



Human Resources Department

PROGRESSIVE DISCIPLINE GUIDELINES

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Disclaimer

The administration of progressive discipline in the workplace is a complex process. These guidelines are a training tool to help supervisors understand and apply positive leadership in the workplace.

These guidelines are intended primarily for the discipline of classified employees. Please contact Human Resources to prior to issuing any discipline for classified employees.

The information contained in these guidelines does not apply to At-Will employees; however some information may be helpful when addressing issues with At-Will employees. Please contact Human Resources to discuss discipline for At-Will employees.

Neither these guidelines in their entirety nor any individual component part constitute a contract or create any contractual rights for any employee. The City of Corpus Christi is free to alter, modify, withdraw, or disregard any aspect or feature contained in these guidelines at any time and without notice to any employee.

Templates

All templates and shell letters used in the administration of progressive discipline for your employees may be found in: CityNet / Human Resources / Employee Relations

Common Sense Tips on Handling Discipline

Human Resources personnel are often approached by supervisors seeking to build a catch-all matrix for imposing disciplinary action. The truth of the matter is, no “magic” formula or equation exists to neatly stack, measure or place a value on an offense where one can compute a correspondingly valid disciplinary action. The suggestions should help managers and supervisors develop an appropriate strategy to effectively and consistently respond to acts of employee misconduct and poor performance. This requires that supervisors be fair in their dealings with employees. Fair and consistent treatment means focusing on the rule, not the individual. The purpose of discipline is to restore an employee’s conduct or job performance from a below-par level to an acceptable standard. With most employees, a minimal effort such as an oral counseling session is sufficient to fix a problem. A few employees, however, may require more severe disciplinary actions.

There are tips to help supervisors control the situation, rather than to be controlled by, the reactions of a difficult employee. Preparedness helps. Knowing your options and being prepared can ease tension levels, diminish defensive behavior and open channels for clearer communications. Maintaining a professional and respectful environment should be a priority.

There is no substitute for good judgment and common sense in formulating and implementing a successful strategy that brings an employee to a more satisfactory performance. Supervisors face the difficulty of determining an appropriate action and level of discipline to impose.

Supervisors can minimize potential problems by assuring that the same standards are applied to all employees. By applying these general guidelines, supervisors can maximize the likelihood that disciplinary actions will be upheld by the Civil Service Board.

Civil Service Board Rules and Regulations

Process to Issue Discipline Letters:

The Department should meet with the employee three times in the process to issue discipline letters.

The First Meeting is to issue the Contemplated Disciplinary Action letter, during which the employee is given the letter and it is at this time that the rebuttal meeting is scheduled with the Department Director two or three days later. This is not the time to discuss the issues in the Contemplated Disciplinary Action letter; the employee will have that opportunity in the rebuttal meeting. It is the decision of the Department Director to issue the Contemplated Disciplinary Action letter or to designate this responsibility.

The Second Meeting is the rebuttal meeting. This is the only meeting of the three that the Department Director truly needs to meet with the employee. This meeting is the employee's chance to speak to the Department Director who will ultimately make the decision about the discipline. Other supervisors may be present at this meeting, and that decision is up to the Department Director.

The Third Meeting is to issue the Civil Service Board letter with the Department Director decision. The Department Director has the option after the rebuttal meeting to leave the discipline as it was contemplated, or to reduce the discipline (they cannot increase it). It is up to the Department Director if he/she wishes to issue the Civil Service Board Letter or if they want a designee to do so. This letter must also be signed with approval by the Assistant City Manager or City Manager, which ever applies.

Guidelines for Use in Working with Discipline Issues

1. The nature and seriousness of the offense, and its relation to the employee's duties, position and responsibilities.
2. The employee's prior disciplinary record.
3. The employee's prior work record, including length of service, and job performance.
4. The effect of the offense on the employee's ability to perform at a satisfactory level.
5. The consistency of the penalty compared with penalties imposed on other employees for the same or similar offenses.
6. The notoriety or seriousness of the offense or its impact on the City's reputation.
7. The potential for the employee's improvement.
8. The mitigating circumstances surrounding the offense such as unusual job tensions, personality conflicts, malice or provocation on the part of others involved in the matter.
9. The effectiveness of alternative actions that may deter similar conduct in the future.
10. Recommendation to Department Director: Gather a copy of fact-finding investigation, copy of documentation, copy of counseling history, copy of policy, copy of reprimand, suspension, demotion or termination letter.

Steps in Progressive Discipline

Under normal circumstances these are the steps in progressive discipline. Supervisors should coordinate disciplinary actions with a Human Resources Team Leader who reviews the format, double checks the policy, examines proposed disciplinary action for consistency and coordinates a review of the letter with the Legal Department.

- Point out the Policy (preferable a written policy for the entire department).
- Monitor compliance across the board. Investigate and verify a suspected violation through fact-finding (Human Resources Department will assist) before you act to determine if there is a problem and who is responsible. File incident reports as part of the permanent record. *Documentation is a very important part of the disciplinary process.* Supervisors should be factual in their allegations and employees can respond in writing any way they wish. An incident report may be issued when an employee exhibits a behavior that is in violation of a City or Department's rules or policy.

- Counsel verbally early in the pattern of behavior. This oral warning should inform an employee about what the supervisor expects. If a Letter of Counseling is issued, there should be a signature line for the employee to acknowledge receipt of the letter. A written statement informing the employee that he/she may respond in writing should be included. A Letter of Counseling remains in the employee's Department file and may be issued as a written expectation that the employee's behavior will improve.

Letters in Progressive Discipline

- A Letter of Reprimand is the first official disciplinary action that goes into an employee's personnel file and is the foundation of further progressive discipline. The purpose is to state what is expected from the employee, tell the employee what policy or rule has been violated and to explain to the employee what they did wrong and the consequence of repeating the behavior. The employee receives the original Letter of Reprimand. Letters of Reprimand cite the following:
 - Allegations and documented inappropriate behavior
 - List of the Civil Service Board Rules and Regulations and Policy violated
 - Explanation of what is expected of the employee in the future
 - Inform the employee that the next step could result in consequences to include suspension and termination. Cite the Employee Assistance Program (EAP).
 - Rebuttal Instructions
- Disciplinary Suspensions, Demotions and Terminations- Due process requires providing the employee with a notice of the contemplated disciplinary action, which points out the rules violated. The employee is provided an opportunity to rebut the charges at a hearing with the Department Head. The Department Head may consider mitigating information provided by the employee before final disciplinary action is taken. There are circumstances when the Department Head should offer assistance to the employee such as a referral recommendation to the Employee Assistance Program (EAP). The decision about how and how much to discipline is determined on a case-by-case basis.
- Contemplated Disciplinary Action Letters for Suspension, Demotion or Termination cite the following (employee receives the original letter):
 - Counseling and reprimand history.
 - Allegations leading to disciplinary action.
 - Rules violated (Rules and Regulations of the Civil Service Board).
 - State type/degree of disciplinary action that is being contemplated.
 - Date of rebuttal hearing with the Department Director.
 - cc: to City Manager, Assistant City Manager, Human Resources Director and Assistant City Attorney

- Civil Service Board Letters for Suspension, Demotion or Termination cite the following (employee receives a copy of this letter):
 - Disciplinary History.
 - Rules violated (Rules and Regulations of the Civil Service Board).
 - Allegations leading to disciplinary action.
 - State type/degree of disciplinary action Department Director has determined.
 - Employee has 10 calendar days to appeal to the Board.
 - cc: to City Manager, Assistant City Manager, Human Resources Director and Assistant City Attorney

Confer with your Department Head before you deliver the recommendation and obtain approval to implement progressive discipline. Human Resources is available to assist in reviewing your actions. The Department Director will hear the contemplated disciplinary rebuttal. Be sure that you have completed all of the necessary documentation and have fully prepared the Department Director for the meeting.

The Department Director Role in Due Process:

Rebuttal Hearing

- Review the allegations in detail with the employee so that the employee knows of what he or she is accused.
- Allow the employee time to respond to each and every allegation set out in the letter.
- Make notes of the employee's responses or defenses to each and every allegation set out in the letter.
- Tell the employee you will consider their response and let them know of your decision within a day or two.
- Review the factual allegations and determine whether any charges or further investigation are necessary. If changes are needed, contact Human Resources.

Written Response

- At a later hour or date (minimum of 2 working days, but no more than a week, provide a written notice to the employee of your decision. The notice is one of the following:
- The letter to the Civil Service Board of which the employee gets a copy. This letter needs to be dated on the date given to the employee.
- The decision of the disciplinary action to be imposed (reprimand, suspension, demotion or termination).
- A notice that no action will be taken.

- Provide a signature line for the employee to acknowledge receipt of the letter. If the employee refuses to sign, make a notation of such on the letter, date it and either initial or sign the notation.
- Provide a copy of each notice to Human Resources and to Legal.

Special Reminders:

- The employee may appeal a suspension, termination or demotion to the Civil Service Board. Do not let the appeal affect your monitoring or prevent taking the next step in the progressive discipline process for repeated violations. Progressive discipline may be combined with the withholding of step increases and non-consideration for promotion.
- If you have any questions at any point in the process, please contact the Human Resources Department.

Probationary Employees

- The guidance for taking progressive discipline does not apply to employees on probation.
- If an AWOL employee is on probation, a termination action should be accomplished by using the Probationary Termination Letter.

Absent Without Leave

- Absent Without Leave (AWOL): Automatic Termination letters are not considered disciplinary actions. However, issuing an automatic termination letter must be done with the concurrence of the Department Head and Director of Human Resources.

Supervisors can minimize potential problems by assuring that the same standards are applied to all employees. By applying these general guidelines and documenting your actions, you will effectively maximize the likelihood that your discipline and discharge decisions will be upheld by the Civil Service Board.