

Big Bend Community Based Care Policy & Procedure

Series:	1100: Human Resources	
Policy Name:	Employee Conduct and Disciplinary Action	
Policy Number:	1113	
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Regulation:	CFOP 60-5	

Policy

In an effort to achieve our stated mission, it is the policy of Big Bend Community Based Care, Inc. (BBCBC), to cultivate and maintain a working environment that fosters cohesive and harmonious interaction between employees, supervisors, partners, vendors, and the public. In the event that the actions or inactions of an employee violate BBCBC's policies and/or procedures, or in any way hinder the Agency in pursuing its stated mission, BBCBC will investigate the situation and ensure that any resulting disciplinary action is administered in a timely, fair, and equitable manner.

Decisions concerning the administration of disciplinary action regarding any Agency employee, including the decision not to take disciplinary action, will be based solely on BBCBC's discretion. Protected characteristics or activities (such as the age, gender, race, national origin, religion, disability or perceived disability, etc.) of the parties involved in the situation will not be considered in BBCBC's decisions concerning disciplinary action.

Procedure

A. General.

1. Based solely on its discretion, BBCBC will determine the severity and level of any disciplinary action based upon (but not limited to) the following considerations:
 - a. The severity of the presenting employee action/inaction or offense;
 - b. The number of occurrences of the employee's actions/inactions or offenses;
 - c. The employee's prior employment history with the Agency;
 - d. Any additional mitigating circumstances surrounding the employee action/inaction or offense.

Some instances of improper conduct or other situations that in any way hinder the Agency in pursuing its stated mission may result in the immediate termination of employment.

2. Disciplinary action may include any of the following at any time:
 - a. Information Supervisory Discussion and Direction;
 - b. Individual Supervision;

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- c. Notice of Required Performance Improvement;
 - d. Notice of Disciplinary Action & Probation;
 - e. Suspension (Suspension Pending Investigation and Disciplinary Suspension);
 - f. Termination of Employment.
3. Employees may bring an observer to any disciplinary meeting that he/she reasonably believes might result in disciplinary action, if they so desire.

B. Preliminary Disciplinary Actions.

1. **Informal Supervisory Discussion and Direction.** Supervisors are expected to address concerns related to employee performance and conduct with their staffs directly and promptly, and to provide direction, guidance and follow-up to assure and enhance performance.
2. **Individual Supervision.**
 - a. An Individual Supervision session is appropriate after informal Supervisory discussions/directions have failed to correct an employee's actions/inactions that violate BBCBC operating policies and/or procedures or hinder the Agency's pursuit of its stated mission.
 - b. The Supervisor will meet with the employee in an Individual Supervision session to discuss the problematic action/inaction. This meeting will include discussion and documentation including:
 - i. An objective, detailed and chronological statement of the problem;
 - ii. An explanation of how the problem negatively affects BBCBC;
 - iii. An opportunity for the employee to explain his/her reasons for the problematic actions/inactions;
 - iv. A specific statement of expected performance improvement.
 - c. The Supervisor will document the Individual Supervision session using the Individual Supervision Form, or may elect to prepare a written memorandum in lieu of the Individual Supervision Form, as long as the memorandum includes each of the items specified in *subsections B.2.b., above*).
 - d. The Supervisor will retain the original Individual Supervision Form (or memorandum), provide a copy to the employee, and submit a copy to Human Resources to be maintained in the employee's HR/Employment File.

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C. Formal Disciplinary Actions. Due to the serious nature of such actions, BBCBC's management will provide oversight for all Formal Disciplinary Action activities. Formal Disciplinary Action will only be initiated after consultation with, and the review and approval of the Director with supervisory oversight responsibility for the employee's unit and the CEO or designee.

1. Notice of Required Performance Improvement.

- a.** A written Notice of Required Performance Improvement may be issued when:
 - i.** The performance improvements indicated during any previous informal or formal disciplinary action have not been achieved; or
 - ii.** BBCBC determines that the nature of the infraction or employee action/inaction renders lesser disciplinary actions insufficient or inappropriate.
- b.** A Notice of Required Performance Improvement includes both a written notice and a meeting between the Supervisor and the employee.
- c.** The Supervisor will prepare the notice on the Notice of Disciplinary Action Form prior to meeting with the employee, to include:
 - i.** The date of the meeting;
 - ii.** The specific policy or procedural violation(s) or performance/conduct problem(s);
 - iii.** A restatement of any prior informal discussion, if applicable;
 - iv.** An explanation of how the problem affects BBCBC;
 - v.** An opportunity for the employee to present his/her views or comments (to be written during the meeting);
 - vi.** A statement of the specific requirements for improved performance;
 - vii.** The begin and end dates for the disciplinary action;
 - viii.** A statement that the employee has been informed that failure to correct the policy, procedural, performance and/or conduct problem(s), any recurrence of the problem, or additional instances of improper conduct will result in further disciplinary action, up to and including termination.
- d.** The Supervisor may elect to prepare a written memorandum in lieu of the Notice of Disciplinary Action Form, as long as the memorandum includes each of the items specified in *subsection C.1.c., above*.
- e.** Upon approval by the Director and CEO (or designee), the Supervisor and an additional member of management will meet with the employee to issue the Notice.

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- f. The Notice (form or memorandum) will be provided to the employee with a request that he/she sign the document to indicate receipt.
 - i. If the employee refuses to sign for receipt of the Notice, the Supervisor will note the refusal on the document.
- g. The Supervisor will retain a copy of the signed (or noted) Notice to be provided to Human Resources and maintained in the employee's HR/Employment File.

2. Notice of Disciplinary Action & Probation.

- a. Employees who receive Notice of Disciplinary Action placing them on probationary status:
 - i. Will be provided the opportunity to prepare a rebuttal/response for any portion of the disciplinary action documentation that he or she disagrees with. Any document prepared by the employee in response to the disciplinary action will be maintained in his/her HR/Employment File.
 - ii. Are not eligible for transfer without the prior approval of the CEO (or designee), the current Supervisor and Supervisor's Director, and the potential Supervisor and Supervisor's Director.
 - iii. Are not eligible for promotion.
 - iv. Are not eligible for merit pay increase.
 - a) If a performance appraisal is due during an employee's probationary period, the performance appraisal and the opportunity for merit pay increase will be deferred until the successful completion of the probationary period.
 - v. Whose probationary period is interrupted by a leave of absence (i.e., medical leave, bereavement leave, etc.), shall have the end date of the probationary period modified to accommodate the absence to ensure that the entirety of the probationary period is served upon returning from the leave of absence.
- b. A Notice of Disciplinary Action & Probation may be issued when:
 - i. The performance improvements indicated during any previous informal or formal disciplinary action have not been achieved; or
 - ii. BBCBC determines that the nature of the infraction or employee action/inaction renders lesser disciplinary actions insufficient or inappropriate.
- c. Notice of Disciplinary Action & Probation includes both a written notification and a meeting between the Supervisor and the employee.

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- d. The Supervisor will prepare the Notice of Disciplinary Action & Probation document prior to meeting with the employee following the procedure previously stated (*subsection C.1.c. through C.1.f., above*).
- e. At the end of the probationary period, the Supervisor will consult with his/her Director to review the employee's performance during the probationary period.
 - i. If appropriate and satisfactory progress has been made, the employee's probationary status will be lifted.
 - ii. If the employee did not demonstrate immediate and sustained improvement, or if additional problems arose during the probationary period, the Supervisor and Director will determine the necessity for and severity of additional disciplinary action, up to and including termination of employment.
- f. Following the Supervisor and Director consultation, the Supervisor will meet with the employee to review the outcome of the probationary status and any further disciplinary actions.

3. Suspension Pending Investigation.

- a. Suspension Pending Investigation status may be issued when an employee is accused of:
 - i. Misfeasance;
 - ii. Malfeasance;
 - iii. Tortious or criminal activity; or
 - iv. Conduct unbecoming of an employee of BBCBC;

pending investigation of the allegations. The decision to place an employee on Suspension Pending Investigation status is within the sole discretion of BBCBC.
- b. The internal investigation of the facts surrounding a suspension will be a priority, and the investigation will be conducted in the manner BBCBC, in its sole discretion, determines will yield the most accurate and efficient findings.
- c. Resolution of a suspension will be handled as expeditiously as possible.
- d. Administrative Leave may be used for suspensions, pending the results of the internal investigation.
- e. If the internal investigation reveals that suspension or termination is not warranted, the employee will be reinstated for immediate return to work.

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4. Disciplinary Suspension from Work.

- a. A Disciplinary Suspension from Work may be issued when:
 - i. The performance improvements indicated during any previous informal or formal disciplinary action have not been achieved, or
 - ii. BBCBC determines that the nature of the infraction or employee action/inaction renders lesser disciplinary actions insufficient or inappropriate.
 - iii. BBCBC determines that the specific circumstances suggest that suspension is appropriate.
- b. The Supervisor will prepare the Notice of Disciplinary Action document for suspension prior to meeting with the employee following the procedure previously stated (*subsection C.1.c. through C.1.f., above*).
- c. Disciplinary Suspension from Work is without pay.
- d. An employee may not use accumulated Paid Time Off (PTO) to compensate for loss of wages during this time.

5. Termination of Employment.

- a. Disciplinary action recommending termination of employment will only be initiated after consultation with, and the review and approval of the Director with supervisory oversight responsibility for the employee's unit and the CEO or designee.
- b. Termination may be recommended when:
 - i. Prior disciplinary actions have not corrected the employee's performance, action(s) or inaction(s) and ongoing performance continues to be unsatisfactory
 - ii. BBCBC determines that the nature of the infraction or employee action/inaction renders lesser disciplinary actions insufficient or inappropriate (regardless of whether the employee has been subjected to previous disciplinary measures)
 - iii. BBCBC determines that the specific circumstances suggest that termination is appropriate (regardless of whether the employee has been subjected to previous disciplinary measures)
 - iv. In the event of falsification of Official Records by Child Welfare Certified Professional, the Supervisor will notify the Chief Operation Officer (COO) and the COO will notify the DCF Contract Manager. The DCF Contract Manager will notify the Office of Inspector General.

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- c. The Supervisor will prepare the Termination Documentation form and then consult with, review and seek approval for termination from his/her Director and the CEO (or designee).
- d. Upon approval by the Director and CEO (or designee), the Supervisor and an additional member of management will meet with the employee to notify him/her of the termination.
- e. An official termination letter will be provided or sent to the employee by the CEO or designee.