

CORPORATE POLICY

SUBJECT: Discipline

CATEGORY: Human Resources

ORIGINAL DATE: May 1, 1996

REVIEWED DATE: February 11, 2020

REVISION DATE: February 26, 2020

I. **POLICY:**

Employees of the Health Department must perform their duties in compliance with established policies and procedures to ensure a productive, safe, and respectful work environment. Corrective actions are administered in an effort to encourage a change in behavior and/or improve performance. Disciplinary consequences may be applied when corrective actions do not result in improvement, or in cases of serious misconduct. All decisions to initiate corrective actions or disciplinary consequences shall be made in consultation with Human Resources.

Immediate supervisors, Associate/Deputy Directors and Directors are responsible for communicating and enforcing accountability to agency policies, procedures, and work rules to employees. Human Resources is responsible for communicating agency policies, procedures, and work rules to management and employees, and for assuring that agency policies, procedures, and work rules to employees are applied accordingly.

II. **SCOPE:**

All Lake County Health Department and Community Health Center employees.

III. **PROCEDURE:**

These procedures shall be followed when an employee is not meeting the agency's standards of conduct or is not performing their job duties at a satisfactory level. Corrective actions are intended to assist and guide the employee toward improvement and are dependent upon the manager and employee being actively engaged and working toward improvement. If an employee does not make the required improvements in conduct or performance during or after corrective actions, disciplinary consequences may be applied. In cases of serious misconduct, however, immediate application of disciplinary consequences may occur.

A. **Corrective Actions (Improve Conduct or Performance)**

1. **Verbal Counseling:** To be used to clarify policies and expectations when initial poor performance or unacceptable behavior occurs.
 - a. The supervisor shall meet with the employee privately after the occurrence of a performance or behavior issue to:
 - i. Explain performance or behavior expectations and suggest ways to improve.
 - ii. Discuss consequences, if undesirable behavior or performance continues.
 - b. The supervisor shall document in the employee's record that the conversation occurred, including the use of the "log event" feature in the performance management system.
 - c. The verbal counseling shall be confirmed with employee via email, memo, or supervisory discussion form.

CORPORATE POLICY

2. **Coaching Plan:** A coaching plan is designed to provide guidance, support, and enhance an employee's performance in their current role. It is an opportunity to communicate goals and expectations for performance, and to develop an action plan for successfully accomplishing those goals. It is not to be used for misconduct or other unacceptable behavior. During the coaching sessions, the supervisor and employee shall discuss the possible disciplinary consequences that may occur if the substandard performance continues.
- B. Disciplinary Consequences**
1. **Written Warning :** When the determination is made that a written warning is the appropriate disciplinary consequence, the employee shall be informed in writing of the inappropriate behavior or poor performance, and of the measures they need to take to correct the concerns. The procedure for developing a written warning is as follows:
 - a. Before issuing a written warning, the supervisor shall conduct a pre-disciplinary meeting.
 - b. The supervisor shall draft a written warning letter and send it via email to the appropriate Associate/Deputy Director or Director for review.
 - c. The supervisor shall include the following points in the draft written warning:
 - i. A heading/label that clearly indicates the document is a written warning;
 - ii. A thorough description of the specific conduct or performance deficiencies in question;
 - iii. The policy, procedure or other expectation violated;
 - iv. A suggested action plan for improvement including a detailed set of future expectations of the employee;
 - v. The required time frame for expected improvement;
 - vi. A description of the possible additional disciplinary consequences for the lack of improvement or repeated offense(s); and
 - vii. An attached copy of the documentation associated with any verbal counseling or coaching plan that has taken place, to date.
 - d. If the draft written warning is approved by the appropriate Associate/Deputy Director or Director, the supervisor shall finalize it and forward it, along with all supporting documentation, to the Human Resources Director and/or Human Resources Manager for review to assure that the appropriate procedures have been followed. See the Performance Management Toolkit for Managers on the employee intranet site (HealthNet/HR Publications) for templates.
 - e. After the Human Resources Director and/or Human Resources Manager has reviewed the written warning and determined that it has been drafted in accordance with agency policy, the supervisor shall meet with the employee to discuss the terms of the warning. The supervisor and employee shall sign and date the written warning. The purpose of the employee's signature is to indicate receipt of the document. The signed written warning shall be sent to Human Resources for inclusion in the employee's personnel file. If the employee refuses to sign, the supervisor shall inform the employee that they can simply initial the document and state they disagree. The supervisor may

CORPORATE POLICY

also ask another supervisor to witness that the warning was given to the employee.

2. **Disciplinary Suspension:** When an employee fails to correct serious deficiencies in conduct or performance, engages in unacceptable behavior that presents a safety or operational threat or risk, or otherwise warrants a higher level of discipline, they may receive a disciplinary suspension (forced time off without pay). The procedure for instituting a disciplinary suspension is as follows:
 - a. The employee shall be offered a pre-disciplinary meeting for an opportunity to respond to the conduct or performance concerns prompting the possibility of a suspension.
 - b. If, after meeting with the employee, the supervisor determines that a suspension is warranted, the supervisor shall draft a suspension letter and send it via email to the appropriate Associate/Deputy Director or Director for review. The email shall include a copy of any previous disciplinary documentation regarding the issue.
 - c. The supervisor shall include the following points in the draft suspension letter:
 - i. A heading/label that clearly indicates the document is a suspension letter;
 - ii. A thorough description of the specific conduct or performance deficiencies in question;
 - iii. The policy, procedure or other expectation violated;
 - iv. A suggested action plan for improvement including a detailed set of future expectations of the employee;
 - v. A description of the possible additional disciplinary consequences for the lack of improvement or repeated offense(s); and
 - vi. The start and end dates of the suspension period.
 - d. If the draft suspension letter is approved by the appropriate Associate/Deputy Director or Director, the supervisor shall finalize it and forward it, along with all supporting documentation, to the Human Resources Director and/or Human Resources Manager for review to assure that the appropriate procedures have been followed and that all legal requirements are met. Consultation with the Human Resources Director may be required to address additional questions or concerns.
 - e. After the Human Resources Director and/or Human Resources Manager has reviewed the suspension letter and determined that it has been drafted in accordance with agency policy, the supervisor shall meet with the employee to discuss the terms of the suspension. The supervisor and employee shall sign and date the suspension letter. The purpose of the employee's signature is to indicate receipt of the document. A copy of the signed letter shall be provided to the employee and placed in the employee's personnel file. If the employee refuses to sign, the supervisor shall inform the employee that they can simply initial the document and state they disagree. The supervisor may also ask another supervisor to witness that the suspension letter was given to the employee.

CORPORATE POLICY

- f. The supervisor shall explain to the employee that future disciplinary problems will be addressed with additional disciplinary consequences, up to and including termination.
 - g. An employee may file a grievance regarding a suspension in accordance with the Grievance Procedure Policy.
- 3. **Demotion:** A demotion is a transfer to a position in a lower capacity and/or grade due to the inability of an employee to perform the duties of their current position. A request for demotion must be submitted by the appropriate Director on a Personnel Action Form (PAF). The request shall include evidence and documentation of the performance deficiencies for which the demotion is requested and upon which the action is being taken. Employee demotions require the approval of the Executive Director or the Director of Business Operations, as well as advance consultation with the Human Resources Director. An employee may file a grievance regarding a demotion in accordance with the Grievance Procedure Policy.
- 4. **Termination of Employment:** Termination is the most severe consequence in the agency's discipline process and is used when previous disciplinary actions have not produced the necessary results, or in cases of serious misconduct. However, an employee serving their twelve-month introductory period may be dismissed at any time at the discretion of the appropriate Director. The procedure for developing a recommendation for termination is as follows:
 - a. The employee's supervisor shall submit a request to terminate employment justification memo to the appropriate Director for review and approval. The justification memo shall state the reason(s) for requesting the termination, the policy violation prompting the request, and dates and description of previous coaching and/or warnings, if applicable.
 - b. If the appropriate Director approves the justification memo, they must then forward it, along with the supporting documentation, to the Human Resources Director. The Human Resources Director shall review the request for conformance with agency policy and employment law.
 - c. If a request to terminate is elevated to a pre-termination meeting (for employees employed at least 12 months), the supervisor and appropriate Director or Associate/Deputy Director shall meet with the employee to inform them of the request to terminate and to advise the employee that a pre-termination meeting will be held. The supervisor shall provide the employee with an "intent to terminate" letter that includes a description of the reason(s) for termination and the details (date, time, location) of the pre-termination meeting. The employee shall be placed on paid administrative leave until a decision has been made regarding their employment.
 - d. The employee, supervisor, appropriate Director, and Human Resources Director shall be present in the pre-termination meeting. This meeting is an opportunity for the employee to respond to reason(s) for their termination as provided in the pre-termination letter.
 - e. If an employee was employed for more than 12 months, their termination requires the approval of the Executive Director or the Director of Business Operations.

CORPORATE POLICY

- f. Employees may file a grievance regarding a termination in accordance with the Grievance Procedure Policy.

IV. REFERENCES:

Performance Management Toolkit for Managers
Grievance Procedure Policy

V. AUTHORS/REVIEWERS:

Designated Review Team, Corporate Policy and Procedure Committee, Executive Team, and Lake County Board of Health Personnel Committee

VI. APPROVALS:

Lake County Board of Health President

Signature: _____ Date: _____