

Section: Performance Management and Discipline

Adoption Date: 8/15/19

Revision Date:

Sponsoring Unit/Department: Human Resources

Performance Management and Discipline

The supervisory relationship between an employee and their supervisor is based on the fundamental principles of mutual respect, honest communication, reasonable standards, and consistent feedback. Supervisors and employees should work together to set expectations about performance and conduct in order to promote employee success. Supervisors and employees must regularly communicate regarding achievement of the established expectations.

When questions or concerns arise regarding expectations, supervisors and employees may use a number of approaches to assist the employee in remedying any shortcomings:

- Setting reasonable expectations and goals
- Identifying needed resources
- Verbal coaching
- Written explanations
- Regular follow-up meetings

The College expects that the approaches identified above will resolve the majority of performance and conduct issues. However, when these approaches have been exhausted, the supervisor should consider the Disciplinary Process.

Disciplinary Process

The College's disciplinary process addresses unsatisfactory employee conduct or performance, ensuring such matters are dealt within a fair and consistent manner. The process applies to all employees where an employee's conduct/performance does not meet Department or College expectations.

The disciplinary process may begin at any level, including termination, depending on the nature and severity of the issue. Should new issues occur during a disciplinary action, the supervisor may include additional performance or conduct issues to an existing disciplinary process but must provide formal notice to the employee and sufficient additional response time.

Supervisors must consult with Human Resources prior to imposing any disciplinary actions and notifications and/or sanctions outlined below to ensure that the disciplinary action is appropriate.

Disciplinary Levels

There are three progressive disciplinary levels utilized in addressing unsatisfactory performance/behavior. Except in cases of extremely severe disciplinary issues, the progressive disciplinary process will typically start at the lowest level. The disciplinary process applies to all regular employees and may also be applied to temporary and probationary employees. Both temporary and probationary employees may have employment directly terminated at the discretion of the supervisor and the Chief Human Resources Officer.

1. Written Warning <<Link to Written Warning (shown below)>>
2. Final Written Warning <<Link to Final Written Warning (shown below)>>
3. Termination <<Link to Termination (shown below)>>

Disciplinary Meeting Elements

Listed below are procedural elements that apply to all disciplinary action meetings:

- An employee shall receive two business days advance notice in writing of a disciplinary meeting whenever possible.
- An employee may request additional preparation time to gather supporting documentation.
- The employee may choose to bring an Employee Advisor at any step (see Employee Advisor section of Employee Handbook.)
- The meeting will be scheduled so that all participants are afforded a fair and reasonable opportunity to attend.
- All discussions held under these procedures should occur in a private office, if reasonably available, or in an area substantially removed from the immediate presence of others.
- A Human Resources consultant will attend for support.

Written Warning

Timely written notice shall inform the employee of the specific concerns that must be addressed immediately and sustained indefinitely.

1. Supervisor prepares a draft Written Warning that:
 - Summarizes prior discussions, if applicable.
 - Identifies specific violations.
 - Identifies the impact to the workplace.
2. Supervisor provides meeting notice and draft written warning to employee.
 - Employee may provide a written response prior to meeting.
3. During the Meeting:
 - Supervisor discusses draft warning with employee.
 - Employee is provided an opportunity to ask related questions and offer explanation(s).
 - Supervisor reviews draft warning and may make revisions.
 - Performance Management Plan developed with input from employee. Performance Management Plan establishes expectations or goals and may identify resources to help correct the issue/s within a specified timeframe.
 - Employee may submit a written response to the Written Warning to be included in the personnel file.

4. Completing the Written Warning

- Supervisor finalizes Written Warning and Performance Management Plan and provides to the employee.
- Documentation is maintained in the personnel file with a copy provided to employee and Human Resources.

5. Follow up steps

- Supervisor will regularly communicate with the employee regarding progress on the Performance Management Plan and overall performance
- Employee's performance evaluation will reflect on identified issues and progress in meeting expectations.
- Documentation of successful completion of the Performance Management Plan is maintained in the personnel file with a copy provided to employee and Human Resources.

Final Written Warning

Timely written notice shall inform the employee of the specific concerns that must be addressed immediately and sustained indefinitely.

1. Supervisor prepares a draft Final Written Warning that:

- Summarizes prior discussions, if applicable.
- Identifies specific violations.
- Identifies the impact to the workplace.

2. Supervisor provides meeting notice and draft Final Written Warning to employee.

- Employee may provide written response prior to meeting.

3. During The Meeting

- Supervisor discusses draft warning with employee.
- Employee is provided an opportunity to ask questions and offer explanation(s).
- Supervisor reviews draft warning and may revise warning.
- Performance Management Plan developed with input from employee. Performance Management Plan establishes expectations or goals and may identify resources to help correct the issue/s within a documented timeframe.
- Performance Management Plan may include one or more sanctions. See sanctions below.
- Employee may submit a written response to the Final Written Warning to be included in the personnel file.

4. Completing the Final Written Warning

- Supervisor finalizes Final Written Warning and Performance Management Plan and provides to employee.

- Documentation is maintained in the personnel file with a copy provided to employee and Human Resources.

5. Follow up steps

- Supervisor will regularly communicate with the employee regarding their progress on the Performance Management Plan and their overall performance
- Employee's performance evaluation will reflect issues and progress in meeting expectations.
- Documentation of successful completion of the Performance Management Plan is maintained in the personnel file with a copy provided to employee and Human Resources.

Optional Final Written Warning Sanctions:

Working with the Human Resources consultant, the supervisor may impose any combination of the following:

1. Suspension without pay

- Chief Human Resources Officer or designee must approve of any unpaid status

2. Work condition change:

- Employee's workplace activity
- Decision authority restricted
- Requirement for professional development
- Suspension of professional development
- Leave restrictions

3. Job assignment change:

- Disciplinary reassignment (same pay/same unit)
- Disciplinary transfers (same pay/different unit)
- Demotion (assigned to different position/lower pay grade, may include unit reassignment)

Review process for Written Warning and Final Written Warning

An employee who receives a Written Warning or a Final Written Warning may request a review of the performance management plan and/or decision. The request for review must be submitted in writing to the next level administrative supervisor and Human Resources within five working days of receipt.

The administrator will generally complete the review within five business days. The reviewer may request additional information or clarification from the employee or supervisor and may meet with either. The reviewer will then issue a written decision to the employee and supervisor, with a copy to Human Resources for the personnel file. The reviewer may affirm the prior decision, impose a lesser sanction, or overturn the disciplinary action.

A request for review will be considered if based on one or more of the following arguments:

- The Supervisor's discipline decision was (a) not supported by sufficient evidence or reasonable inferences such that a reasonable person could not have reached the same decision, or (b) tainted by clear bias;
- The severity of the discipline was unjustifiably disproportionate to the seriousness of the employee's misconduct;
- The process included a significant mistake or omission that a reasonable person could find affected or likely could have affected the final outcome of the disciplinary process or otherwise made the proceeding fundamentally unfair;
- The discovery of new information that was not known and could not reasonably have been discovered prior to the disciplinary decision and that is substantially likely to have affected the outcome of the discipline process.

Termination Process

Termination of regular employment may be used for the most serious incidents or repetitions of improper job performance or conduct.

Any employee terminated for cause is ineligible for rehire.

Steps:

1. Supervisor meets with termination determination team composed of two administrators and one supervisor outside the affected employee's chain, advised by Human Resources and Legal.
2. Determination team reviews documentation, issues, and basis for proposed termination and decides whether or not to move forward with the termination.
3. If approved by the Chief Human Resources Officer, supervisor issues notice to the employee, indicating the intent to terminate, with supporting evidence, and schedules meeting with the employee providing at least two business days notice.
4. Supervisor and Human Resources consultant meet with employee to review notice and receive input from employee, such as additional evidence or circumstances to be considered.
5. Supervisor reviews employee input and prepares notice of decision in consultation with Human Resources generally within two business days.
6. Supervisor issues decision to employee. If termination is denied by Human Resources, supervisor may impose lesser sanctions.

Note: Once a termination decision has been issued the employee will be placed in an unpaid status for the duration of any review process. If the termination decision is not upheld, the employee will receive applicable back pay.

Termination Review Process

The employee may request in writing a review of the termination decision within five business days to the Chief Human Resources Officer. The Chief Human Resources Officer or designee shall designate an executive administrator from a different supervisory line to conduct the review. The designated administrator will generally complete the review within five business days. The reviewer may request additional information or clarification from the employee or supervisor and may meet with either. The reviewer will then issue a final written decision to the employee and supervisor, with a copy to Human Resources for the personnel file.