



## ADMINISTRATIVE PROCEDURE

**ADMINISTRATIVE PROCEDURE NO: AP 313.02**

**RELATED TO POLICY NO. 313.01**

**TITLE: EMPLOYEE DISCIPLINE AND DUE PROCESS**

### **A. Supervisor Responsibilities**

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

- Discuss the circumstances which indicate a need for corrective action (other than oral warnings or counseling) with the Human Resources Department before initiating any action;
- Utilize progressive discipline according to the Standards of Conduct Administrative Procedure, AP 313.01;
- Take action in a timely manner;
- Administer all employee reprimands confidentially unless disclosure is required by law or an applicable collective bargaining agreement;
- For employees working under a CBA, ensure that any meeting concerning a matter that could reasonably be expected to lead to disciplinary action is performed in the manner described in the CBA; and
- Recognize that nothing in this Administrative Procedure is intended to alter the requirements of just cause and/or due process, if any, under a CBA, individual employment agreement or applicable law.

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

### **B. Progressive Discipline**

Progressive discipline steps may include the following:

#### **1. Oral Warnings or Employee Counseling**

Supervisors should use these informal methods where appropriate to address employee deficiencies. Oral warnings and performance counseling may eliminate the need for further corrective action. Supervisors should make a note documenting the oral warning or counseling 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.

#### **2. Written Reprimands**

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

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- A dated statement describing the nature of the deficiency and the expected improvement;
- A course of action and any necessary follow-up;
- The time frame in which improvement must be achieved, if applicable;
- The consequences of failing to make the improvement;
- A section for the signature of the employee acknowledging receipt of the written reprimand; and
- A space for the employee's written response to the reprimand if the employee wishes to respond.

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

### **3. Formal Disciplinary Action**

When suspension without pay, demotion, disciplinary reassignment or dismissal is deemed necessary, the employee's supervisor or unit administrator will work with the Director of Human Resources to complete a Disciplinary Notice. The notice shall include:

- The deficiency or policy violated;
- A description of the situation with supporting facts, including prior counseling, warnings or disciplinary action for the same or similar actions; and
- The recommended disciplinary action.

If immediate removal of the employee from the College is appropriate, the employee may be placed on administrative leave when the disciplinary notice is given. For employees covered by just cause provisions, the administrative leave shall be 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 regarding the proposed disciplinary action. 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, or as required by law. Upon request, a single copy of the file contents will be provided to the employee at no charge.

### **C. Due Process**

After receiving a Disciplinary Notice and prior to a final decision regarding any suspension without pay, demotion, disciplinary reassignment or dismissal, an employee 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. If the employee does not request a due process meeting, the proposed disciplinary action will become final at that time.

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If the employee does request a due process meeting with the President, 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. If the employee is unable to be present at the meeting, the employee may request a rescheduling. The President will consider the employee's request and decide if the meeting should be rescheduled.

The College President, Director of Human Resources, the supervisor or unit administrator recommending the disciplinary action, and the employee shall participate in the due process meeting. The employee may be represented by an advocate or legal counsel. If the employee's legal counsel will be present, the College may also have its legal counsel participate.

The purpose of this meeting is to provide the employee with an opportunity:

- To present his or her side of the story;
- To express any reasons why he or she believes that the proposed disciplinary action, or any disciplinary action, should not occur; and
- For the decision-maker to request clarifying information, if needed.

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 grounds for discipline and if so, what level of discipline is appropriate. 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.

**DATE OF ADOPTION:**

**DATE(S) OF REVISION(S):**

**DATE OF LAST REVIEW: 10/13/2015 by College Council**