

Contra Costa Community College District

GUIDELINES FOR CLASSIFIED EMPLOYEE DISCIPLINARY ACTION

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DISCLAIMER

Nothing herein shall be construed to modify or expand upon the rights of classified employees as provided by statute or in the classified bargaining agreement. This manual is intended only to provide technical assistance to supervisors and managers regarding the process of disciplining classified employees.

PRACTICE STATEMENT

The primary objective of a disciplinary system is to change employee behavior. This objective is accomplished (1) by bringing employee misconduct or unsatisfactory performance to the employee's attention and informing the employee of the employer's expectations and applicable standards of performance and (2) by providing a system of progressive penalties which are intended to encourage the employee to reform his/her conduct or performance.

Contra Costa Community College District recognizes the need to inform employees of the rules of conduct and the penalties which will be applied for breaking these rules and also the need to provide managers and supervisors with a guide to the progressive steps in enforcing employee discipline.

PROGRESSIVE DISCIPLINE

- A. **Counseling** — Clarifies person's assignment, evaluates employee's strengths and weaknesses in an attempt to remedy the problem.
- B. **Verbal warning** — defines the areas in which improvement is required, sets up goals leading to improvement, and informs employee that failure to improve will result in more serious action.
- C. **Written warning** — a written warning is a formal notice to an employee that further disciplinary action will be taken unless his/her behavior or performance improves. This is the first time disciplinary policy is cited and the first time anything surrounding disciplinary procedures becomes part of an employee's personnel file.
- D. **Reprimand** — Official notification that an employee's performance is seriously below standard and that continuation or repetition of the performance may result in suspension or discharge.
- E. **Suspension** — the temporary removal of an employee from his/her duties without pay. This step is normally taken in cases involving gross misconduct or chronic behavioral problems for which there seems to be no other appropriate response.
- F. **Discharge** — the permanent removal of an employee from service.

INTENT

The intent of providing these guidelines is to:

- A. Ensure that discipline be constructive, not punitive, and that the treatment of all permanent employees be equitable.
- B. Ensure compliance with District policies, practices, rules and regulations and enforcement of the collective bargaining agreements, and state laws which compel or permit the District to take action.

GENERAL GUIDANCE

Although no two events giving rise to disciplinary action are ever exactly the same, the following is intended to provide general guidance for determining discipline with respect to classified employees:

In administering discipline to classified employees, the District strives to provide due process to employees and to ensure that all similarly-situated employees are treated equitably.

With respect to discipline, permanent classified employees are responsible for and entitled to expect the following:

- A. To know what is expected of them and what the consequences will be of not fulfilling those expectations.
- B. To consistency in employer enforcement of rule violations and offenses.
- C. To discipline which is proportionate to the violation/offense.
- D. To progressive discipline unless the circumstances warrant more serious consequences.
- E. To a hearing on reasonable notice to appeal the disciplinary action.
- F. To receive a statement of charges specifying the reasons for the proposed discipline and copies of all documents upon which the proposed action is based.
- G. To question the witnesses and evidence presented and to present a defense to the charges or to have a representative do this for them.

With respect to discipline, management is responsible for and entitled to expect the following:

- A. To establish reasonable standards of job performance.
- B. To expect employees to follow District rules, policies, practices and procedures reasonably related to the orderly, efficient and safe operation of the District.

- C. To bring perceived deficiencies to the attention of an employee and to assist the employee in correcting deficiencies.
- D. To investigate and document incidents of wrongdoing which could result in a violation of the disciplinary policies of the District.
- E. To initiate disciplinary action.

CLASSIFIED PROBATIONARY EMPLOYEES

Upon initial employment, classified employees are required to serve a twelve (12) month probationary period. The probationary period for classified employees should be viewed as an extension of the selection process. It is the trial period during which the District evaluates the employee to decide whether the newly-hired employee is likely to perform at a productive and competent level in the position. An employee must successfully complete the period of probationary service in order to gain permanent status in a particular position. Once permanency is established in a position the employee may only be discharged or suspended without pay for cause. Although a showing of cause is not required for the discharge of an employee from a probationary position or for return of a probationary employee to a previous classification in which he/she served in permanent status prior to promotion, such an employee may not be disciplined for improper reasons. Improper reasons include but are not limited to discrimination as defined in the Equal Employment Opportunity laws and regulations, reprisals for engaging in protective union activity or expression protected by the First Amendment to the United States Constitution. In most cases, adverse action should not proceed against a probationary employee without a basis in fact that can be established through documentation.

Despite there being no for-cause requirement for discipline of a probationary employee, it is of critical importance that the employer's action be consistent with its own policies. This is especially true of the evaluation procedures included in the collective agreement and provided by reference below:

- 14.3.2 Newly hired one year probationary employees shall be evaluated at the end of the third month, sixth month, ninth month and eleventh month during the probationary period, more frequently if deemed advisable.
- 15.2 No adverse action shall be taken against an employee based upon written materials that are not contained within the official personnel file unless otherwise required by law.
 - 15.2.1 Materials that are to be used in any adverse action shall have been placed in the official personnel file within a reasonable time from the incident or series of incidents, or within a reasonable time from when such events became known to the District to cause adverse action to take place.

GUIDANCE ON PREVENTION OF GRIEVANCES RELATING TO EMPLOYEE DISCIPLINE

A manager or supervisor can reduce grievances to a minimum by observing the following basic practices:

1. Respecting all employees as individuals and treating them in a dignified manner;
2. Recognizing superior performance and giving credit to every employee who performs any task beyond expectations;
3. Seeking and making an effort to understand the employee's point of view if a problem develops;
4. Being alert to sources of employee friction and morale problems.
5. Taking prompt and effective action to eliminate the causes of employee friction and morale problems.
6. Training employees, especially new hires, to do work properly according to the District standards and expectations;
7. Issuing clear orders and instructions with reasons as to why such orders and instructions are necessary and confirming that such orders and instructions are understood;
8. Administering discipline objectively, equitably, and consistently;
9. Enforcing District and department rules consistently;
10. Avoiding favoritism;
11. Cooperating with the employee's representative in eliminating causes of grievances;
12. Knowing provisions of the collective bargaining agreement.

ELEMENTS OF DISCIPLINARY ACTION

A permanent classified employee may be disciplined (i.e., suspended, demoted, or dismissed) for cause by the Governing Board.

Among causes which shall be deemed sufficient for discipline are the following. Such causes are exemplary and not restrictive. Suspension, demotion or dismissal may be based on reasons other than those specifically enumerated.

Following is an explanation of the causes for discipline in Article 16 of the classified bargaining agreement.

Article 16.2.1 **Repeated Unauthorized Leave or Abuse of Leave**

1. Definitions:
 - a. Employee attendance deviations during the scheduled workday which do not qualify as a legitimate use of leave.
 - b. There are three types of attendance deviations:
 - 1) **Absence:** Failure to report to work on a scheduled day.
 - 2) **Tardy:** Reporting to work after the start of the scheduled workday including an employee returning late from lunch or break.
 - 3) **Leaving Early:** Leaving the job site before the end of the scheduled workday including instances when the employee leaves the job site temporarily and returns before the end of the workday.
 - c. The scheduled workday includes pre-shift, post-shift, sixth-day, seventh-day, and holiday work time as well as any other type of scheduled work time which has been accepted by the employee or, under certain circumstances, made mandatory by the District.
2. Supervisor/Manager Considerations:
 - a. Does your department have a standard procedure for advance notification of absences?
 - b. Has the employee provided appropriate manager or supervisor with proper notice of absence?
 - c. Does the employee have a valid reason for attendance deviation?
 - d. Can the employee provide appropriate certification verifying the reason for the attendance deviation?

- e. Is the attendance rule reasonable?
 - f. Has the rule been communicated to the employee?
 - g. Did the employee know or have reason to know that the consequence of his/her action would be the discipline actually given?
 - h. Is the discipline given the employee consistent with discipline given to other employees in similar situations?
3. Discipline for excessive use of legitimate leave should be characterized as “Excessive Absenteeism” rather than “Repeated Absence without Leave.”
- a. Does the employee have accumulated leave from the employer which will cover the absence?
 - b. Is the employee entitled by law to any other leave, paid or unpaid in connection with the absence?
 - c. Is the employee’s legitimate use of leave nevertheless having an adverse impact on the efficient operation of the Department?
 - d. Can you provide specific examples of how the employee’s absences have adversely impacted the Department (i.e., (1) How much administrative time has been consumed arranging for substitutes? (2) Did any work not get done in a timely manner because of the absences? (3) Have other employees had to do extra work to cover for the absent employee? (4) Has the District/College received any complaints from staff, students, or public?).

Article 16.2.2 Failure to Perform Assignments

1. Definition:

An employee may be disciplined for unwillingness or failure to perform certain tasks resulting in incomplete or sub-standard job performance.

2. Supervisor/Manager Considerations

- a. What are your departmental standards of performance and have these standards been effectively communicated to employees?
- b. Has the employee’s experience and training effectively prepared the employee to meet departmental standards?
- c. Has the employee been made aware of his/her responsibilities through prior notification and warnings?

- d. What were the costs to the District due to employee's failure to perform (i.e., damaged equipment, significant lost time, personal injury, etc.)?
- e. How have you handled similar situations of poor job performance by employees?
- f. Could you be accused of singling out one employee when others with similar sub-standard job performance go unpunished?

Article 16.2.3 **Conviction of Any Criminal Act Involving Moral Turpitude**

1. Definition:

This ground for discipline encompasses convictions of crimes the nature of which renders the employee unfit to continue to serve in his/her position. For example, embezzlement from a former employer would qualify whereas assault and battery of a fellow barroom patron would generally not. The determination of whether a crime is one of moral turpitude should be made in consultation with legal counsel. Progressive discipline is not customarily employed when conviction of a criminal act involving moral turpitude is the cause for discipline.

Note that the causes for discipline listed in Article 16.2 of the classified bargaining agreement are not limited to those specifically enumerated so that an employee convicted of a felony even if it is not a crime of moral turpitude may be subject to discipline.

Convictions include guilty pleas and pleas of nolo contendere. A record of the conviction from the appropriate court should be obtained before disciplinary action is initiated.

2. Supervisor/Manager Considerations:

- a. Did the crime harm or threaten the employer or other employees?
- b. Did the act arise during the course of employment or does it have a close nexus with the employment relationship?
- c. Does the nature of the act render the employee unfit to continue to serve in his/her position?
- d. Has the employee actually been convicted of a crime or merely arrested?
- e. If the employee has only been arrested, is the District obligated by law or otherwise permitted to take action against the employee to remove him/her from the work setting pending the resolution of the criminal proceedings?

Article 16.2.4 **Disorderly or Immoral Conduct**

1. Definition:

Disorderly conduct occurs when the employee has committed an act which caused or had the potential of causing physical injury, property damage, or substantial disruption of the work environment. Immoral conduct occurs when the employee performs an act which violates public standards of acceptable conduct and decency as expressed in public laws and rules of the employer.

This ground for discipline includes but is not limited to incidents of horseplay, fighting (physical assault), falsification, divulging confidential or proprietary information, falsification/omission on employment application, lying to employer, theft or of damage to employer's property, fraud/security violations, sexual harassment, and off duty misconduct which affects the employment relationship.

2. Supervisor/Manager Considerations:

- a. Did the action result in or have the potential to result in physical injuries or property damage?
- b. Was the action appropriate for the workplace environment?
- c. Does the employee's attitude indicate that similar conduct will not be repeated in the future?
- d. Was the employee an aggressor in an altercation or was he/she merely acting in self-defense?
- e. What effect may the action have upon morale, safety, and work habits of employees?
- f. What employer or societal standard, law or rule has been violated?
- g. What impact does the conduct have on the employer's or employee's relationship with the public?

Article 16.2.5 **Insubordination – Violation of any lawful or reasonable regulation or order made and given by a supervisor**

1. Definition:

There are two primary forms of insubordination: (1) willful refusal or failure to carry out a supervisor's directive, order, or instruction; (2) personal altercation between the employee and supervisor which may involve raised voices, profane or abusive words, or actual or threatened violence.

2. Supervisor/Manager Considerations:

- a. Did the supervisor give clear instructions or directives to the employee?
- b. Should the employee have reasonably understood the instruction or directive to constitute an order?
- c. Was the employee warned of the consequences of not complying with the directive?
- d. Was the directive or order unreasonable, illegal, or would it have endangered the employee's health or safety?
- e. Was the behavior provoked by improper conduct of supervisor?
- f. Did the employee eventually perform the assigned task, despite initial refusal?
- g. Did the employee use derogatory language toward the supervisor in front of other employees or make other employees aware of it?
- h. Did the employee express a clear, unambiguous intent to harm the supervisor?
- i. Did supervisor reasonably perceive employee's expression/behavior as constituting a threat of harm? Did supervisor's actions in response to the threat corroborate his perception of the expression/behavior constituting a threat?
- j. Did the fight/altercation occur on employer's property and during workday and in front of other employees?
- k. Did the fight/altercation arise out of a matter within the scope of the employer/employee relationship or was it of a more personal nature?

Article 16.2.5 Violation of any Lawful or Reasonable Regulation or Order Made and Given by a Supervisor

1. Definition:

Failure to follow established procedures, directives or orders after having received clear instructions, written or verbal, by the supervisor.

2. Supervisor/Manager Considerations:

- a. What specific procedure, rule, regulation or order has the employee violated?
- b. What is the purpose of the rule, regulation, order or directive?

- c. How was the employee notified of the rule, regulation, procedure or order?
- d. Was the rule, order or directive clearly communicated to employee?
- e. Is the employee being treated the same as other in similar circumstances?
- f. Has the employee repeatedly violated rules, procedures, directives or orders despite being specifically counselled regarding their importance?

Article 16.2.6 **Intoxication While on Duty**

1. Definition:

The use or being under the influence of alcoholic beverages, illegal drugs or legal drugs without a prescription on the work premises or during the workday. Possession of such intoxicants while on duty or at the work site may also be a ground for discipline as “Immoral Conduct” or “Violation of a Reasonable Regulation Made by a Superior.”

2. Supervisor/Manager Considerations:

- a. Are you able to specifically describe the employee’s aberrant behavior?
- b. Did the employee’s apparent condition have a noticeable adverse impact on his/her work performance, attendance, or health and safety of himself/herself or others?
- c. What evidence do you have that the employee has used or been under the influence of intoxicants while at work (i.e., smell on breath, employee’s admission, physical evidence found at work site or observation by a District Police Officer).

Article 16.2.8 **Neglect of Duty**

1. Definition:

Failure to meet reasonable District performance standards or to complete reasonable assignments resulting in inefficient operation of the department.

2. Supervisor/Manager Considerations:

- a. Was the employee made aware of the expected performance standard?
- b. Was the expected performance standard communicated to the employee in writing?
- c. What specific negative effects has the employee’s neglect of duty had on the operation of the department?

- d. Occasional inattentiveness to job duties should be disciplined primarily as “Failure to Perform Job Duties” rather than as “Neglect of Duty.”
- e. See also “Failure to Perform Assignments.”

Article 16.2.9 **Damage to, or Waste of, or Theft or Conversion of District Property or Supplies Due to Negligence or Willful Acts**

1. Definition:

A deliberate, reckless, or negligent act by an employee which results in harm to the employer’s property or conversion of public property or resources to private use without permission from the supervisor.

2. Supervisor/Manager Considerations:

- a. Was the act willful and deliberate, reckless, or merely negligent?
- b. Did the employee take responsibility for the conduct or did the employee lie and attempt to cover up the conduct?
- c. Was the employee’s conduct consistent with an informal practice in the department regarding use of public property which has been tolerated by the employer in the past without imposition of discipline?

A CHECKLIST FOR USE IN PREPARING DISCIPLINARY MEMOS

A disciplinary memo should contain all the significant elements concerning an incident of employee behavior. When preparing the memo, it is helpful for the supervisor to first review the following checklist to ensure that his/her memo will be complete and accurate:

1. The memo must be prepared and delivered soon after the event which is being described. This ensures accuracy of contents as memory of the incident is fresh in the mind of the supervisor. It is also required by Article 15.2.1 of the classified bargaining agreement.
2. The memo must indicate the date, time and location of the incident(s) which are being described.
3. The supervisor should ensure that the employee signs and dates that he/she has received the memo.
4. The memo must describe the facts of the incident with sufficient specificity so that the employee is able to understand exactly what conduct he/she is being disciplined for.
5. The memo should indicate any performance standard, rule, regulation, directive, board policy or provision in the collective bargaining agreement which the employee has violated.
6. The memo should note with specificity the adverse or potentially adverse consequences of the employee's conduct on others (i.e., the other employees, students, members of the public, the operation of the work unit, etc.).
7. If appropriate, the memo should contain a direct statement that the employee is not to commit the act or engage in the same or similar behavior again.
8. The memo should contain specific suggestions on how the employee is to meet District expectations.
9. The memo must advise the employee of his/her right to prepare a written response to the memo, as per Article 15.3 of the classified collective bargaining agreement.
10. If possible, the supervisor should discuss the incident giving rise to the memo in a face-to-face conference with the employee. This is known as "the counseling interview."

GUIDANCE ON CONDUCTING THE COUNSELING INTERVIEW

A. When

1. The counseling interview should take place as soon after the misconduct as possible.
2. Normally, the employee should be advised in advance of the general purpose of the meeting and the subject matter to be discussed.
3. The supervisor/manager should have prepared a copy of the disciplinary memo to be given to the employee and to deliver it to the employee at the meeting if possible.

B. With Whom

The counseling interview should be conducted in private. Notes may be taken by either party. Tape recorders may be used with the consent of both parties. However, neither party may insist on tape recording the meeting as a condition of continuing the meeting. If the conference might reasonably result in discipline (i.e., warning letter to the permanent file up through and including termination recommendation), the employee has the right to request the presence of a union representative at the meeting. The supervisor need not, however, inform the employee of this right.

C. Why

The supervisor should set an agenda for the meeting and stick to it. The purpose of the meeting should be to identify the facts upon which the supervisor is relying to impose discipline, allow the employee an opportunity to explain his/her side of the story, identify the rules/procedures violated and make recommendations for employee improvement.

D. Decide on a Mutual Course of Action

Solicit from employee his/her perceived needs for help. Offer source of help and guidance, including but not limited to an explanation of procedures, distribution of manuals, or mentoring by another employee who has requisite skills or knowledge. A corrective action must fit the magnitude of the deficiency.

E. Implement the Action

Be explicit as to the corrective action being taken. Reinforce the expected standard of performance and specify how improved performance will be measured. Identify consequences of failure to improve. If appropriate, set a date for a future meeting to evaluate improved performance.

F. Checklist on Communication During the Interview

1. If possible, at first avoid asking questions that can simply be answered with a “yes” or “no.” Elicit narrative responses instead. “Yes” and “no” questions are, however, useful in pinning down employees who are evasive in their answers to questions.
2. Attempt to reiterate and paraphrase statements made by employee to clarify understanding.
3. Make suggestions for constructive improvement to diffuse conflict and encourage dialogue.
4. When offering criticism:
 - a. Focus on behavior rather than the person;
 - b. Make observations rather than inferences;
 - c. Focus on behavior related to specific and recent situations rather than behavior in the abstract;
 - d. Explore alternatives; and
 - e. Emphasize the common goal which is the successful operation of the college or District.

**EMPLOYEE'S RIGHT TO UNION REPRESENTATION
IN MEETINGS WITH EMPLOYER
(WEINGARTEN RIGHTS)**

In general, represented employees have a right to union representation at any conference with the employer which might reasonably result in disciplinary action against the employee. Following are rules which roughly define the extent of an employee's right to representation. As each factual situation is different, it is important to contact District legal counsel before denying representation to a requesting employee.

Represented Classified Employees

1. A supervisor should notify the employee in advance of the general purpose of meeting and subjects to be covered (where advance notice of meeting and purpose has not been given, employee should be thus advised upon commencement of meeting).
2. Obligation is on employee to request that a union representative be present at the meeting. Management does not have to inform the employee of this right.
3. Management is not required to postpone an interview because a particular union representative requested by employee is not available when other representatives could be called.
4. Role of union representative is to advise the employee to discuss facts, employer expectations and act as "buffer" between supervisor and employee. The representative does not have the right to speak for the employee.
5. Union representative does not have the right to obstruct an investigation. The supervisor may direct the employee to respond personally to the supervisor's job-related questions.
6. Employee should be given an opportunity to consult with union representative prior to meeting.
7. The right to representation does not apply where supervisor is merely informing employee of previously determined disciplinary action.
8. The right to representation does not apply to situations where: a) The employer is engaged in a regular exchange concerning flow of work or routine information given to the employee about policies, practice, procedure or method of work, b) The employer is engaged in training of personnel or is correcting work techniques.

Public Safety Officers

In addition to the foregoing, public safety officers as defined in Government Code §3301 and 830.1&2 of the Penal Code enjoy the following additional rights concerning predisciplinary meetings with the employer.

1. Interrogation is to be conducted at a reasonable hour, and of reasonable duration, preferably at a time when the public safety officer is on duty. If off duty, the officer is given credit for time spent.
2. The officer under investigation must be informed prior to such interrogation of the rank, name and command of the officer in charge of the interrogation, the interrogating officers, and other persons to be presented during the interrogation.
3. The officer under interrogation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action.
4. No promise of reward shall be made as an inducement to answering any questions.
5. Employer's tape recording of session is permissive, but not required. The employee is entitled to access the tape before any proceeding or interrogation takes place.
6. If, prior to or during the interrogation of a public safety officer, it is deemed that he/she may be charged with a criminal offense, he/she shall be immediately informed of his/her constitutional rights.
7. Investigators must afford the employee a transcribed copy of any notes made by a stenographer or any reports or complaints made by investigators or other persons, except where the information has been deemed "confidential" by the investigating agency. The material need not be provided before the interrogation.

PROGRAM OF IMPROVEMENT

A program of improvement is desirable whenever any employee's job performance is either unsatisfactory or has deteriorated markedly from a previously high level of achievement. A program of improvement is required for all probationary employees pursuant to the employee evaluation form when a recommendation has been made for extension of the probationary period. A program of improvement is required for all permanent employees pursuant to the employee evaluation form where any evaluation factor is marked "unsatisfactory."

The following checklist is provided to assist the supervisor in preparing the program of improvement. The draft program of improvement should be reviewed by the College Director of Business Services and the Chief Human Resources Officer.

1. Thoroughly and completely document in a timely manner all instances of unsatisfactory performance on the part of the employee.
2. Review position description, check procedures and other working documents related to the position.
3. Call to employee's attention the areas in which he/she needs to improve.
4. Establish specific, measurable objectives and timelines for determining progress.
5. Be consistent with all District policies, including the classified bargaining agreement.
6. Provide assistance to the employee including resource materials and referrals to other sources of information which may help employee to remediate his/her conduct.
7. Provide employee with copy of the program of improvement and have him/her sign the original.
8. Agree on the date for the final evaluation if the probationary period is being extended and be specific on matters to be reviewed.

GUIDANCE ON RECOMMENDING DISCIPLINE

If Employee is Probationary

- A. First line supervisor of employee contacts appropriate College administrator to set up review session.
- B. During the review session, the appropriate College administrator will assess the supervisor's observations and documentation to:
 - 1. Identify the specific performance standards at issue.
 - 2. Determine what facts illustrate the employee's failure to meet these standards.
 - 3. Inquire as to what specific sources of help and guidance the supervisor has provided the employee.
 - 4. Determine what progressive steps, if any, have been taken or should be taken to remedy the situation.
 - 5. Specify what contract provisions, policies or laws pertain to the potential disciplinary recommendation.
 - 6. Assess impact of most recent routine evaluation upon employee's performance.
 - 7. Timing and content of probationary evaluations shall be reviewed for sufficiency.
 - 8. A program of improvement shall be required of any such negative evaluation.
 - 9. Should circumstances warrant an extension of the probationary period, a meeting shall be scheduled between the union representative, employee and management prior to the end of the regular probationary period.
 - 10. Should the College wish to recommend that the probationary employee not be continued in employment, the President shall recommend such action to the Chief Human Resources Officer, prior to the meeting of the Governing Board which proceeds the date on which the incumbent would have otherwise become permanent. The recommendation shall be that said employee be released for failure to satisfactorily complete the probationary period.
 - 11. The Chief Human Resources Officer, shall advise President of options in keeping with contract administration and applicable statutes, including the best alternative prior to the recommendation.

If Problem Employee is Permanent

- A. First line supervisor of problem employee contacts the appropriate College administrator to set up review session.

- B. During the review session, the appropriate College administrator will assess the supervisor's observations and documentation to:
1. Identify the specific performance standards at issue.
 2. Determine what facts illustrate the employee's failure to meet these standards.
 3. Inquire as to what specific sources of help and guidance the supervisor or manager have provided the employee.
 4. Determine what progressive steps, if any, have been taken or should be taken to remedy the situation.
 5. Specify what contract provisions, policies or laws pertain to the potential disciplinary recommendation.
 6. Assess impact of most recent routine evaluation upon employee's performance.
- C. When serious disciplinary action is to be recommended (i.e., suspension without pay, demotion, termination):
1. First line supervisor alerts appropriate College administrator of review meeting.
 2. The appropriate College administrator shall then alert the College President and Chief Human Resources Officer, of the review meeting.
 3. Purpose of review shall be to determine why previous remedial action has failed or why punitive action is warranted.
 4. Included in review shall be the following:
 - a. Employee's previous work record;
 - b. The order or rule that was issued and disregarded;
 - c. The presence of all witnesses to the incident giving rise to the proposed discipline;
 - d. The penalties meted out to others for similar offenses;
 - e. The possibility for discriminatory impact upon the workforce;
 - f. The appropriateness of the proposed penalty in light of the offense, including aggravating or mitigating circumstances.
 5. At request of either the President or the Chief Human Resources Officer, the District's legal counsel may be consulted.

6. The Chief Human Resources Officer, shall advise President of options in keeping with contract administration, applicable statutes and case law, including the best alternative prior to the recommendation going forward to the Chancellor.

The Chancellor retains discretion regarding whether to forward such recommendations to the Governing Board.

SAMPLE

POSTED 6/10/___

TO: All Admissions & Records Employees

FROM: John Smith, Registrar

SUBJECT: Attendance/Calling In

This confirms our subject discussion during the staff meeting of 6/1/___.

Employees are expected to be at their work station and available for work by no later than the start of shift (8:00 a.m.). In order to ensure proper approval of leave, employees who are absent for reasons of illness or personal necessity must notify their immediate supervisor by telephone no later than the first 1/2 hour of shift (8:30 a.m.).

SAMPLE

Supervisor's Incident Record
(or desk log)

Employee's Name: Bob Green

Date: Thursday, September 10, 20__

Subject Discussed: Tardiness

Comments: This morning, I observed Bob coming to work at 8:35 or 25 minutes late.
Previously I observed him coming to work late this week as follows:

Monday, September 7, 20__ 8:20

Tuesday, September 8, 20__ 8:15

Wednesday, September 9, 20__ 8:15

I discussed the matter with Bob at 8:50 a.m. today and directed him to be at work no later than 8:00 a.m. Bob made no comment other than "sure, okay."

SAMPLE

CONFERENCE MEMORANDUM

TO: Bob Green

FROM: Tom Jones, Supervisor

DATE: October 15, 20__

SUBJECT: Conference of October 15, 20__

This is to summarize our conference of above date following your unexcused tardiness of two (2) hours on October 14, 20__.

- A. During the conference, the following items were discussed:
1. On October 14, 20__, you reported to work at 10:00 a.m. Furthermore, you failed to call in to notify your supervisor that you would be late.
 2. These actions violated departmental rules [cite them] which require that you telephone your supervisor at least 1/2 hour before the beginning of your shift if you will be absent. Because you failed to call in ahead of time, your two (2) hour tardiness is unexcused.
- B. During the conference, you stated the following:
1. On October 14, 20__, your car needed a jump-start and you waited for AAA. You did not explain as to why you failed to call in.
- C. During the conference, I offered you the following assistance and guidance:
1. Consider joining the van pool for the campus (arrives at 7:30 each day).
 2. Reviewed our attendance policies and disciplinary procedures with you.
- D. During the conference you were directed and agreed:
1. To be at your work station at the beginning of each shift.
 2. To use sick leave only for valid reasons of illness or injury.
 3. To telephone me within 1/2 hour of shift if you are staying off ill.

If this is not an accurate summary of our conference, please notify me in writing by October 22, 20___. If I do not hear from you, I shall assume the above to be an accurate summary of our conference.

SAMPLE

MEMORANDUM

TO: Bob Green

FROM: Tom Jones, Supervisor

DATE: October 31, 20__

SUBJECT: Disciplinary Warning - Tardiness

This morning you arrived to work at 8:25 a.m., which is twenty-five minutes late. You presented no legitimate excuse of your tardiness and it is therefore deemed unexcused. Over the past two months, you have been repeatedly tardy. You were late on Tuesday, October 14, 20__, when you arrived at 8:40 a.m. On October 15, 20__, we had a conference in my office concerning your attendance problems of tardiness, patterned absence and failure to properly call in when ill or tardy. Among other things, you agreed to be at your work station at the beginning of shift (see confirming memorandum of October 15, 20__, a true copy is attached).

Previous to these events, on September 10, 20__, we discussed the need for you to improve your punctuality during a short conference in my office at 8:50 a.m. We also discussed that I had observed you to arrive late to work on the following dates:

| DATE | ARRIVAL TIME |
|------------------------------|--------------|
| Monday, September 7, 20__ | 8:20 a.m. |
| Tuesday, September 8, 20__ | 8:15 a.m. |
| Wednesday, September 9, 20__ | 8:15 a.m. |
| Thursday, September 10, 20__ | 8:35 a.m. |

I am once again directing you to be at work each workday no later than 8:00 a.m. Failure to be to work on time is a violation of our classified bargaining agreement, Articles 16.2.1 and 16.2.5. Any future violations may result in disciplinary action that may include your termination from the District.

Date_____

You are notified that at the end of ten (10) working days, this memorandum will be placed in your personnel file. You have the right within ten (10) working days to provide any written comments and have them attached to the copy of this letter in your file.

Signed_____

SAMPLE

MEMORANDUM

TO: Bob Green

FROM: Tom Jones, Supervisor

DATE: November 17, 20__

SUBJECT: Written Reprimand - Repeated Tardiness

This morning you arrived for work at 8:50 a.m., or fifty minutes late. You were counselled concerning your attendance on September 10, 20__ and again on October 15, 20__, confirmed by memorandum. You were given a disciplinary warning on October 31, 20__ for repeated violation of the department's attendance policy [cite the policy or rule] which requires that you report to work at 8:00 a.m. Your accumulated tardiness may be summarized as follows:

| DATE | ARRIVAL TIME |
|---|--------------|
| Monday, September 7, 20__ | 8:20 a.m. |
| Tuesday, September 8, 20__ | 8:15 a.m. |
| Wednesday, September 9, 20__ | 8:15 a.m. |
| Thursday, September 10, 20__ | 8:35 a.m. |
| Monday, September 21, 20__ | 8:40 a.m. |
| Tuesday, September 22, 20__ | 8:15 a.m. |
| Wednesday, September 23, 20__ | 8:25 a.m. |
| Tuesday, October 14, 20__ (also failed to call in) | 10:00 a.m. |
| Tuesday, October 21, 20__ | 8:15 a.m. |
| Friday, October 31, 20__ | 8:25 a.m. |

Your frequent tardiness has negatively impacted the efficient operation of the department. In particular, on Tuesday, October 14, 20__, the class assembly scheduled to begin at 9:30 a.m. was delayed for 30 minutes due to the extra time it took our short-handed custodial staff to set up for the event.

I am once again directing you to be at work each workday no later than 8:00 a.m. Failure to be to work on time is a violation of classified bargaining agreement Article 16.2.1 and 5. Any future violations will result in disciplinary action that may include your termination from the District.

Date_____

You are notified that at the end of ten (10) working days, this memorandum will be placed in your personnel file. You have the right within ten (10) working days to provide any written comments and have them attached to the copy of this letter in your file.

Signed_____