

PROCEDURE 410-1

CORRECTIVE ACTION PROCEDURES

Effective 05-01-2021, Resolution No. 014-21

Corrective action is intended to hold employees accountable and to allow employees to resolve performance or conduct issues where appropriate. However, the County may use any reasonable form of corrective action that it deems appropriate under the circumstances. Employees are not entitled to progressive discipline.

Selecting the Appropriate Form of Corrective Action

The following should be considered in determining the appropriate level of corrective action:

- The nature and cause of the performance or conduct deficiency.
- The seriousness of the deficiency including the actual and potential impact.
- The potential and willingness of the employee to make necessary improvements that can be sustained over time.
- The ability of the department/agency/office to function at the required level during the corrective action process.
- The employee's overall performance and conduct record including the recency of performance and conduct deficiencies.
- The corrective action applied to employees with similar performance and/or conduct deficiencies and records.
- Other relevant factors.

Types of Corrective Action

Verbal Counseling. Verbal counseling should be informal but specific about the nature of the performance or conduct issues. It should be solutions-oriented. The verbal counseling session should be documented. The documentation should be retained in the supervisor's file unless further corrective action is taken, in which case it should be submitted to the Department of Human Resources and retained in the employee's official personnel file.

Performance Improvement Plan (PIP). The PIP is a more formal method to address performance issues. Supervisors are encouraged to develop PIPs with employees in a collaborative process. The PIP should identify the specific performance that does not meet expectations, explain the actual or potential impact on the organization, define the actions the employee needs to take to correct the problem and, establish a timeline for meeting expectations and the consequences for failing to do so. The PIP will be signed by both the employee and supervisor and maintained in the employee's official personnel file in the Department of Human Resources. The Pillars of Performance and Development (PPD) process will be temporarily suspended while the employee is on a PIP so the employee can focus on the goals of the PIP.

Written Reprimand. A written reprimand is a written notice that an employee's conduct does not meet expected standards and of the actions that must be taken to meet the standards. The reprimand should identify the specific performance or conduct that does not meet expectations, describe the actual or potential impact on the organization, define the actions the employee needs to take to correct the problem, and establish a time line for meeting expectations and the consequences for failing to do so.

Written reprimands are maintained in the employee's official personnel file in the Department of Human Resources.

Management Referral through the Employee Assistance Program. A supervisor or manager may, after consultation with the Department of Human Resources, require formal counseling through the Employee Assistance Program to address a specific or continuing performance or conduct issue. Any referral for formal counseling should be made in the manner provided by Human Resources Procedure 501-9.

Corrective Action Affecting Pay: Suspension Without Pay, Demotion, Involuntary Separation. A corrective suspension may not be imposed for a period of less than one full shift or 12 hours, whichever is less, and suspensions of exempt employees must be in full-day increments. Corrective suspensions are unpaid. A corrective action demotion must be to an open position within the department/agency/office for which the employee meets the minimum qualifications.

Prior to initiating any corrective action affecting pay, department/agency/office leaders must consult with the Department of Human Resources. Prior to taking any definitive corrective action, department/agency/office leaders and a representative of the Department of Human Resources will meet with the employee to:

- Advise the employee of the performance and/or conduct standards not being achieved.
- Inform the employee of the intended corrective action.
- If applicable, describe the actions the employee must take to correct the deficiencies and inform the employee of the likely consequences of any failure to correct and maintain performance and/or conduct expectations.
- Provide the employee with an opportunity to explain the reasons for the performance and/or conduct and any reason that the intended corrective action should not be imposed.

After considering any information provided by the employee, department/agency/office leaders will determine whether to proceed with corrective action and, if so, the type of corrective action to impose. Department/agency/office leaders will then notify the employee in writing of the corrective action that will be imposed. If the proposed corrective action is a demotion, the written notice will inform the employee of the rate of pay for the new position. The employee's new pay rate will be determined in accordance with Procedure 301-2.

Review of Corrective Action

With the exception of referrals to Employee Assistance Program, employees who have completed their introductory period may request review of any corrective action through the Dispute Resolution Process within three business days after the date the notice of the corrective action is presented to the employee. The employee may not request review of the new rate of pay if demoted.

The corrective action becomes effective on the earlier of:

- The date the employee accepts the employment action.
- At the expiration of three business days if the employee does not request review.
- If review is requested within the specified time, on the date and in the form determined by the decision on review.

Return to Work Agreements

When an employee is on an unpaid suspension or otherwise off work in relation to performance or misconduct, the County may require the employee to sign a Return to Work Agreement as a condition of being returned to work. Such agreements merely establish expectations upon returning to work and do not change any employee's status as an at-will employee. The County and employee have the right to end the employment relationship at any time, for any reason regardless of such an agreement.

Administrative Leave

Whenever the performance or conduct involves activities that could warrant use of Administrative Leave department/agency/office leaders must consult the Department of the Human Resources in advance unless doing so is impracticable under the circumstances (e.g., when the Human Resources Department is closed). In such cases, the Department of Human Resources should be notified as soon as possible following the action.

Criminal Activity

Whenever the performance or conduct involves suspected criminal activity, department/agency/office leaders must contact the Department of the Human Resources which will consult with the County Manager and Legal Department regarding referral of the matter to law enforcement authorities. In an emergency, department/agency/office management should contact law enforcement immediately.