



ADMINISTRATIVE PROCEDURE

**ADMINISTRATIVE PROCEDURE NO: AP 313.02
RELATED TO POLICY NO. 313.02**

TITLE: DISCIPLINE, DISCHARGE, AND DUE PROCESS

When an employee's performance or conduct is unsatisfactory, the supervisor shall:

1. Discuss the circumstances which indicate a need for any disciplinary procedure with the Human Resources Department before initiating any action;
2. Utilize the following progressive steps to arrive at resolution. Steps in the disciplinary process may be omitted depending on the severity of the infraction;
3. Take action in a timely manner; and
4. Administer all employee reprimands confidentially.

The employee shall:

1. Follow the supervisor's recommendations for improving conduct and/or behavior; and
2. Openly communicate with the supervisor.

An employee may be dismissed for failure to meet standards of job performance, attendance and behavior, for misconduct, and/or for failure to follow employment-related policies and procedures.

Non-probationary and non-temporary employees being dismissed shall receive written notice stating reasons for the action. Employees shall be given an opportunity to appeal the action according to the timeframe and provision set forth in this procedure, EXCEPT, employees working under a collective bargaining agreement (CBA) shall appeal through the grievance procedures outlined in their CBA rather than this procedure.

For employees working under a CBA, any meeting concerning any matter which could lead to discipline or adversely affect the continuation of the employees in their position or their salary, must be performed in the manner described in their CBA.

Progressive Discipline Steps:

- a. Oral Reprimand or Employee Counseling

Whenever possible, supervisors should use informal methods to address employee deficiencies. Verbal warnings and performance counseling may eliminate the need for further disciplinary action. Supervisors should make a note documenting the oral reprimand and provide the

employee with a copy. The original should be retained in the supervisor's records and a copy given to the Human Resources Department for retention in the employee's personnel file.

b. Written Reprimand

Employee deficiencies may require a written reprimand. Written reprimands must contain the following:

- a. A dated statement describing the nature of the deficiency;
- b. A suggested course of action and any necessary follow-up;
- c. The time frame in which improvement must be achieved;
- d. The consequences in the absence of improvement;
- e. A section for the signature of both the employee and the supervisor. (If the employee refuses to sign, the supervisor will note it on the reprimand document); and
- f. The employee's written response to the reprimand if the employee wishes to respond.

Supervisors must file written reprimands and any employee responses with the Human Resources Department so the documents may be placed in the employee's personnel file.

c. Disciplinary Action

When all attempts at employee counseling, oral and written reprimand have been exhausted, disciplinary action may be necessary.

The supervisor will work with the Director of Human Resources to complete a Disciplinary Notice. The notice shall include:

- a. The deficiency or policy violated;
- b. A description of the situation with supporting facts; and
- c. Suggested discipline (suspension, demotion/reassignment or discharge).

The notice will be hand delivered to the employee or sent certified mail. If the employee has an incorrect address filed with the College, the postmark will become the notification date.

If immediate removal of the employee from the College is appropriate, the employee may be placed on paid administrative leave when the disciplinary notice is given. Paid administrative leave status will be noted on the disciplinary notice.

The Director of Human Resources will notify the College President and establish a disciplinary file within five (5) business days from receiving the notice. This confidential file will contain all relevant information and documentation. Disciplinary files may be reviewed by the Director of Human Resources, the supervisor, the disciplined employee, legal counsel, and the College President or his/her designee. Upon request, a single copy of the file contents will be provided to the employee.

Due Process

The employee, if not working under a CBA, has the option of requesting a due process meeting with the President. This request shall be made in writing to the Director of Human Resources within five (5) business days from receiving the disciplinary notice. The Human Resources Director will schedule a date, time, and location. The meeting will be held within (10) business days from the date of the employee's request, unless the President is not available. If that is the case, then the meeting will be scheduled as soon as the President or his/her designee is available.

The College President, Director of Human Resources, the supervisor, and the employee shall participate in the due process meeting. Both the College and the employee may be represented by an advocate or legal counsel. This meeting is to provide the employee with an opportunity:

1. To ask questions regarding the disciplinary action;
2. To present his or her side of the story;
3. To express any reasons why he or she believes the disciplinary action should not occur; and
4. To recommend any actions the employee and the supervisor should take to resolve the concern.

The Director of Human Resources will arrange for the electronic recording of the meeting.

The President will review the documentation from the meeting and the disciplinary file and determine if there are appropriate grounds for discipline. The President will render a written decision on the matter within ten (10) business days after the due process meeting takes place. The President's written decision will include detailed findings and conclusions; copies will be sent to all parties involved.

If an employee does not request a due process meeting within the timeline above, the discipline notice will become final.

If extenuating circumstances cause the employee's absenteeism from the due process meeting, the President will consider the situation and decide if another meeting should be scheduled.

Costs

Employees are responsible for their own personal costs associated with disciplinary proceedings. A single copy of the due process record and discipline file contents will be given to the employee by the Human Resources Director. Additional copies of documentation requested by the employee may be provided, at the Human Resources Director's discretion, for a reasonable fee.

DATE OF ADOPTION: 04/24/13

DATE OF REVISION(S):

DATE OF LAST REVIEW: