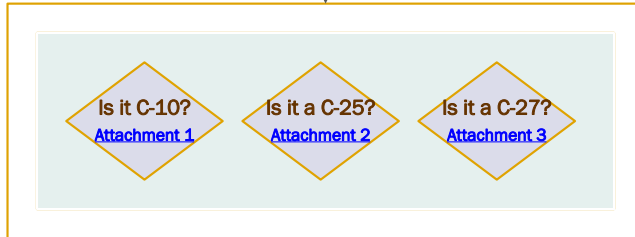


Disciplinary Process Guide

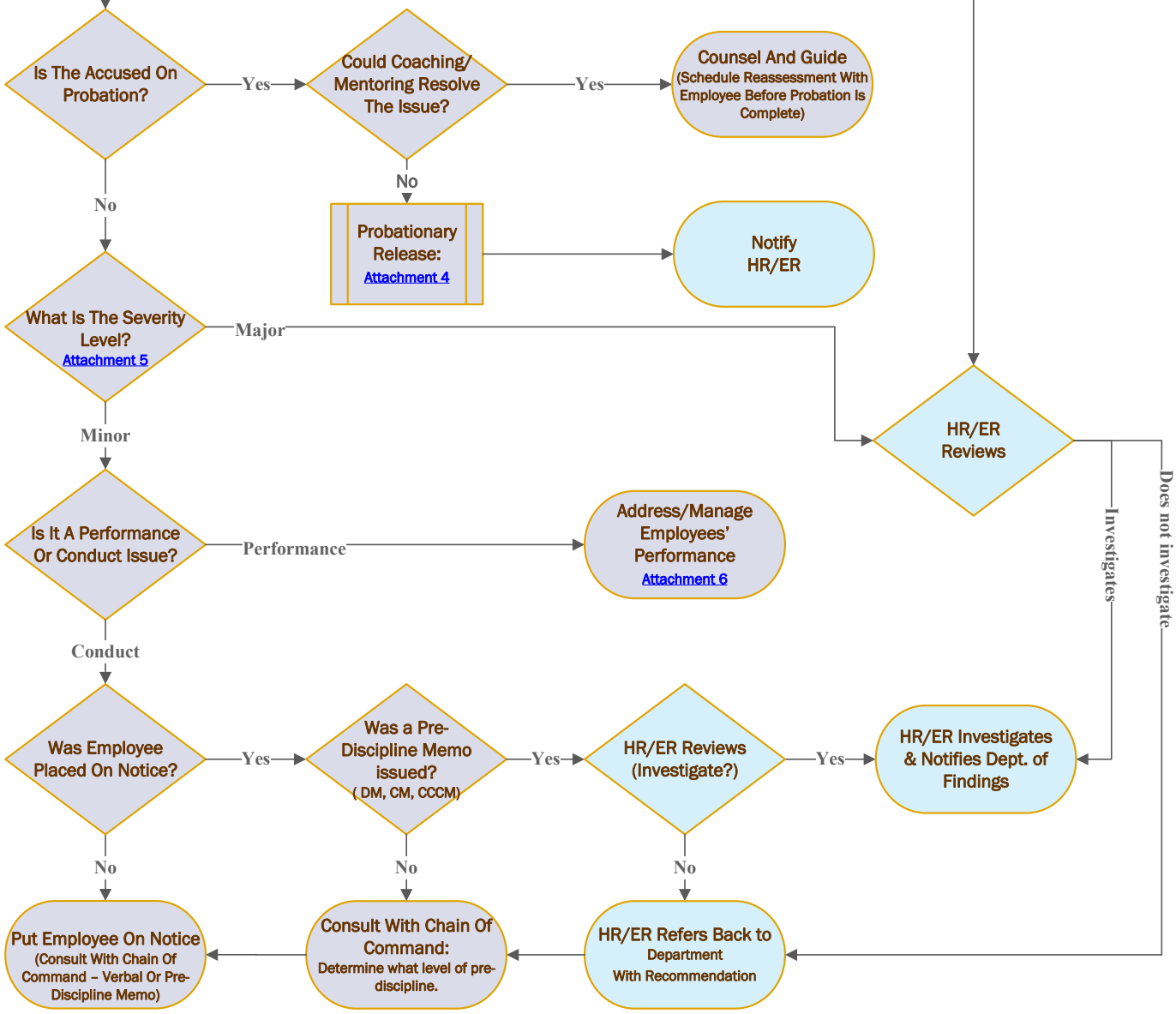
Consult with ER as needed throughout the process



Is it a violation of any of the following Board Policies?



No Yes – Forward it to ER



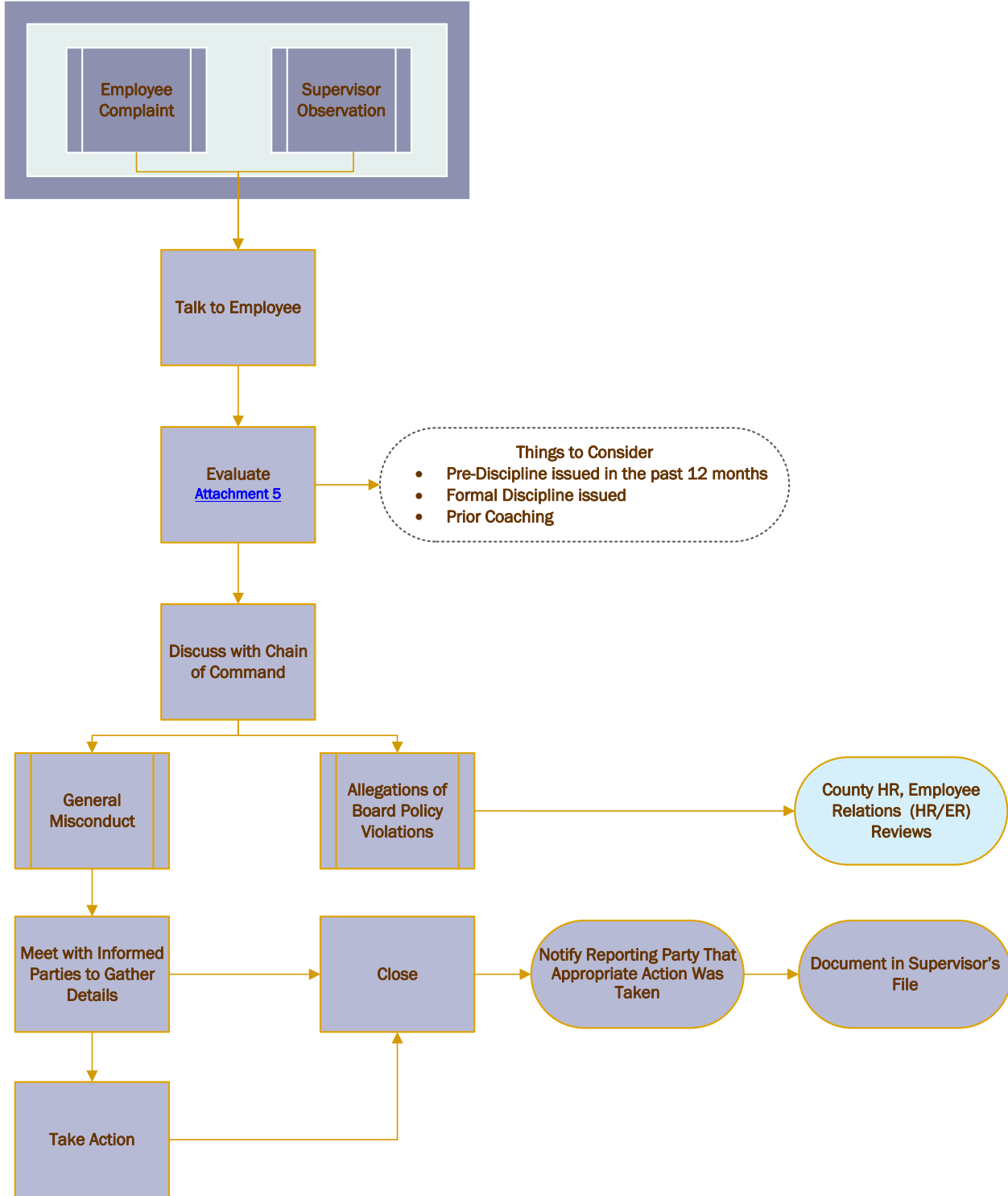
Note to supervisors: During the ER review/investigation of reported issue, all unrelated conduct/performance issues with complainant/accused should be addressed independently of the issue being reviewed by ER. If a new issue arises that is related to the issue under review/investigation, consult with the assigned investigator for guidance.

Legend

Department Actions
County Human Resources,
Employee Relations (HR/ER)



Supervisor/Manager Receives Information



Legend

Department Actions
County Human Resources, Employee Relations (HR/ER)



Training for Managers and Supervisors

COR Learning offers many learning opportunities to improve core skills for employees to transition from line staff to a supervisory position. COR Learning also offers four rigorous leadership and management academies.

To strengthen the skills needed in leadership and management, the following classes are required:

- Disciplinary Process/Grievances
- Supervisory and/or Management Academy
- Crucial Conversations
- Violence in the Workplace for Managers and Supervisors
- Management Harassment Prevention (every 2 years)
- A-50 Electronic Media and Use
- A-58 Information Security Training (every 2 years)
- C-35 Standards of Ethical Conduct to Address Fraud, Waste, Abuse
- ADA/FEHA for Managers and Supervisors
- Employee Leave Laws: FMLA, CFRA, and More
- Disability Awareness

COR Learning contact information:

Website: <http://corlearning.rc-hr.com/>

Phone: 951-955-3255

Email: corlearning@rivco.org

ATTACHMENT 1



Board Policy C-10 – Alcohol and Drug Abuse

In accordance with Board Policy C-10, employees must be able to efficiently and safely perform their job while on duty, in the interests of their coworkers and the public, as well as themselves. For prescription medications, employees are required to notify their supervisor, before beginning work, when taking medication that may potentially interfere with the safe and effective performance of their duties or operation of county equipment.

Supervisors who believe that their employee may be under the influence of drugs and/or alcohol are required to complete a [Drug or Alcohol abuse Observation Form](#). Another supervisor or manager should also observe the employee and complete the Observation Form. After completing the Observation Forms you believe that your employee is under the influence, contact County Human Resources immediately for guidance on next steps.

Employees who submit to a drug and alcohol screening are not allowed to return to work until test results are received. During this time, employees can use their own leave banks or AWOP. Once test results are received, if negative, employee is returned to work and leave banks are restored. Employees who test positive, will be placed on paid administrative leave or returned to work to be monitored by their supervisor and County Human Resources will conduct an investigation.

The Drug or Alcohol abuse Observation Form, along with a Supervisor's Guide to Alcohol & Drug Abuse, can be found at <http://www.rc-hr.com/HR-Services/Employee-Labor-Relations/Employee-Relations/Resources-Training>.

Board Policy C-10, Alcohol and Drug Abuse can be found at: <https://www.rivcocob.org/board-policies/>. Visit the COR Learning website at <http://corlearning.rc-hr.com/training-login> to sign up for Disciplinary Process Training, which includes a segment on this policy.

A Safety Division employee is on call 24/7 at (951)955-3520 to answer any alcohol/drug abuse questions. If nobody answers, leave a message and someone will call you back.

ATTACHMENT 2



Discrimination/ Harassment/Retaliation

It is important that supervisors and managers understand what is considered discrimination/harassment/retaliation under Board Policy C-25 to determine when an employee issue is truly a possible violation of Board Policy C-25.

- Definitions:
 - **Discrimination** - is the disparate or adverse treatment of a person or applicant based on the group, class, or category to which that person or applicant belongs rather than on individual merit. Group, class, or category includes, but is not limited to, race, color, national origin, denial of family and medical care leave, sex, age, disability (physical and mental), medical condition, marital status, military and veteran status, sexual orientation, gender (including gender identity and gender expression), or any other legally protected classes under state or federal law.
 - **Harassment** - can be a form of discrimination if it is unwelcome and is sufficiently severe or pervasive and objectively offensive so as to substantially interfere with terms, conditions, or privileges of employment. Harassment may be verbal, physical, visual, or sexual.
 - **Retaliation** - taking adverse employment action against an employee because of the employee's protected activities. Adverse employment actions may include, but are not necessarily limited to denial of a promotion, refusal to hire, and/or imposition of discipline.

Employee issues that do not fall under these definitions are likely not going to a violation of Board Policy C-25. All C-25 complaints received by County Human Resources are reviewed to determine if a C-25 investigation is warranted. If not, the complaint will either be investigated as a general misconduct complaint or returned to the department for internal resolution. If you are unsure if the issue falls within a protected category, contact County Human Resources.

- Examples of what **is not** discrimination and/or harassment:
 - Susie was yelling at me in front of my coworkers and I was embarrassed.
 - I have a new supervisor and she has placed me on a PIP.
 - Ed comes in every morning and says hi to everyone but me.
- Examples of what **is** discrimination and/or harassment:
 - Supervisor was counseling a female employee over 40 regarding her failure to meet standards and told the employee, "this is why I don't hire employees over 40."
 - Joe will frequently attempt to massage Betty's shoulders even though she has told him to stop.
 - Mary told an employee transitioning from female to male that he couldn't use the men's restroom.

Board Policy C-25, discrimination/harassment/ retaliation can be found at: <https://www.rivcocob.org/board-policies/>

Visit the COR Learning website at <http://corlearning.rc-hr.com/training-login> to sign up for Management Harassment Prevention training. This training is required every 2 years.

ATTACHMENT 3



Board Policy C-27, Workplace Violence, Threats, and Securities

It is the policy of Riverside County that there is a zero-tolerance standard for all threats and violent behavior in the workplace. The intent of the zero-tolerance standard doesn't result in automatic termination of an employee who violates the policy, only that some form of disciplinary action will occur.

If there is imminent danger, immediately call 911, your management, and the Human Resources Safety Office at (951) 955-3520 – a person is available 24/7.

Any report of workplace violence must be reported immediately to your management, your Human Resources contact, and the Safety Division of Human Resources. In addition, incidents of workplace violence should be reported on SOP Form 2010-1, attached to the Board Policy. Copies of the SOP Form 2010-1 should be forwarded to your chain of command and to the County Human Resources Safety Office via email. Once the Safety Office receives the SOP Form 2010-1, they will conduct a threat assessment on the incident and notify the Human Resources Business Partner, the Employee Relations Portfolio, and Critical Incident Response Team (CIRT) whether the threat was Significant, Questionable, or No Significant Threat.

Board Policy C-27, Workplace Violence, Threats, and Securities can be found at: <https://www.rivcocob.org/board-policies/>

Visit the COR Learning website at <http://corlearning.rc-hr.com/training-login> to sign up for Violence in the Workplace for Managers and Supervisors training.

ATTACHMENT 4



Justification for Probationary Release

(Provide the following information to Employee Relations)

1. Date employee was hired.
2. Is this an initial probation period or a promotional probation? (Refer to the employee's Memorandum of Understanding)
3. Union affiliation
4. Has the employee been placed on notice about the concerns with their performance or conduct? Did you provide the employee with your expectations going forward? If so, please provide details regarding the date(s) they were placed on notice, the incident(s), what that employee was told to do going forward, and the employee's response.
 - a. Include dates and remedial action details.
 - b. Describe how the employee has continued to repeat the same errors or behavior.
5. Is the behavior or conduct so egregious it warrants release without prior notice? If so, briefly describe the incident.
6. Are there any pending safety complaints, C-25 complaints, Worker Comp claims, Medical, ADA Accommodation, or Leave of Absence (LOA) issues?
7. Have you received approval for the release from your chain of command?

ATTACHMENT 5



Major and Minor Disciplinary Issues

Some general things for supervisors and managers to keep in mind when deciding the level of action to take and when to contact County Human Resources. There are relatively minor instances which result in large consequences, as well as incidents which on the surface seem especially egregious or extreme yet are best handled with a corrective conversation. However, for standard employee actions or inactions, the general recommendation for supervisors and managers is:

- 1) First occurrence = verbal counseling;
- 2) Second occurrence = Directive Memorandum (DM);
- 3) Third occurrence = Corrective Memorandum (CM) or Corrective Counseling Confirmation Memorandum (CCCM).

* All incidents should be documented in the supervisor's working file. Documentation should include what occurred and specifically what should be corrected.

The County follows progressive discipline, however, depending on the nature of the conduct or behavior may warrant a higher level of discipline.

Examples of minor employee issues:

- Disrespectful behavior (not treating co-workers/customers respectfully, name calling, gossiping, rolling eyes, poor attitude, etc.);
- Behavior which reflects negatively on the Department or County (e.g., first offense for violation of speed limit in County vehicles);
- Not returning phone calls on time;
- Customer complaints/poor customer service;
- General case management negligence, for example, timely submittal of data requests;
- Absenteeism/tardiness;
- Dress code violations;
- Untimely submittal of work product.

Examples of major employee issues:

- Actions by any employee involving sexual harassment, discrimination, retaliation, or workplace violence should be brought to County Human Resources immediately for determination, even if considered mild;
- Using case management or IT systems for inappropriate/personal use;
- Direct insubordination of an employee when instructed to perform a task;
- Extreme neglect of duty, for example, being arrested for a crime while on duty;
- Failure to contact customers, impacting their safety or wellbeing;
- Blatant dishonesty;

- Gross misuse of County property, including stealing;
- Using demeaning language with customers, clients, or co-workers, for example, racial epithets;
- Under the influence of alcohol or drugs in the workplace;
- Continued pattern of minor employee issues.

ATTACHMENT 6



Performance Management Guide

- Examples, errors, or areas of a deficiency referenced in the evaluation should not be a surprise to the employee. You should be able to reference dates in the evaluation where you discussed or placed the employee on notice of your concerns.
- The dates referenced in the evaluation should correspond with the evaluation period.
- If you are referencing a policy within in the evaluation, it should be included as an attachment to the evaluation.
- If referencing an email within the evaluation it should be included as an attachment.
- Every section where the employee is rated at a “below” in the competency, the notes must include description of the impact to the unit, department, or customer. If they are a “meets” in a category, notes are optional, but you can provide directions for improvement if the rating is borderline meets.
- In every below category, include two or three examples with actual dates the errors occurred or when they were discovered. If there are 25 errors, you do not have to detail all 25 errors, but can document two or three errors and then state that they had 23 similar errors throughout the evaluation. Dates should be double checked for accuracy.
- Refrain from switching audiences throughout the evaluation. For example; On 5/9/18 **you** did XYZ. On 5/12/18, I counseled you and gave you tools to use to for XYZ. On 6/15/18 **she** continued to make the same error. On 6/19/18 the **Office Assistant II** made the same mistake. Refer to the employee as “you” or by name, for example: You did not... or John, we have discussed...
- The information entered into each category should correspond with the competency. For example: In Record Keeping – it should address their deficiency in recording keeping and not the employee’s substandard performance conducting interviews with clients.
- Each acronym must be spelled out. An arbitrator does not know specific county or department acronyms.
- The evaluation needs to be clear on what constitutes an exceed, below, or meets rating.

- Some Evaluation Templates have limited space in each competency to document all pertinent information to support the below standard comments. Therefore, it is acceptable to state: see addendum and document all the information in the addendum.
- An example of a good format to document in each competency that is below standard would be the following: 1. Note the error(s) (include dates and examples), 2. How the employee was made aware of the error(s), 3. Explain what tools or resources the employee was given to correct their mistakes, 4. Dates the employee continued to make the same errors they were counseled on, 5. Describe the impact their errors made over the unit/department.
- When drafting the Performance Improvement Plan (PIP) be specific on what action you want the employee to take going forward. The employee should be able to clearly read what steps they need to take to improve their performance over the next 60 days. The “Specific Improvement Expectations” section of the PIP should be customized to reflect the below competencies on the performance evaluation.
- Below standard evaluation needs to be approved by the employee’s Chain of Command before it is sent to HR for review and approval.
- Once the Evaluation and PIP are approved, County HR will draft the Written Reprimand that will accompany the final evaluation and PIP.