

# **Disciplinary Process Training**

*Presented By:*

**The Employee & Labor Relations  
Division of Human Resources**

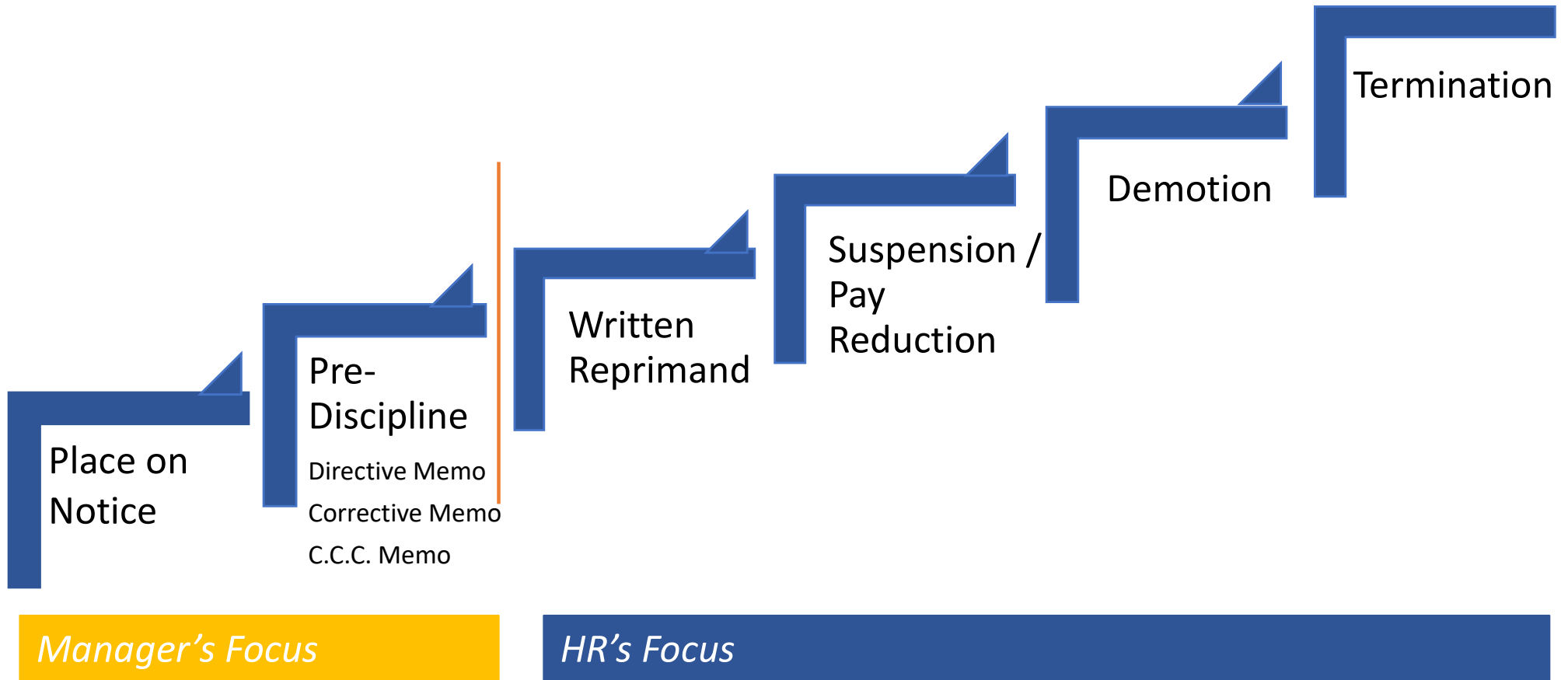
# Class Objectives

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- Understand the steps involved in progressive discipline
- Understand the requirements of a sound disciplinary process
- Understand your role in facilitating that process
- Learn how to deal with employee issue(s)

# Progressive Disciplinary Steps

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# EGREGIOUS MISCONDUCT

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All things being equal, certain types of misconduct may warrant formal discipline at the level of suspension or higher on the very first offense.

Examples:

<b>Dishonesty or Theft</b>	<b>Drug/Alcohol Abuse</b>	<b>Forgery/Fraud</b>
<b>Workplace Violence</b>	<b>Sexual Harassment</b>	<b>Insubordination</b>

- Contact your County Employee Relations (ER) Team for guidance before pursuing any formal disciplinary action

# Level of Discipline

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- Length of employment?
- Prior discipline? Has it been progressive?
- All evidence considered – corroborating and refuting?
- How have similar situations been handled in the past?
- MOU, laws, or regulations which stipulate the level of discipline to be issued?
  - **Medical Certification Violation – 1<sup>st</sup> Offense: Written Reprimand**
- Nexus between misconduct and job performance and/or department operations?
- How egregious? Does conduct warrant termination?
- Contributing problems that the County needs to correct?
- Are witnesses credible and available to testify?

# Formal Discipline

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Typically preceded by an Administrative Investigation

## Written Reprimand

First level of formal discipline – Appealable by LIUNA, SEIU, and Peace Officers

## Suspension/Pay Reduction/Demotion/Termination

Appealable by all bargaining units and management/confidential

All involve taking money/position away from property-righted employees

Above 80 hour suspension/pay reduction is considered major discipline

80 hour suspension/pay reduction or below is considered minor discipline

## Due Process Considerations

Due Process must be provided and discipline proposed before implemented (Skelly v. State Personnel Board-Cal. Sup. Curt. 1975)

Notice of Proposed Discipline (Intent Letter)

Opportunity to respond – Skelly Hearing and/or written Skelly response

Notice of Discipline (Action Letter) – opportunity to appeal

# Causes for Discipline

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- There are differences from MOU to MOU/Resolution listed as A-Q
- Most common causes:
  - C. Inefficiency or negligence in performance of duties
  - D. Neglect of duty
  - F. Willful violation of an employee regulation prescribed by the BOS or the head of the department
  - G. Absence without leave
  - I. Discourteous treatment of the public or other employees
  - M. Conduct either during or outside of duty hours which adversely affects the employee's job performance or operation of the department**
  - N. Failure to maintain the license, registration, certificate, professional qualifications, education or eligibility required for the employee's job classification

# Disciplinary Appeals

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- Two Types of Hearings
  - Mini-Hearings (80 hour suspensions/pay reductions or less)
    - Expedited hearings – binding arbitration
  - Maxi-Hearings (Above 80 hours, demotions, and terminations)
    - Full evidentiary hearings – advisory arbitration
      - All formal disciplines for RSA-LEU and LEMU are maxi hearings
- Arbitrator (third party neutral) hears case, renders written decision
- Supervisor/Manager will likely need to testify
  - County advocate will prepare you for the hearing
  - Answer only the questions opposing counsel asks you
  - Do not volunteer additional information
  - Do not answer a question you don't understand (seek clarification before answering)

# Do Not Issue Discipline to:

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- Temporary Assignment Program (TAP) employees
- Per Diem employees
- At-Will employees
- Probationary employees

All of these employees:

- May be released at any time for legitimate business reasons
- Possess no internal appeal rights

# Initial Probationary Employees

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- Have not completed initial probationary period.  
Generally:
  - 6-Months for LIUNA represented employees
  - 12-Months for SEIU represented employees and unrepresented management/confidential
- May be released at any time during initial probation
- Notify employee verbally and in writing (email, memo) early on regarding expectations and document how employee is not meeting those expectations
- Supervisor/Manager must provide County Employee Relations (ER) with written justification prior to the release - include any work comp, disability, etc.
- Must issue Probationary Release letter to the employee
- No internal right to appeal
- Recommended explanation to the employee: *“Unfortunately, you did not pass probation.”*

# Promotional Probationary Employees

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- Decision factors are the same as initial probationary employees
- If employee has passed his/her initial probationary status, your action will be a return to former class
- If employee has not passed his/her initial probationary period, your action will be treated as a probationary release
- Follow MOU probationary period timelines
- Work with the County Employee Relations (ER) Team to coordinate the return

# Essentials for Managing Probationary Employees

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- Probationary period is an extension of the hiring process
- Make expectations clear on day one
- Determine if employee possesses skills and abilities to perform job successfully
- Monitor/document poor performance and/or behavior and notify employee verbally and in writing (email, memo)
- Promptly address problems with performance, attendance and/or behavior - documentation of your communication with the employee is critical
- Do not settle for mediocrity
- Do not wait until last minute to release employee
- This also applies to promotional probationary employees

# Laying a Foundation for Success

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- Set clear expectations - in writing - from the beginning
- *Be a good example!* Model what you expect to see from your staff
- Be professional and approachable
- Show appreciation and encourage others to perform at their highest level
- Communicate timely and effectively
- Foster a productive work environment
- Be open to feedback
- Be willing to use conflict resolution

# 3-Step Conflict Resolution

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## Step One

Meet individually with each employee to discuss the issue(s)



## Step Two

Listen with an open mind to both sides of the conflict



## Step Three

Mediate a solution with all parties – confirm your authority to implement it

# Things to Consider When Conducting Counseling Sessions

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- Cool off first - if you are upset, today may not be the best day to have the conversation
- Watch your approach (e.g., timing, body language)
- Conduct your counseling sessions in private
- Listen - it should be a two-way conversation, not a one-way communication
- EAP Referrals - if employee is having personal problems, inform them of EAP
- Summarize the session by highlighting the desired outcome, verbally and in writing, explaining next steps and possible consequences for failure to improve

# When an Issue Arises

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- Depending on severity of issue, conduct a private verbal counseling session with employee
- Your focus should be on:
  - Helping the employee improve
  - The facts - not the person
  - Being consistent and objective in your feedback
  - Discussing how failure to meet expectations is negatively impacting their job, you, and the Department
  - Summarize your meeting in writing with an email or memo to the employee (very important if result could be a probationary release)
- Every discussion you have with employee (other than for routine matters), document in your supervisor's working file (date, time, items discussed and prescribed outcome)

# Weingarten Rights

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*Who is Weingarten anyway?* 🤔

- Weingarten vs. NLRB (1975) Supreme Court ruled that employees have a right to union representation at investigatory interviews.
- Scenario: My employee refuses to meet with me unless a union representative is present.

# Labor Relations

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- The Labor Relations Division of County Human Resources handles matters when Unions need to be notified due to a change in the terms and conditions of employment
- This includes:
  - Changes to department policies that alter the terms and conditions of employment (i.e., dress code, attendance, etc.)
  - Changes to classification duties
  - Working employees out of classification beyond the MOU limit
  - Implementing a different practice than what was negotiated in the MOU or an established department practice
- For assistance on Labor Relations matters, contact the Labor Relations Division at [employee-relations@rivco.org](mailto:employee-relations@rivco.org)

# ***FLOWCHART TIME***

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# Pre-Disciplinary Memorandums

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## Directive Memorandum (DM)

- When you need to direct someone to do something or not do something
- Only pre-disciplinary memo issued to individual or group
  - Professional and Courteous Conduct Memorandum (“be nice memo”)

## Corrective Memorandum (CM)

- When you need to correct someone’s behavior
- Memo should contrast observed behavior with desired behavior

## Corrective Counseling Confirmation Memorandum (CCCM)

- When you need to memorialize a formal verbal counseling
  - Should outline expectations going forward and potential consequences for failure to meet them
- All 3 memo types should be filed in supervisor’s working file for one year after date of issuance
  - Reference current memos in Performance Evaluations
  - “Pre-Disciplinary Memos” are neither appealable nor grievable
  - Copy of the signed memo should be sent to County Employee Relations

# ***HANDOUT TIME***

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DM

Directive  
Memo

CM

Corrective  
Memo

CCCM

Corrective  
Counseling  
Confirmation  
Memo

# Addressing Attendance

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- Ensure that your staff is aware of your expectations regarding attendance and lead by example
- Outline your unit's call-in procedures in a staff meeting and have everyone sign the agenda acknowledging your expectations and place a copy in your supervisory file
- Keep accurate attendance records for your entire unit
- Immediately address a trend in late arrivals, extended breaks/lunches, early departures and absences to place your staff on notice of your concern
- Ignoring attendance issues signifies to staff that their conduct is acceptable

# Attendance CCCM and/or Medical Certification Directive?

An Attendance CCCM memorializes a formal verbal counseling session in which attendance issues were addressed

A Med Cert is a written directive that places the employee on notice when sick leave abuse is suspected

- Requires the employee to provide an **original** certificate signed by a health care provider stating the day(s) of the illness/injury **and** that the illness/injury **prevents** the employee from working
- Includes partial or full day absences

# Prior to Placement

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## Determine if a Med Cert is appropriate for the situation:

- Complete an attendance profile
- Meet with the employee to discuss how their poor attendance negatively impacts the department and their performance
  - Provide clear expectations
  - Schedule a future follow-up meeting

## What to look for:

- Frequent sick leave absences before/after weekends, holidays or scheduled time off
- Low sick leave balances despite no long-term illness/injury
- Sick leave absences on days previously denied as vacation requests
- Sick leave absences on days when performance evaluation, administrative interviews, etc. are scheduled

# Medical Certification Rules

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- Certificate (doctor's note) must be an **original**
- Applies to use of sick leave for self or family member
- Note must be provided **immediately** upon returning to work from sick leave or doctor's appointment
- Failure to comply will be considered insubordination and time off will be reported as unapproved AWOP and charged as absence without leave (AWOL)
  - Employee will be subject to disciplinary action
  - First violation is typically a Written Reprimand
  - Progressive discipline up to and including termination for subsequent violations
- Place copy in Supervisor's working file for 1 year from the date of issuance

# Other Considerations

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## Protected or approved leave should not be considered:

- Employee's time off under FMLA, CFRA, PDL, Kin Care or any other legally protected time (such as military leave)
- Employee's time off as an accommodation under ADA/FEHA
- Approved time off, including vacation time, holiday time, approved AWOP, etc.

## Removal or Continuation:

- Review sick leave usage at least annually based on the date of issuance - put on your calendar for review
- Can be removed early
- Provide notice in writing:
  - Notice of Removal
  - Notice of Continuation

# Sample Attendance Profile

Name:

EEID:

From: [Date]

To: [Date]

<b>Reasons:</b>	F/S=Family Sick Sick=Employee Sick T=Tardy PTO= Pre-approved Vacation, Comp, or Holiday NS=No Show FMLA=FMLA B=Bereavement W/C=Workers Comp Other= Describe Reason in Comments
<b>Leave Types:</b>	SICK=Sick Leave VAC=Vacation Leave HOL=Holiday Off Paid HLU=Holiday Leave Used CLU=Compensatory IIU=Industrial Injury Hours MIL=Military Leave SVU=Special Vacation Used AWP=Absent Without Pay AAWP=Approved Absent Without Pay F Added to Pay Code= FMLA Used

MM/DD/YY	# Hours Off Work	In Conjunction with Days Off (Y or N)	Conjunction Days	Reason Stated	Leave Bank Used or AWP	Doctors Note Provided*	Comments (Exclude Information Protected by HIPAA)
<b>Total Hrs</b>	<b>0.0</b>						

\*Complete "Doctor's Note Provided" column only when employee is already on Medical Certification.

# Sample Attendance Profile

Employee Name: Jane Doe EE ID: 222222  
 Beginning date: 01/01/19 EE Start Time: 7:00 a.m.  
 Ending date: 03/01/19 EE Lunch Time: 11:30 a.m.  
 EE End Time 4:30 p.m

DATE	SICK	VACATION	AWOP	FMLA	DAY	Notified a supervisor?	DR. NOTE?	COMMENTS
01/03/19	9.00				Tue	No		Jane left a VM on my personal cellphone at 10:30 a.m. that she was out sick for the day. When Jane returned to work on 1/4/19 she was informed she needed to call prior to her start time if she was calling in sick or going to be tardy.
01/06/19			1.00		Mon	No		Jane showed up to work at 8:00 a.m. and stated she was stuck in traffic. She has already been verbally warned to call by her start time if she is going to be late or out the whole day. Even though she leave accruals she did not call me or any other supervisor to notify us that she would be late. AWOP hours coded for 1 hour.
01/10/19			0.50		Thu	No		Jane took an unauthorized extended lunch for 30 minutes. She claimed she lost track of time. As her time was not approved she will not be allowed to use accruals. Will note on timesheet as the 30 minutes was not approved.
10/12/19			0.50		Thu			Jane showed up to work late at 7:30 a.m. As she has been warned already to call a supervisor before her start time if she was going to be late or sick, .50 hours will be coded as AWOP. A CM was issued to Jane on 1/1/19 regarding attendance and call-in procedures.
01/22/19		0.50			Fri	Yes		Jane notified me this morning that she needed an extra 30 minutes during her lunch hour to drop off items at her son's school. Vacation for 30 minutes approved.
01/23/19	9.00				Mon	Yes		Jane called B4 her started time & informed the supervisor in charge she would be out sick for the day to care for her son.
01/25/19	1.00				Fri	Yes		Jane requested on 1/24/19 to leave on 1/25/19 @ 3:30 for a last minute dentist appointment.
02/01/19		0.30			Wed	Yes		Jane called me while in route to work indicating she was stuck in traffic due to a multi-vehicle accident. Jane submitted a 161 when she returned and approved to use .30 hours of vacation.
Total	19.00	0.80	2.00					

# Unacceptable Behavior and Poor Performance

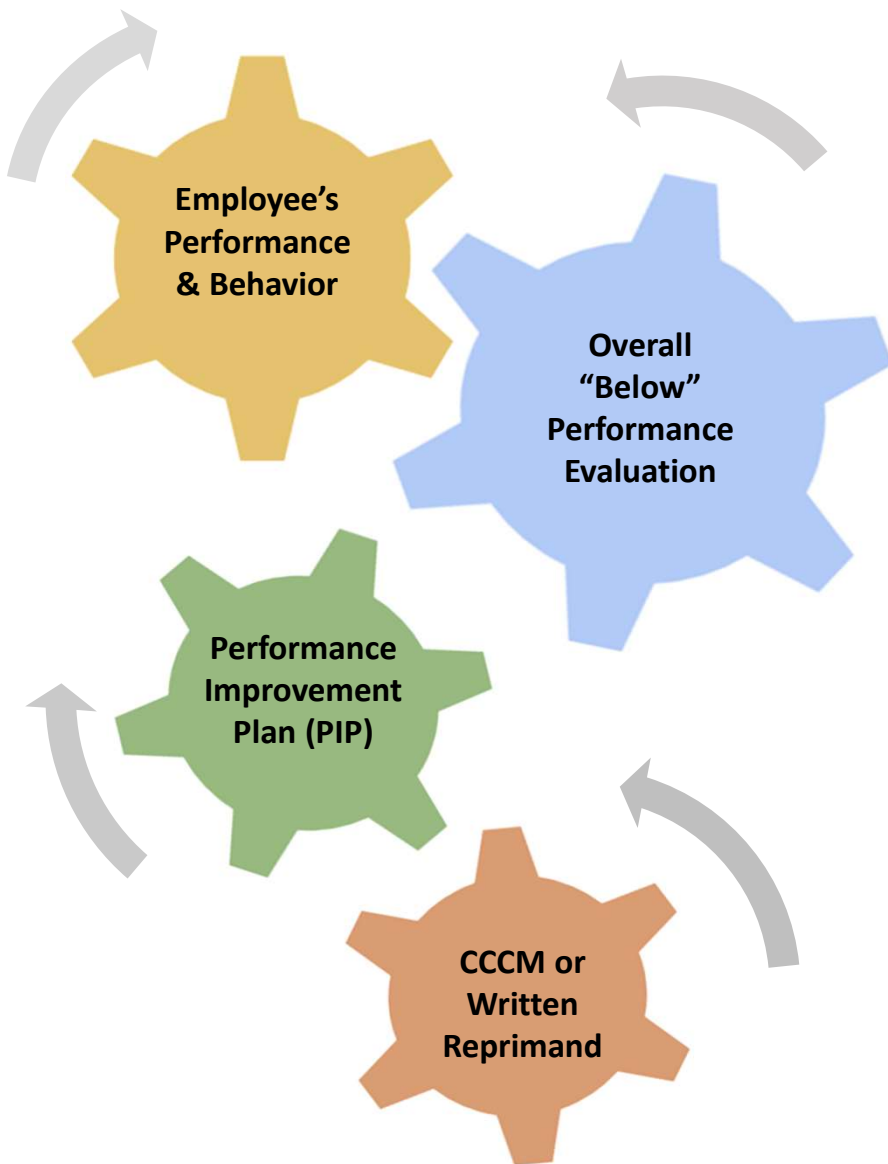
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Should be documented and addressed by supervisor...

- Is it a behavioral/conduct issue?
  - Attendance
  - Discourteous Treatment
  - Insubordination
  - Dishonesty
  - Workplace Violence/Sexual Harassment/Alcohol or Drug Abuse
- Is it a performance issue?
  - Inefficiency
  - Negligence
  - Neglect of Duty
  - Incompetence

# Performance Management

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- If an employee's *overall* performance evaluation rating is a "Below standards", you must consult with Employee Relations (ER) prior to issuing the evaluation.
- After consulting with ER, you will issue the evaluation along with:
  - 1) Corrective Counseling Confirmation Memo (1<sup>st</sup> eval) or Written Reprimand (2<sup>nd</sup> eval)
  - 2) Performance Improvement Plan (PIP)
- All 3 documents must be reviewed by the ER Team prior to issuance
- Merit increases should be denied if employee is on a PIP

# Performance Improvement Plan (PIP)

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## Elements of a PIP include:

- General Instructions
  - Communicate expectations and responsibilities
- Specific Improvement Expectations
  - Establish reasonable performance criteria - *What needs to happen and/or can happen during the PIP timeframe?*
  - Description of the acceptable performance criteria for every area of the Performance Evaluation where the employee was rated “Below Standards”
  - Individualize it to the employee and the job they perform
  - Should be reflective of the deficiencies noted in the performance evaluation
- Training and Feedback
  - Establish regular meetings that will take place during the PIP period (weekly, bi-weekly)
  - Prepare a written summary after each meeting with status on what was discussed, due dates, progress, etc. towards employee completing the PIP
  - Provide training in specific areas where deficiencies exist



# Performance Improvement Plan (PIP)

(Note: It is essential that the PIP take into account the employee's specific job requirements, performance deficiencies and training needs, as well as the department's specific expectations. ADD, DELETE, AND REVISE as much information in both the General Instructions and the Specific Improvement Expectation sections as needed. If any of the categories listed were not rated below for the employee, then remove them. For example: if the employee was a "meet standard" under problem solving then remove references to problem solving. This template is a sample from which to start. Please adapt it to the employee's specific situation.)

## PERFORMANCE IMPROVEMENT PLAN

Date:

TO: Employee's Name, Title

FROM: Supervisor's Name, Title

RE: Performance Improvement Plan

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As reviewed with you in our discussion of your performance evaluation on (date), your performance as a (classification title) has been below standards. In order to provide you with clear information regarding performance standards and expectations, the following Performance Improvement Plan has been developed.

It is essential that you read, understand, and comply with all elements of this Performance Improvement Plan. You are to keep this Performance Improvement Plan in a convenient place where you can readily refer to it whenever you have questions. **Your performance will be reviewed again in approximately 60 days.**

### GENERAL INSTRUCTIONS

1. You will receive assignments from (name, title). You are to listen carefully and take comprehensive notes whenever you are receiving assignments. Your notes should include all relevant details, including but not limited to the assigned task(s), any particulars regarding methodology, and the assignment due date.
2. You are to take responsibility for fully understanding all tasks that are assigned to you. If you are given any tasks that you do not understand, you are to obtain clarification immediately, that same day. If you need to reach me and I am not in the office, you are to (specify back-up plan, such as contacting the lead staff member and/or contacting the supervisor by cell phone). Failure to obtain clarification or saying that your supervisor was not available will not be an acceptable excuse for not completing the task correctly, and in a timely manner.
3. If you are unclear as to whether or not you have been assigned responsibility for a particular task, you are to immediately clarify this information with me. Failure to obtain clarification, and/or contending that you were not sure the task was assigned to you will not be acceptable excuses for failure to complete the task.
4. You are to produce a brief (specify whether it should be weekly or bi-weekly) report that includes progress to date on all of your assigned tasks. The format for this report will be given to you. You are to bring this report to our meetings on (day) at (time). In the event that our meeting is

# Performance Improvement Plan (PIP)

cancelled or rescheduled, you are to turn this report in by (same day and time as scheduled mtg), unless directed otherwise. If you are out ill on the day this is due, you are to turn it in by (time am/pm) the day you return to work.

5. Most, if not all, tasks will have assigned deadlines. You are expected to manage your work in such a way as to meet all assigned deadlines. If there is a reason that you will be unable to meet a particular deadline, you are to discuss this with me in advance, so that if necessary, your work may be reprioritized.
6. You are to keep me informed of all pertinent developments in your work, including any items of possible consequence, such as customer service or politically sensitive issues. When working on high priority items, you are to keep me regularly informed regarding your progress until the item has been thoroughly completed.
7. You are to always conduct yourself in a way that reflects positively upon the (name of department), our department management and upon your supervisor and lead staff. You are to courteously, carefully, and completely respond to and follow all supervisory instructions.
8. You will take responsibility for the entire process for each assigned task from the time it is assigned to you until it is totally completed, including taking steps to ensure that it is completed when it is on someone else's desk. If you meet up with difficulties in this regard, you are first to make a good faith attempt to solve them, and then, if that doesn't work, you are to notify me in a timely manner.

Customize this section to match each "Below" competency



## SPECIFIC IMPROVEMENT EXPECTATIONS

(As much as possible set expectations that can be measured, i.e. give specific timelines, specific tasks or include specific established metrics)

1. **Quantity:** You will meet assigned deadlines for all tasks, including (name of task(s)). As stated above, if there is a reason that you will be unable to meet a particular deadline, you are to discuss this with me in advance, so that if necessary, your work may be reprioritized.
2. **Quality:** You are to complete all assignments thoroughly. Your written work should be clear, complete, accurate, and correctly proofread the first time you turn it in. You are to provide services perceived by your customers as high quality, courteous, timely, and responsive. You are to listen attentively to customer needs and to take careful notes. You are to project yourself as 100% willing to serve our customers, and as willing to take on and accomplish whatever tasks are necessary in order to provide excellent customer service. You are to generate suggestions and means for solving problems that are above and beyond what our customers can think of on their own.
3. **Problem Solving:** You are to identify problems at the earliest stages, when they can most readily be solved. You are to take responsibility for solving problems, while working within accepted human resources practices. You are to keep your supervisor informed regarding any problems you are working on. You are to notify your supervisor in advance of any problems that may come to her attention or to the attention of department management.
4. **Communications:** You are to listen to others—your supervisor, (name of dept.) Management, customers, and co-workers—carefully and attentively, taking accurate notes. You are to conduct yourself professionally and courteously at all times. You are to independently follow up on all assigned tasks, even when updates have not been requested by the customer or your supervisor.

# Performance Improvement Plan (PIP)

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5. **Initiative:** You are to demonstrate an active, rather than a passive, approach to your work. You are to take complete responsibility for all tasks that have been assigned to you. You are to take action to move tasks forward, even if they are on someone else's desk at the moment. You are not to use the fact that you are waiting for something (information, etc.) as an excuse for not completing work in a timely manner. You are to volunteer for at least your share of team assignments.
6. **Adaptability:** The current work environment in (name of dept.) requires the ability to readily and successfully adapt on a continuing basis to changes in work assignment, approach, procedures, etc. You are to carefully think through your approach to work assignments, adapting it as needed for the type of assignment. When procedures or task requirements change, you are to successfully adapt to and comply with the new procedures and task requirements. You are to follow supervisory instructions regarding changes in procedures, tasks, etc.
7. **Planning and Organization:** You are to plan and organize your work in a way that allows you to complete priority tasks and meet assigned deadlines. (include specific details where applicable) You are to efficiently and effectively use your work time. You are to minimize interruptions that distract you from your work in general, and more specifically from your high priority tasks.
8. **Cooperation:** You are to comply with all supervisory directives and instructions. You are to establish cooperative work relationships with customers, co-workers, and management & supervisory staff. You are to complete your work in accordance with priorities as defined by your supervisor. (include specific details where applicable) You are to conduct yourself courteously and to exercise tact in all of your interpersonal exchanges. You are to be a team player, and to refrain from talking negatively about other staff to co-workers.
9. **Judgment:** You are to exercise sound and independent judgment in the completion of your assigned work tasks. You are to carefully gather all information and consider all aspects of a situation and then make judgment calls appropriate to your position. In cases where you do not feel comfortable making such a judgment call, you are to outline the advantages and disadvantages of various options and make a recommendation to your supervisor regarding the best course of action. You are to do this in a timely manner.
10. **Dependability:** You are to complete all work assigned to you in a timely manner, and by the assigned deadlines. You are to do so even when others are not asking for updates on that particular task.
11. **Attendance:** You are to comply with the instructions in your Medical Certification Directive Memo dated (date). You are to arrive to work on time. You are not to exceed your allotted time for breaks or lunch without previously obtaining supervisory approval. You are to attempt to schedule all personal appointments in a way that minimizes interference with your job.

# Performance Improvement Plan (PIP)

## TRAINING/FEEDBACK

1. **Regular Meetings:** In order to provide you with regular feedback regarding your performance, we will be meeting every (list day, and time, ex: every Tuesday at 2:00pm). (Note: Meetings should occur no less often than every two weeks.) We will discuss the status of your work assignments. I will answer any questions you may have and provide you with feedback.
2. **Open Door Policy:** If you have any questions regarding your assigned work, my door is always open. If I am not available in the office and you have an urgent need to contact me, you can call my cell phone at XXX-XXX-XXXX.

### 3. Training:

(Note: The department should consider both formal and informal training needs; the latter can be accomplished by reading manuals, observing someone else perform the function, attending a staff meeting, etc.)

*(Use if the department wants the employee to take responsibility for finding appropriate training.)*

You are to seek out, obtain approval for, and attend training programs acceptable to (dept.) Management in the following key areas of your work performance:

- (Specify areas in which formal training is needed, such as Written Communication & Proofreading or Effective Time Management, etc.)
- These training programs will be paid for by the (dept.). You are to obtain approval prior to registering.
- These training programs should be attended as soon as possible, and no later than (date).

*(Use if the department wants to direct the employee to attend a particular training session.)*

You are to attend the following training session:

- Name of training
- Location of training
- Time of training

*(Use if you want the employee to review a particular manual.)*

You are to review the following information located in:

- list dept policies, procedures, subject manuals or any specific documentation that would assist employee in improving his/her performance
- You will be expected to have any questions ready to discuss with me in our meeting on (date). You will be expected to have a clear and complete understanding of this material from that date forward.

If there are additional areas in which it appears that you need training, you will be provided this training on-the-job, either via observing another staff member performing a particular task, or via supervisory instruction in our regular meetings.

If you believe you need work-related training in a particular area in order to successfully perform your assigned job responsibilities, it is your responsibility to notify your supervisor of this need.

cc: Personnel File  
(name), Human Resources Business Partner  
Human Resources, Employee Relations Division

# Performance Management Timeline

**PE:** Performance Evaluation

**PIP:** Performance Improvement Plan

Step #	Place Employee on Notice	Rating Period Example	Corrective Action	Time Increment
1	Issue PE/PIP	01/03/22 - 01/03/23	Corrective Counseling Confirmation Memo	Annual <u>or</u> Special Evaluation
2	Issue PE/PIP	01/03/23 - 03/03/23	Written Reprimand – <i>“THIS IS YOUR LAST WARNING”</i>	60 Days from Step 1
3	Issue PE	03/03/23 - 05/03/23	Demotion <u>or</u> Termination	60 Days from Step 2

# Complaints Investigated by HR

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You are not responsible for investigating formal complaints. However, you need to get them to the right people ASAP:

- Types of Formal Complaints
  - Board Policy C-25 – Notify chain of command, ER Division
  - Board Policy C-27 – Notify chain of command, ER & Safety Divisions
  - Board Policy C-35 – Dept. Head will be notified of anonymous complaint
- If you are unsure how to handle a complaint, confer with your chain of command for guidance. If still unsure, contact the County Employee Relations (ER) Team
- Never agree to keep matter “off the record”
- County is legally placed on notice as soon as the supervisor is notified of a complaint

# Drug or Alcohol Abuse

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- Stop employee from working
- Obtain a witness, and together observe and determine if employee is impaired
- Contact the County Employee Relations (ER) Team to discuss what has been observed and required next steps
- If ER concurs you have reasonable suspicion:
  - Request that employee submit to a voluntary drug and alcohol test
  - Depending on employee's response either: 1) Transport employee to and from testing facility or 2) Release employee from work for rest of day and transport/arrange for safe transportation home
  - Regardless of employee's response, supervisor and witness must complete Alcohol and Drug Abuse Observation Forms
    - Gather additional written/dated/signed statements from witnesses
  - Drug & Alcohol Testing is available 24/7
  - Safety Division employee should be on call 24/7

# After Hours Safety Number

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Safety Bat Phone

**(951) 955-3520**

Leave a message and someone will return your call

# Helpful link to HR Resources and Training Site

<http://rc-hr.com/HR-Services/Employee-Labor-Relations/Employee-Relations/Resources-Training>

The screenshot displays the RIVCO HR website's 'Resources & Trainings' page. The header includes the RIVCO HR logo and navigation links for 'FIND A JOB', 'WORKING IN THE COUNTY', 'HR SERVICES', 'FAQS', and 'CONTACT US'. The main content is organized into several sections, each with a list of related documents or training materials.

**RIVCO HR**  
putting people to work

FIND A JOB • WORKING IN THE COUNTY • **HR SERVICES** • FAQS • CONTACT US •

## Resources & Trainings

### Alcohol & Drug Abuse Related Issues

- Board Policy C-10 - Alcohol and Drug Policy
- Supervisor's Guide to Alcohol & Drug Abuse Policy C-10
- Board Policy C-34 Department of Transportation (DOT) Drug and Alcohol Testing Policy
- Drug or Alcohol Abuse Observation Form

### Equal Employment Opportunity Program

- DOJ Approval Letter
- EEOP Utilization Report

### Employee Relations Related Training

- Disciplinary Process Class
- Violence in the Workplace for Managers/Supervisors Training
- Skelly Officer Training
- Management Harassment Prevention Training
- Employee Violence in the Workplace Training
- Employee Harassment Prevention Training

### Outside Employment

- Outside Employment Guidelines & Request Form

### Performance Management

- Employee Performance Manager

### Sexual Harassment and Discrimination

- Board Policy C-25 Non-Discrimination and Anti-Harassment
- Board Policy C-25 Non-Discrimination and Anti-Harassment Complaint Form
- The Facts About Sexual Harassment Brochure
- Discrimination is Against the Law Brochure

### Layoff Process Information

- Layoff Process Flowchart
- Layoff Procedures

### Workplace Violence

- Board Policy C-27 Workplace Violence, Securities and Threats
- Threat Assessment Flowchart

# Who can I contact?

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If you have already consulted with your chain of command but need further assistance, e-mail your questions/concerns to the County Employee Relations (ER) Team at:

**[HRInvestigationsUnit@rivco.org](mailto:HRInvestigationsUnit@rivco.org)**

Provide detailed information so your question and/or concern can be properly assessed, including:

- 1) Employee Name
- 2) Employee ID#
- 3) Concern
- 4) Has this been addressed previously, and if so, how and when?
- 5) Has prior discipline or pre-discipline been issued? If so, please attach a copy of any memo(s) issued to employee.

# The Grievance Procedure

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For LIUNA (Article XIII), For SEIU (Article 15):

A multi-step process which culminates in advisory arbitration

- Informal Meeting with Supervisor
- Step One Meeting (Department Level Review)
- Step Two Meeting (HR Level Review by ER/LR)
- Step Three Hearing (Arbitrator Review)

Examples of common grievances:

- Overall below standards performance evaluation
- Placement on Medical Certification
- Denial of a Step/Merit Increase
- Pay Issues: AWOP, Denial of OT, Bilingual Pay, etc.
- Conformance To Plan - working someone out of class (up or down)



# Exercises

Putting what you have learned to practice!

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**Case #1** – You smell alcohol on an employee’s breath while at work and notice they are slurring their words.

**Case #2** – You issue an employee a Written Reprimand and the employee writes, “Whatever!” on the signature line.

**Case #3** – Your employee is absent or late 5 times in a 3-month period and has accumulated 12 hours of AWOP. Reasons for the tardiness/absences are their own illness twice, their child’s illness once, lost their car keys and got a flat tire. How should you handle this?

**Case #4** – An employee on the medical certification program “forgets” to bring in a doctor’s note.



# More Exercises

Putting what you have learned to practice!

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**Case #5** – An employee refuses to do something you directed them to do after you already advised them that their refusal could lead to discipline.

**Case #6** – You inform your employee that you want to meet with them and your employee refuses and states that you are harassing them and they feel uncomfortable meeting with you and demand a union rep.

**Case #7** – An employee requests a 2-week vacation. You inform the employee that you can only grant 1 week due to business needs. The employee tells you that they have already purchased plane tickets and that they're non-refundable. Then the employee goes on their 1-week vacation and calls in sick the following week.

**Case #8** – Your employee works the overnight shift and has been caught sleeping on the job. The employee has previously made you aware that the sleeping may be related to a medical condition.

# True or False Quiz

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1. Tardiness and workplace violence are acts of misconduct that might call for immediate termination.
2. In most cases for behavior and performance expectations, employees should be placed on notice before any disciplinary action is taken.
3. Discipline and Grievance Procedures do not differ from MOU to MOU.
4. You should not issue a disciplinary action if the employee refuses to sign for receipt of the document.

# True or False Quiz

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5. Disciplinary documents do not have to be clear as to what violations have taken place.
6. It is okay to overlook bad behavior if the employee has never been in trouble before, is a star in your department and is very friendly with your boss.
7. The purpose of progressive discipline is to terminate an employee.

# True or False Quiz

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8. Employees are entitled to representation when asked questions that could lead to discipline.
9. Pre-disciplinary memorandums are both grievable and appealable.
10. The manager's primary focus in the disciplinary process should be pre-discipline.



# Conclusion

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***Supervising and managing employees can be challenging***

- Be sure to use all of the tools at your disposal including:
  - Your Chain of Command
  - The County Employee Relations Division-  
[HRInvestigationsUnit@Rivco.Org](mailto:HRInvestigationsUnit@Rivco.Org)
  - Supervisory/Management Academy Training-  
<https://corlearning.rc-hr.com/training-login>
  - RIVCO Leadership Resource Library-  
<https://rivcounty.sharepoint.com/sites/HR/LeadershipResourceLibrary>
- Your role as a supervisor or manager is critical to the development of a strong County workforce
- Documentation is your friend!
- Good supervision/management is key to a long, satisfying career with the County for you and your employees!