

Maricopa Special Health Care District Policies	Subject: Informal/Formal Discipline 9/22/04	Number: HR2401 Issue Date:
Approved: CEO:	Initiating Department: Human Resources Department	

I. PURPOSE

The purpose of this Administrative Personnel Procedure is to assist the supervisor/manager in designing a course of action once a problem behavior has been identified so the employee may take steps to correct the problem performance, conduct or inappropriate behavior. Management has the responsibility to treat employees fairly. Although there is no guaranteed formula to avoid employee performance problems, following these basic guidelines will help ensure that all relevant factors have been considered before proceeding with formal disciplinary action. The informal/formal discipline policy and procedure does not create a contractual obligation on the part of the District to follow this policy in all cases. Management has the right to appropriately discipline any inappropriate conduct on the part of employees without being required to follow the steps outlined in this policy.

II. POLICY GUIDELINES - BASIC PHILOSOPHY

- A. The use of corrective action is meant to improve the performance or to change the behavior of the employee. Depending on the severity of the behavior or offense, punitive action may be necessary without going through the sequence of steps. The penalty in a disciplinary action should be appropriate to the offense and consistent with action taken for similar offenses, while taking into account relevant distinctions.
- B. Once a problem behavior has been identified and possible causes have been reviewed, corrective action may be considered. Depending on the behavior or infraction, coaching may be an appropriate starting place. In taking any form of corrective action, promptness and consistency are important. An Informal/Formal Discipline Checklist is provided (Attachment A) and may be completed prior to administering the disciplinary action. Failure to complete the checklist shall not be deemed as a failure to follow policy and procedure; the checklist is intended only as a tool to assist the appointing authority or supervisor.
- C. Employees on initial probation may be suspended, demoted or released at any time.
 - 1. It is advisable, however, to have some documentation which demonstrates that the employee was aware of problem areas and was given a reasonable period of time to show improvement (except if there is an offense or incident deemed to warrant immediate release).
 - 2. Employees being released must receive written notice (Attachment B) prior to the expiration of the established probationary period in accordance with the applicable Merit System Rules. It is not necessary or desirable to give initial probationary employees specific reasons for their release in the letter.
- D. There is some conduct that is so egregious in nature that, depending upon the circumstances, a single act may be regarded as sufficient reason for suspension, demotion or dismissal. Such conduct may include, but is not limited to:
 - 1. Theft or abuse of property.
 - 2. Falsification of application for employment, records, reports, or other required data.
 - 3. Bringing unauthorized intoxicants, drugs or narcotics onto District property or consuming unauthorized intoxicants, drugs or narcotics on District property or reporting for duty or being present on District property while under the influence of such intoxicants, drugs or narcotics.

4. Buying and/or selling of any unauthorized intoxicant, drug or narcotic or arranging to do so on District property.
 5. Unauthorized possession of weapons on District property.
 6. Fighting or inciting a fight on District property.
 7. Maltreatment or abuse of an employee or other person.
 8. Unauthorized disclosure of confidential District information.
 9. Discriminating against any employee or other person because of race, color, age, religion, sex, national origin or disability.
 10. An unprofessional or immoral act sufficient to justify dismissal.
 11. Conduct constituting violation of state or federal law sufficient to justify dismissal.
 12. Insubordination, including refusal to perform assigned duties or follow directives from the employee's supervisor, failure to cooperate with a District investigation and failure to correct inappropriate behavior after receiving notification under the procedures described in this Administrative Personnel Procedure.
 13. Dishonesty.
- E. Inability for medical reasons is cause to dismiss under the respective Merit Rules but connotes no improper conduct on the part of the employee nor does it contemplate corrective or progressive steps.
- F. When conduct which is cause for discipline under Section 15A of the Employee Merit System Rules is of a less egregious nature, a lesser level of discipline may be warranted.
- G. If an employee engages in conduct which the District believes justifies suspension, demotion or dismissal, the procedures of HR2402 (Predisciplinary Action Hearing) shall apply.

III. PROGRESSIVE STEPS

A. COACHING

Coaching is an effective, non-threatening method intended to improve overall performance. Supervisors may use coaching when work performance, conduct or attendance problems begin to develop. Supervisors shall describe the inappropriate conduct, point out specific instances of the inappropriate conduct to the employee, suggest appropriate corrective action and ask for agreement to change. Often, this simple act is enough to get the employee's attention. Document the discussion and place in the supervisor's personal work file. The Employee Coaching Guide (Attachment C) may be useful to the supervisor in preparing for a coaching session. The use of this guide is optional. It may be shared with the employee at the discretion of the supervisor.

B. VERBAL (ORAL) COUNSELING

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If an employee continues to engage in similar inappropriate conduct, or if the employee's conduct or behavior is such that bypassing coaching is justified, the supervisor may engage in verbal counseling. A verbal counseling is a warning. A problem solving session should be held between the supervisor and the employee about specific work performance deficiencies, conduct or attendance problems. The supervisor should advise the employee of the problem, how the problem is affecting the workplace, point out specific instances of the problem or conduct, and suggest appropriate corrective action. The counseling with the employee should be a mutual discussion focusing on solving the problem. The employee needs to be advised that management expects him/her to adhere to the agreed upon solution and, that more severe action will be taken if the employee does not adhere to the agreed upon solution. If during this meeting or anytime thereafter, it is revealed that the employee has a personal problem, the supervisor may advise the employee of the services offered by the Employee Assistance Program. The supervisor should make a note of the verbal counseling and retain it in the supervisor's personal work file for documentation and reference purposes.

C. WRITTEN COUNSELING/REPRIMAND

If an employee continues to engage in similar inappropriate conduct or if the employee's conduct or behavior is such that bypassing coaching and verbal counseling is justified, the supervisor may issue a written counseling/reprimand. If a reprimand is chosen, the employee is informed in writing that a serious infraction has occurred and that immediate improvement is required to avoid further disciplinary action. The employee is notified that this is the second level of formal discipline and that he/she is responsible for immediately achieving and maintaining an acceptable work record.

The written counseling/reprimand should include the employee's name, person(s) present at the meeting; reason for the reprimand; a brief description of the incident or reason for counseling along with the dates and times of event(s); dates of prior counseling; recommendations to correct deficiencies; and a signature line for the employee and the supervisor. By signing the document, the employee is simply acknowledging that he/she received it. If the employee refuses to sign, the supervisor should make that notation on the document, sign and date it. The counseling/reprimand may include a monitoring or observation period, state the standards for judging the employee's improvement, and identify how often during this period the employee will be evaluated.

If the employee disputes the contents of the written counseling/reprimand, the employee may submit a written response to the written counseling/reprimand. The written counseling/reprimand and any employee response shall be placed in the employee's personnel file in the Human Resources Department, Employee Information Services, Records Section.

D. SUSPENSION

If an employee continues to engage in similar inappropriate conduct, or if the employee's conduct or behavior is such that bypassing coaching, verbal (oral) counseling and written reprimand is justified, the appointing authority may issue a suspension. Suspension may only be used for employees who are **non-exempt under the Fair Labor Standards Act (FLSA)**. In this course of action, the employee is suspended from work without pay for a period not to exceed thirty (30) calendar days for any single cause. A predisciplinary and disciplinary notice of suspension must be given in writing to the employee, stating the length of and reason for the suspension and giving notice of the right to appeal or review in accordance with the provision contained in the

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applicable Merit System Rules (See HR2402 for additional guidance). A predisciplinary hearing must be conducted prior to the suspension or the suspension is subject to legal challenge.

WRITTEN WARNING (To be used in lieu of suspension for **FLSA exempt employees**)

Employees who are exempt under the Fair Labor Standards Act (FLSA) shall not be subject to suspension. In lieu of suspending an FLSA exempt employee, the appointing authority may issue a written warning. Subsequent offenses may be cause for demotion or dismissal. A written warning is not an action which is appealable to the Merit Commission. The procedure for submitting a written warning shall be the same as the procedures provided for a written reprimand. An employee may submit a written response to a written warning if the employee disputes the contents of the written warning. The written warning and the employee's response shall be placed in the employee's personnel file in the Human Resources Department, Employee Information Services, Records Section.

E. DEMOTION

When other lesser disciplinary actions have been taken, and have failed or are not appropriate or sufficient, a supervisor may impose a demotion. This action results in a change in the assignment of a regular status employee to a lower pay grade. When the employee is demoted to a job not previously performed, he/she shall be required to meet the qualifications and testing standards of the new position which are in effect at the time of demotion. A regular status employee being demoted must be given a predisciplinary hearing and disciplinary notice stating the position title to which the employee is being demoted, the pay grade and the employee's right of appeal. A predisciplinary hearing must be conducted prior to the demotion or the demotion is subject to legal challenge. (See HR2402 for additional guidance).

Until an employee who has been promoted has successfully completed the required probationary period, the employee may be returned or demoted to a former or like position and shall have no right to appeal. A predisciplinary hearing is not required before demoting an employee on initial or promotional probation. However, the employee must be notified in writing of the demotion and, in the case of initial probation, the right to request a review from the Human Resources Director. Demotions are not appropriate unless the employee can reasonably be expected to perform the duties of the lower position.

Demotions may also be voluntary. When a demotion is made voluntarily, the employee has no appeal rights. If the employee requests a voluntary demotion, he/she must submit a written request acknowledging the position's job title and pay grade. An employee subject to a reduction-in-force who accepts a position of a lower pay grade, accepts such a demotion voluntarily and has no rights of appeal.

F. DISMISSAL

When other lesser disciplinary actions have been taken and have failed or are not appropriate or sufficient for the infraction, dismissal proceedings may be initiated. Dismissal may only be for cause as defined in the respective Merit System Rules. A predisciplinary hearing must be conducted prior to the dismissal or the dismissal is subject to legal challenge. For more information regarding the predisciplinary process, see HR2402.

INFORMAL/FORMAL DISCIPLINE CHECKLIST

	initial	date
WERE THE NECESSARY FACTS SECURED? 1. Is there a business reason to proceed with the disciplinary action? 2. Did the employee have an opportunity to explain his/her side of the story? 3. Were all sources of information investigated? 4. Were the interviews held privately so as to avoid embarrassing the employee or employees? 5. Was every effort made to verify all the facts in the case? 6. Were the employee's personnel records reviewed for past history?		
WERE ALL THE FACTS CONSIDERED BEFORE DECIDING UPON THE DISCIPLINARY ACTION? 1. What has been done in similar cases in the department? 2. Was there evidence of discrimination toward any individual or group? 3. Did personalities affect the decision to take disciplinary action? 4. Does the discipline fit the violation? 5. Will the discipline maintain morale?		
WAS THE DISCIPLINARY ACTION ADMINISTERED IN THE PROPER MANNER? 1. Is the supervisor prepared to explain to the employee, or employees concerned, why the discipline is necessary? 2. Will this action effectively discourage a similar offense in the future? 3. Is the supervisor prepared to deal with any resentment shown? 4. Has the incident been documented by completing all necessary reports, counseling memos and/or performance evaluations?		
WAS FOLLOW UP ACTION COMPLETED? 1. Did the measure have the desired effect on the employee? If not, is the supervisor prepared to follow through with more severe disciplinary action? 2. Has the employee received any encouragement regarding good work and/or behavior?		

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ATTACHMENT B

SAMPLE INITIAL PROBATIONARY EMPLOYEE RELEASE LETTER

January 1, 199_

Mr. John Doe
123 Any Street
Nowhere, Arizona 85____

Dear Mr. Doe:

Effective January 5, 199_, you are released from your position with the Sheriff's Office. This release is due to unsatisfactory completion of your initial probationary period.

As a probationary employee, you do not have the right to appeal this action.

Sincerely,

Appointing Authority

cc: Clerk of the Board
Human Resources Director (attach to Personnel Action Form)
District Counsel
Departmental File

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ATTACHMENT C

EMPLOYEE COACHING GUIDE

This guide is useful in preparation for a coaching session. Use of this form is encouraged, but optional.

EMPLOYEE NAME:

DATE: _____ DEPARTMENT/DIVISION:

Brief description of problem:

Date(s) of previous discussion(s) about this problem:

Describe the actual performance/conduct/inappropriate behavior:

Describe the desired performance/conduct/behavior:

Describe the business reason why employee must solve this problem:

Describe the consequences for failure to improve to an acceptable level:

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SUPERVISOR'S NAME: _____