

## **450-01 DISCIPLINARY ACTION—PROCEDURAL GUIDELINES**

### **1. PURPOSE**

Employees are disciplined in accordance with provisions of Procedure 450-01 (Disciplinary Action) without discrimination because of race, gender, sexual orientation, color, ethnicity, religion, age, national origin, veteran status, or disability as specified in the College Equal Opportunity Policy.

Disciplinary action should be considered by the supervisor as a constructive means of dealing with unacceptable behavior or performance deficiencies on the part of an employee. Such supervisory action should be appropriate to the seriousness of the infraction or performance deficiency. A supervisor may recommend to the President actions which include suspension, demotion, and administrative leave.

Employees, regardless of status, may be dismissed at any time during employment when in the opinion of the President cause for termination exists.

For purposes of this procedure a supervisor is defined as the individual to whom an employee reports directly. A supervisor typically conducts performance appraisals, offers guidance, and establishes goals and objectives.

### **2. PROCEDURE**

#### **1. Verbal Counseling**

Verbal counseling is the most common method used to assist the employee in improving work performance or complying with policies and procedures. Counseling should be a cooperative attempt at identifying and correcting the problem. The supervisor shall note the date of such counseling, the events or actions leading to the counseling and the actions that must be taken to correct the situation giving rise to the counseling.

#### **2. Written Warnings**

A written warning is used for more serious errors, failure to meet job requirements or violation of rules and/or policies, or when verbal counseling has not produced satisfactory results. A written warning shall explicitly state that it is a "written warning" and the supervisor will retain a copy in the department file. A written warning must include a statement that failure to correct the deficiency or behavior may lead to disciplinary action up to and including termination. A warning is not subject to the grievance procedure by an employee, since no punitive action has been taken.

#### **3. Written Reprimand**

A written reprimand is the least severe form of discipline. As with other forms of disciplinary action, a letter of reprimand is typically given after counseling and written warnings have failed to produce the desired change in behavior. However, it may be appropriate to use this form of discipline without prior warnings in some

circumstances. A letter of reprimand should contain the following information: (1) specific nature of deficiencies, (2) corrective action required, (3) the fact that more severe disciplinary action will be taken up to and including termination, if the employee does not correct the behavior.

A copy of the reprimand shall be placed in the employee's personnel file after the employee has been afforded an opportunity to review the reprimand and acknowledge its receipt.

4. Disciplinary Suspension

Disciplinary suspension is the temporary release of an employee from duty up to thirty (30) workdays without pay. A suspension is a significant disciplinary action for a more serious incident or repetitions of improper performance or conduct. An employee does not receive pay for periods of disciplinary suspension; however, benefit programs continue except for the accrual of PTO time. An employee who is suspended without pay for ten (10) days or more is subject to a pre-disciplinary hearing and also the appeal process.

5. Demotion

An employee may be permanently assigned to a lower position at a lower grade as the result of disciplinary action. Prior to demoting an employee a pre-disciplinary hearing conference must be conducted (refer to item 8 below). An employee who has been demoted is subject to the appeal procedure.

6. Dismissal

Dismissal is the most serious form of disciplinary action. Prior to dismissing an employee a pre-disciplinary hearing conference must be conducted. Prior to conducting the pre-disciplinary hearing, the supervisor will meet with the Human Resources Director and the appropriate vice president to ensure all the necessary information has been gathered to conduct a pre-disciplinary hearing conference. The supervisor, Human Resources Director and vice president will participate in the pre-disciplinary hearing conference.

Upon completion of the pre-disciplinary hearing conference, if there is a final decision to recommend dismissal of an employee it shall be effective upon notice from the President subject to ratification by the Board. An employee who has been dismissed is subject to the appeal procedure.

7. Administrative Leave

Upon approval by the President an employee may be placed on Administrative leave to allow for investigation of an infraction of College policies and procedures. At the conclusion of Administrative Leave the employee may be returned to work without penalty, disciplined, discharged or advised of disciplinary action. Administrative leaves shall not exceed thirty (30) workdays unless extended by the President. This action is not punitive and does not imply guilt or innocence. An employee's pay and benefits continue during administrative leave.

8. Pre-Disciplinary Conference

A classified employee or a faculty member who has completed his/her initial probationary period is entitled to a pre-disciplinary conference prior to a final decision on dismissal, disciplinary suspension without pay of ten (10) days or more, or involuntary demotion.

The purpose of a pre-disciplinary conference is to assist the supervisor and the appropriate vice president to make a fair decision when considering disciplinary action. The pre-disciplinary conference provides the employee the opportunity to know what disciplinary action is being considered and the basis for that action. It provides the employee the opportunity to share information which may impact the decision by explaining his/her side of the story or revealing mitigating circumstances.

An Administrative/Professional (exempt) employee is not entitled to a pre-disciplinary conference. Employees in this category are "at will" and may be dismissed at any time, without cause, without notice, and without a statement of reasons, or access to the appeal procedures.

**3. BACKGROUND**

1. References: Procedure 450-01
2. Legal review: 03/23/2009, 12/2010
3. Revision history: 04/2009, 12/2010
4. Sponsored by: Human Resources

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