

Marin County Management Employees Association (MCMEA) And Human Resources

present. . .

- I. The County's Discipline Process In Brief
- II. Documentation, documentation, documentation
- III. HR as a discipline partner
- IV. The perils of avoiding discipline...
- V. Scenarios

So, imagine...

- 1) You are an excellent supervisor and you are assigned to a new work area to bring about change. After getting the new assignment, you review the personnel files of your new employee group (as suggested) and things are looking up. On paper the team is above average and they are great contributors to the County. Not so fast...when you begin working with the team, you have one employee who has a bad attitude and below average work product. Now what?
- 2) You are a ten year employee. You have built a life in Marin County that includes a family and friends. The people on your team are like family and are generally close friends. A promotional opportunity opens and you know you are up for the challenge. You apply, as do others on your team. You have an amazing interview and are selected for the position. Can life just continue as normal? Now what?
- 3) You hire an employee. The employee spends the first few months learning the ropes, which makes total sense. In the 6th month, you notice the employee isn't picking it up. By the 8th month, you are positive this employment relationship isn't working. You are ready to let the employee go. What do you do? How does what you do next change if you are failing an employee on probation who is bumping back to another lower position in the County? What can you say? What should you NEVER say?
- 4) You are a diligent supervisor and after recognizing some performance deficiencies, you are working with the employee to ensure he returns to competent performance. Unfortunately almost 90 days has passed and he has not achieved competent performance. You are working on a written warning to deliver and fill in the blank (He files a grievance against you/He goes out on Workers Comp leave/He requests FMLA) What do you do? Can you avoid a charge of retaliation?

- 5) An employee walks into your office and complains about the existing “Hostile Work Environment” explaining that her co-worker talks loudly and aggressively. What do you do?

PMR Cheat Sheet

PMR 1 Purpose and Authority

PMR 2 Definitions

PMR 3 Personnel Commission

PMR 4- Employee Relations Resolution

PMR 20- Standards of Conduct including: County Code of Ethics, conflict of interest, Outside Employment, Political Activity, Drug and Alcohol Use, Disaster Service Worker

PMR 21- Anti Harassment/Discrimination/Retaliation- This PMR includes supervisor obligations and all the forms a supervisor needs to fill out if they witness or discrimination/harassment/retaliation is reported to the supervisor

PMR 22- DOT Drug and Alcohol Policy

PMR 23: Electronic Media: Appropriate use of computers, e-mail, and internet

PMR 24: Grievance procedure: This grievance procedure only covers unrepresented employees and labor contracts that specifically state that PMR 24 governs. Otherwise, the labor agreement controls.

PMR 25: Whistleblower Procedure

PMR 26: Workplace Safety and Violence in the Workplace: Identifies supervisor responsibilities

PMR 27: Telework Defines eligibility and authorization approval process.

PMR 30: Recruitment and Application Process How an applicant applies for a position with the County of Marin

PMR 31: Examination process Rules of testing and the appeal process for applicants who don't pass the test.

PMR 32: Certification Process How a list gets certified by Human Resources

PMR 33: Selection and Offer of Employment How an offer is made and the appeal form for a selection appeal

PMR 34: Appointment and Orientation Describes the types of appointments including regular hire, seasonal, emergency etc...

PMR 35: Probation Period Every County employee who is under the civic service rules has the equivalent of a one year probationary period.

PMR 36: Reemployment Describes how an employee is reemployed after layoff or resignation.

PMR 40: Position Classification System Describes the classification system and how changes are made.

PMR 41: Compensation details compensation setting in the County of Marin

PMR 42 Benefits

PMR 43: Performance Planning and Evaluation Mandates evaluations for regular hire employees on a yearly basis

PMR 44: Leaves of Absence Describes leaves including FMLA, School visit leave, Vacation etc... All time away from the employee's job must be reported using one of these leave types. Questions should be forwarded to the Leave Coordinator in HR

PMR 45: Transfer and Voluntary Demotion

PMR 46 Personnel Records and Files Describes what may be maintained in employee files, including the Personnel File, Medical File, and Supervisor Working file

PMR 47 Employee Discipline: States all of the reasons an employee can/may/shall be disciplined

PMR 48: Non-Disciplinary Separation From Employment Includes topics such as layoff, job abandonment and mental incapacity. Layoff provisions in MOUs govern the process for that labor group

PMR 49: Reasonable Accommodation Do NOT engage in reasonable accommodation alone. If an employee indicates a medical condition which may affect his/her ability to perform the work, CALL HR (Employee Relations) Accommodation needs to be a formal process.

Documentation Cheat Sheet

Why Document?

- Documentation serves as notice to the employee
- Documentation will help you justify moving into progressive discipline
- Documentation establishes that a probationary release was not discriminatory.
- Documentation helps to establish that you were treating people with favoritism/bias.

What counts as documentation?

- Notes in computer file,
- Notes in drop file,
- Notes from employee check-in meetings
- Written memos/counseling write-ups
- Follow-up e-mails to the employee
- Recollection notes you take after a meeting/conversation.
- Performance evaluation-Make sure to document the same concerns in the performance evaluation if the challenges still exist.

Make sure to **DATE** the notes.

What to include in the documentation?

- Clear statement of the concern
- Clear statement of how the performance is impacting the work/team
- Any explanation from the employee
- Clear statement of the expectation you identified for the employee
- Deadlines
- Dates of conversations you had about the issue/s
- If documenting absence, document the dates and times the employee was late and the reasons given for the absence.
- If documenting errors in work product, note the errors and keep a copy of the work product.
- Honest, Objective and Timely comments

What NOT to include in documentation?

- Things you have never talked to the employee about
- Personal statements about the employee
- Comments about protected leave including FMLA/Workers Comp/Maternity leave etc...