



CITY OF SAN RAFAEL POLICIES AND PROCEDURES

Subject:	Corrective Discipline
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Approved By:	Ken Nordhoff, City Manager

CORRECTIVE DISCIPLINE AND HANDLING PERFORMANCE PROBLEMS POLICY

PURPOSE:

Corrective discipline and handling performance problems are a management right that must be handled appropriately and in accordance with applicable Memorandums of Understanding, Personnel Rules and Regulations and the Skelly process. This policy outlines the steps to be implemented when it is appropriate to administer corrective discipline and performance issues and defines the difference between the two.

RESPONSIBILITY:

Supervisory/Management Staff.

REFERENCES:

City Personnel Rules and Regulations; applicable Memorandums of Understanding (MOU's); State and Federal Law; Skelly Process; City Administration Leave policy

DEFINITIONS:

Disciplinary issues are different than performance issues. Discipline is a violation of a policy, rule, or supervisor's instruction. Job performance problems pertain to the failure of effectively and professionally performing essential job duties.

POLICY:

Department Directors, Mid-Managers and Supervisors are responsible for providing appropriate supervisory support and to address discipline and performance problems as outlined in this policy. Human Resources is available for providing guidelines to ensure the provisions of this policy are followed. The objective of disciplinary action is to communicate to the employee that a work rule violation has occurred. The nature of the communication and if necessary, discipline should indicate the severity of the rule violation, and the consequences of further violations. The desired result of discipline is to re-establish acceptable work-related behavior and are not such to corrective discipline. The

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objective of handling performance problems is to provide information, support, and accountability to help an employee perform better.

PROCEDURES:

HANDLING DISCIPLINARY AND PERFORMANCE PROBLEMS:

The problem must first be discovered, analyzed and defined so the proper corrective action may be undertaken. It is important to differentiate performance problems from disciplinary problems because corrective approaches are different.

1. Supervisors must be alert to the channels of communication through which performance and disciplinary problems surface. These channels may include:
 - Spot checking of completed work and work activities.
 - Feedback from subordinates, other supervisors, user departments, the public, customers, etc.
 - The appraisal and performance planning processes.
 - Checking out rumors.
 - Review of output standards and norms.
 - Analysis of statistical reports dealing with time off and overtime utilization.
2. Successful resolution of disciplinary and performance problems requires early identification and action. Supervisors are responsible for handling issues as soon as they arise.
3. The supervisor must first determine if the issue is a disciplinary or a performance problem. If it is a discipline problem, the disciplinary procedures must be followed. If it is a performance problem, the performance procedures must be followed. Typically a discipline problem is a violation of a working rule, policy, or regulation. A performance problem is the failure to meet acceptable standards, or to perform job description duties.

A. PROCEDURE FOR HANDLING PERFORMANCE PROBLEMS:

1. The objective is to bring the employee's performance up to standard. The supervisor's job is to provide guidance and accountability. The supervisor must identify, and put in writing, the standards expected of the employee. Standards may be found in job descriptions, performance evaluations, work plans, department objectives and performance measures.
2. The employee must understand what he/she needs to do to meet these standards. The performance inadequacy must be identified in writing in terms of the standards, or in terms of failure or deficiency in specific work assignments.
3. The supervisor's job is to convey to the subordinate that he or she has performance deficiencies and to document these deficiencies in writing.
4. An improvement plan should be developed jointly by the supervisor and the employee. The plan should contain:
 - a. Specific identification of performance-improvement objectives.
 - b. Time schedule for achievement of objectives.
 - c. Frequent progress review.

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d. What will result if objectives are achieved; are not achieved?

B. DISCIPLINARY ACTION PROCEDURE:

1. Determine all the facts by interviewing employees involved privately, and conducting a thorough investigation.
2. Distinguish between "symptoms" and real problems.
3. Consult with the Police Department if criminal activity is suspected.
4. In the event of possible criminal activity, threat to life, limb or property, immediately suspend or otherwise relieve employee from duty pending determination of your action. Do not wait around for signatures or paperwork if the situation requires immediate action. The paperwork can follow.
5. Consult pertinent rules and references--especially Merit, Rules, and MOUs.
6. Find out how similar problems have been handled in the department and Citywide. Find out if a past practice has been established? If so, document in writing the past practice.
7. Check with the Department Director and the Human Resources Director before taking formal disciplinary action.
8. Follow the written format, attached to this document, on all disciplinary actions. A copy must be filed in the employee's Human Resources Department file. Hand deliver the employee's copy or send via U.S. Mail--registered, return receipt requested--to the employee's address of record. Do not send a copy to the union, unless representation has been established. It is up to the employee to determine whether or not he/she wishes representation.
9. If the disciplinary action involves termination, demotion or suspension, and the employee is non-probationary, the following due process procedure must be followed:
 - a. The employee must be given written notice of intended discipline including:
 - the specific nature of intended discipline;
 - the reasons for the discipline;
 - a copy of information, charges or materials upon which the action is based;
 - a notice stating that the employee has a reasonable time in which to respond, either personally or in writing, as to why such discipline should not be imposed.
 - b. Upon request, the employee shall be provided an informal meeting for purposes of responding to the proposed disciplinary action, prior to its being imposed. Employees have the right to individual representation if they desire. You must ask the employee if he/she wants representation.
10. If during the course of a disciplinary investigation or a pending discussion on suspension or termination, it may be appropriate to place an employee on paid administration leave. Refer to the City's Administrative Leave Policy for details.

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APPROVED BY:



KEN NORDHOFF, City Manager

8-31-2009

Date



VERBAL DISCUSSION DOCUMENT

(This memo is used to document a verbal discussion. It is not considered disciplinary action, and it is not filed in the Personnel File. It is used for reference in the event that behavior fails to improve and disciplinary action becomes necessary.)

(Sample)

DATE:

TO: (Name and Title)

FROM: Supervisor

SUBJECT: Our Discussion of April 14 Regarding Your Failure to Answer the Telephone Promptly

Yesterday we talked about your answering the telephone on the seventh or eighth ring. I told you this particular aspect of your job performance was unsatisfactory, and it needed to be corrected.

I stated that the following standard applied: **YOU ARE EXPECTED TO ANSWER THE TELEPHONE ON THE THIRD RING, OR EARLIER.** I told you that you are required to adhere firmly to this standard. I reminded you of my previous informal discussions with you about this matter, and hoped that I would not have to speak to you again about promptly answering the telephone.

You told me that when the phone rang about 2:20 p.m. yesterday you were in the middle of typing a complex sentence in a manuscript and didn't want to stop in the middle. You answered the telephone on the seventh or eighth ring. The failure to answer by the third ring causes our callers to become angry, thus making subsequent conversations with other employees more lengthy and difficult. As a result, we can handle fewer people in a work day. You said you would be more diligent in answering the telephone.

If this is not an accurate representation of our discussion, please notify me in writing within five days.



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NOTIFICATION OF UNSATISFACTORY WORK OR CONDUCT

(This is a stronger document than the Verbal Discussion Document. This is not disciplinary action, but is a warning with opportunity to improve. This document is also used to notify an employee of performance deficiencies and afford an opportunity to improve. This notification should be filed in the employee's personnel file.)

(Sample)

DATE:

TO: (Employee)

FROM: Supervisor or Manager

SUBJECT: Notification of Unsatisfactory Work or Conduct

This is a formal notification of unsatisfactory work or conduct. You will be given an opportunity to correct deficiencies and improve to meet standards. Failure to do so will result in disciplinary or corrective action including suspension, demotion or discharge.

BASIS:

(State deficiencies and omissions. Be specific. Give dates, times, names, places and other details. Indicate the standards, rules, regulations, etc. which are deficient or which have been violated.)

IMPROVEMENT PERIOD:

(State the period--e.g., 30, 60, 90 days--during which improvement will be monitored and by whom. State the standards which must be met during this period. Develop an improvement plan if appropriate.)

WARNING:

(Express encouragement for improvement, but warn that failure to improve or correct deficiencies as indicated will result in _____.)



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WRITTEN REPRIMAND

(This form is used to document a written reprimand. A written reprimand is the threshold level of disciplinary action. It does not require a "Skelly" procedure. This document is filed in the employee's personnel file.)

(Sample)

DATE:

TO: (Employee)

FROM: Supervisor or Manager

SUBJECT: Disciplinary Action

Nature of Disciplinary Action: Reprimand and Warning

Effective Date: (May be same as memo date)

Cause of Disciplinary Action:

Cite Merit Rules, departmental rules, or other work rules which have been violated or omitted.

Facts:

Make a concise statement of the facts, errors, omissions and circumstances upon which the proposed action is based. This section must include all documents and items of evidence, either by copy or by reference, so that the employee may have access to all documentation.

Right of Appeal:

Mention right of appeal through the grievance procedure and the right to union or legal representation.



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NOTIFICATION OF INTENDED DISCIPLINARY ACTION

(This document and the Notice of Termination, Suspension, etc. are used to notify an employee of proposed disciplinary action requiring pre-disciplinary due process or "Skelly procedure. The "Skelly" procedure is required when an employee will be subject to loss of pay, or to termination. Sample 4 and 5 documents are filed in the employee's personnel file.)

(Sample)

DATE:

TO:

FROM:

SUBJECT: Notification of Intended Disciplinary Action

Attached is notification of intended disciplinary action, including the nature of the action, beginning date of the action, and the facts upon which the action is based.

Prior to effective date of the disciplinary action, you have the right to review this material and respond to the charges in writing, or verbally in an informal meeting with (should be next higher level of management). If you would like a meeting, he/she is available in his/her office at _____ on _____. An alternative time may be arranged if necessary. You are entitled to Union representation at the meeting.

Your response, if any, must be received before _____, at which time the intended disciplinary action will go into effect, unless altered or rescinded in writing.

Attachment

cc: Human Resources Department

Sent via Certified Mail, Return Receipt Requested, or Hand Deliver in Person



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NOTICE OF TERMINATION, SUSPENSION, ETC.

(This document is used only in conjunction with the Notification of Intended Disciplinary Action cover letter and "Skelly" procedure. This document is filed in the employee's personnel file attached to Sample 4.)

(Sample)

DATE:

TO: (Employee)

FROM: (Supervisor)

SUBJECT: Intended Disciplinary Action

Nature of Disciplinary Action: (Termination, suspension, etc.)

Effective Date:

(You must allow time for pre-disciplinary response – five days after notification.)

Cause of Disciplinary Action:

Cite Merit Rules, departmental rules or other work rules which have been violated or omitted.

Facts:

Make a concise statement of the facts, errors, omissions and circumstances upon which the proposed action is based. This section must include all documents and items of evidence, either by copy or by reference, so that the employee may have access to all documentation.

Right of Appeal:

Mention right of appeal through the grievance procedure, and the right to union or legal representation.