job performance are impaired. Examples include but are not limited to:

- a. Consuming an intoxicant or other substance prior to or while on duty or during breaks which occur during normally scheduled work hours.
- b. Consuming an intoxicant or other substance prior to or while driving a vehicle on state business.
- c. Being under the influence of an intoxicant or other substances while on duty to the point of being incoherent and unable to understand and respond appropriately to verbal or written instructions or requests for information.

“Illegal use or illegal possession of a narcotic or habit-forming drug” means the unlawful use of any narcotic or habit-forming drug which affects the employee's ability to properly and effectively perform the assigned duties and responsibilities of the job; or the possession of narcotics or habit-forming drugs on state property or while on duty; or being dependent on and unable to control the need for and use of narcotics or habit-forming drugs while on duty which results in the employee being unable to properly and effectively perform the duties and responsibilities of the assigned job. Examples include but are not limited to:

- a. Unlawfully possessing narcotics or drugs while on duty.
- b. Being under the influence of narcotics or drugs while on duty.

“Unauthorized absence or absence without leave” means being absent or away from the work place, without official permission from a person in authority. Examples include but are not limited to:

- a. Not reporting to work or being late for work without permission from a person in authority.
- b. Leaving the work place without permission from a person in authority.
- c. Quitting work early without permission from a person in authority.
- d. Returning late from lunch or breaks.
- e. Not returning to work after the end of approved leave.

“Commission of any crime classified as a felony or involving moral turpitude” means as follows:

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- a. **“Commission of any crime classified as a felony”** means that the employee has committed an offense classified by law as a felony in Arizona or has committed a similar offense in another state or jurisdiction which would be a felony in Arizona. Examples include but are not limited to:
 - i. Murder;
 - ii. Aggravated assault;
 - iii. Manslaughter;
 - iv. Bank robbery

- b. **“Commission of any crime involving moral turpitude”** means that the employee has committed an offense classified by law as a felony or a misdemeanor in Arizona and which indicates the moral turpitude of the offender, or to a similar offense in another state or jurisdiction which would be a crime involving moral turpitude in Arizona. The term moral turpitude describes conduct that is depraved and inherently base or refers to acts that would adversely reflect on one’s honesty, integrity, or personal values. Examples include but are not limited to:
 - i. Leaving the scene of an accident;
 - ii. Sexual assault or abuse;
 - iii. Theft;
 - iv. Fraud;
 - v. Embezzlement;
 - vi. Forgery

“Discourteous treatment of the public or other employees” means a lack of courtesy by an employee towards a person (customer, client, other employee, employee of another state agency or governmental entity as well as other individuals with whom the employee comes in contact while at work). It includes greeting the person by rude statement or act; or not showing respect for or towards others. It may also include off-duty conduct where the offending employee is in uniform or otherwise readily identifiable as a state employee. Examples include but are not limited to:

- a. Using discourteous, rude, or insulting language.
- b. Using abusive or profane language.
- c. Making a threat of physical violence against the person or property of one or more members of the public.
- d. Using unlawful physical force.
- e. Ignoring the public by refusing to return phone calls or answer inquiries.
- f. Inexcusable delay in assisting the public.

“Improper political activity” means being involved in prohibited political activities. It also includes being involved in allowed political activities while on duty, in uniform or at state expense. Examples include but are not limited to:

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- g. Being a member of any national, state or local committee of a political party, an officer or chairman of a committee of a partisan political club, or a candidate for nomination or election to any paid public office (*A.R.S. §41-752 makes an exception for serving as a precinct committeeman*).
- h. Holding any paid elective public office.
- i. Taking a part in the management or affairs of any political party or in the management of any partisan or non-partisan campaign or recall petition.
- j. Soliciting an employee or member of the Personnel Board to engage or not engage in activities permitted by law.
- k. Engaging in conduct prohibited by A.R.S. §41-752. Protections of civil or political liberties; prohibitions; civil penalty; violation; classification.

“Willful disobedience” means intentionally or willfully disobeying a lawful order, directive, statute, regulation, policy, procedure, etc. Examples include but are not limited to:

- a. Refusing to obey a lawful order or directive.
- b. Refusing to obey a statute, regulation, or valid policy.
- c. Consciously violating a lawful order, directive, statute, regulation, or valid policy.

“Misuse or unauthorized use of state property” means using state property for other than official business and/or using state equipment unless authorized by written agency policy or allowed by State Personnel System Rules or without proper authority to do so. Examples include but are not limited to:

- a. Destroying state records without permission of a person in authority.
- b. Removing state documents from files without permission of a person in authority.
- c. Damaging or abusing state equipment or property.
- d. Using state property for non-work-related purposes, including but not limited to making long distance phone calls, sending personal messages in e-mail systems, sending personal letters with state postage, and producing personal documents on state computers.
- e. Wasting materials or supplies.
- f. Creating unauthorized replicas of state documents or property.
- g. Gaining unauthorized access to state records.
- h. Making unauthorized modifications or deletions of state records.
- i. Making unauthorized or non-work-related use of the Internet or other online services.
- j. The unauthorized use of state vehicles, equipment or gasoline for personal purposes.