EMPLOYEE WARNING PROCEDURES

The following procedures are applicable to the conduct or job performance of College staff or administrators that results in a decision to impose a disciplinary penalty up to and including termination of employment. These procedures shall not apply to an employee who remains subject to the College introductory period.

A supervisor shall make a written record of an employee’s behavior and performance deficiencies through the College‘s performance evaluation process, and the Constructive Action Process (CAP), as applicable.

A supervisor shall not terminate an employee without following the Constructive Action Process provisions in this regulation, but an employee may be suspended without notice as provided at SUSPENSION, below.

An employee’s supervisor, upon recognition of behavior or performance deficiencies, shall initiate disciplinary action through the Constructive Action Process. The disciplinary steps to be followed during the CAP are set forth below. However, nothing provided herein shall preclude a supervisor from bypassing a CAP disciplinary step, provided the employee’s conduct or performance warrants such action and the action is approved in accordance with this procedure and is consistent with applicable College policies and procedures.

CONSTRUCTIVE ACTION PROCESS (CAP)

Approval of cap

Prior to initiating the CAP or taking any disciplinary action with respect to an employee, a supervisor shall submit to Human Resources-Employee Relations for review and approval a proposal for disciplinary action. A proposal for disciplinary action shall include, at a minimum, a summary of the identified conduct, any corrective action taken to date, the recommended discipline, up to and including suspension or termination, and supporting documentation. Requests for suspension or termination shall also be subject to the requirements set forth below at “Suspension” and “Termination.”

The period of evaluation provided under the CAP shall be no more than 81 business days, unless an extension is granted in accordance with this procedure.

CAP TIMELINE / EXTENSION

The CAP may be extended, with the approval of Human Resources-Employee Relations. Requests for extensions shall be submitted by the supervisor and shall be evaluated on a case-by-case basis. Only one extension may be granted during the CAP. Extensions shall not exceed 21 business days.

TERMINATION OF THE CAP

An employee subject to a CAP may, at any time during the process, voluntarily terminate their employment upon written resignation submitted to the employee’s supervisor. The College shall deem such resignation effective ten (10) business days after the date of receipt. Unless so terminated, the CAP shall continue until completion of the process.

CAP DISCIPLINARY STEPS

The Constructive Action Process (CAP) shall follow the disciplinary steps set forth below.

**Coaching (not to exceed 21 days)**

The supervisor and employee, in consultation with Human Resources-Employee Relations, shall create a coaching agreement that shall include, among other things, the employee’s performance deficiencies or conduct that gave rise to initiation of the CAP; a coaching plan that sets forth specific and measurable outcomes as provided by the supervisor, in consultation with Human Resources-Employee Relations; a schedule of regular and documented one-on-one meetings throughout the coaching period; and a final written evaluation completed by the supervisor at the end of the prescribed time frame. If, at the end of the coaching period, it is determined that the employee’s conduct/performance does not meet expectations, the employee shall move forward through the Constructive Action Process.

**Written Warning (not to exceed 30 days)**

A supervisor, in consultation with Human Resources-Employee Relations, shall initiate a written warning as a part of the constructive action process. The written warning shall include: itemization of the employee’s performance deficiencies (including documentation and examples), clearly stated expectations for the employee’s performance and any actions necessary to address the identified conduct or performance issues, a schedule of regular and documented one-on-one meetings to take place within the 30-day period, and the date of an evaluation conference to include the employee, the employee’s first and second-level supervisors, and Human Resources-Employee Relations, which will mark the conclusion of the initial warning period. If, at the end of initial warning period, it is determined that the employee’s conduct/performance does not meet expectations, the employee shall move forward through the Constructive Action Process.

**Final Written Warning (No less than 14 days; not to exceed 30 days)**

The supervisor, in conjunction with Human Resources-Employee Relations, shall initiate the final written warning process. The Final Written Warning shall follow the same procedure as set forth at “Written Warning” above.

**Constructive Action Process Rebuttal Procedure**

During the initial or final warning period, an employee has up to ten (10) business days to submit a written rebuttal to Human Resources- Employee Relations. The information to be included in the Constructive Action Rebuttal shall include documentation directly related to the conduct or performance issues identified in the written warning. The rebuttal shall be attached to the written warning and retained in the employee personnel file.

**Finalizing the Constructive Action Process**Upon the successful completion of the CAP (i.e. the CAP did not result in suspension or termination) the supervisor shall submit to Human Resources-Employee Relations official notice of completion. The notice shall include clearly stated expectations for the employee’s performance following completion of the CAP and thereafter, future planned and/or or recommended trainings or performance interventions, and an employee-supervisor communication plan. The notice will be added to the employee’s personnel file.

Suspension may occur at any time during the Constructive Action Process.

SUSPENSION

SUSPENSION WITHOUT PAY

An employee (staff or administrator) may, for good cause, be suspended without pay for a definite period, as set by the Board (administrators) or the Chief Human Resources Officer (staff), in consultation with the General Counsel (staff). An employee for whom suspension without pay is the proposed disciplinary action shall be informed of the basis for the suspension and provided an opportunity to respond. In the case of staff, responses shall be made in writing and submitted to the Human Resources-Employee Relations Director (or a designee) within three (3) business days of receipt of notice of the proposed suspension. Administrators shall be provided an opportunity to respond in accordance with DMAA (LOCAL). A staff employee’s failure to respond shall not preclude initiation of the suspension. All requests to suspend without pay must be reviewed and approved by the Human Resources-Employee Relations Director or a designee; the General Counsel or a designee; and the Chief Human Resources Officer prior to initiation.

SUSPENSION WITH PAY

SUSPENSION WITH PAY

An employee (staff or administrator) may be suspended with pay and placed on administrative leave, without notice, during or for the purposes of launching an investigation into the alleged misconduct or at any time the Chancellor or a designee determines the suspension is required to serve the best interest of the College. All such suspensions must be reviewed and approved by the Human Resources-Employee Relations Director or a designee; the General Counsel or a designee; and the Chief Human Resources Officer prior to initiation. The employee and their first level supervisor will be notified of the results of the investigation and any disciplinary action, up to and including termination of employment, at the conclusion of the investigation.

GROUNDS FOR SUSPENSION

Good Cause for suspension may include, but is not limited to:

1. Theft or unauthorized use of College property or theft of another employee’s property or theft of a student’s property.
2. Falsification of College records that includes, but is not limited to, time sheets or timecards, leave forms, expense reports, and employment records. This also includes “punching out” on another employee’s timecard or completing another employee’s time sheet without a supervisor’s permission.
3. Possession of an illegal weapon on College property or property under College control.
4. Possession of alcohol or illegal drugs without authority, being under the influence of alcohol or illegal drugs on College property or property under College control, or a violation of the applicable prohibitions in applicable law and policies in this manual.
5. Intentional neglect of job duties and failure to perform job duties.
6. Any criminal act, except a traffic offense, that occurs on College District property or property under College control.
7. Any violation of the College’s sexual misconduct policy in DIAA (LOCAL).
8. Any violation of the computer use policy in CR(LOCAL).

TERMINATION

Requests for termination shall be reviewed and considered by the Human Resources-Employee Relations Director or a designee; the College’s legal counsel; and the Chief Human Resources Officer, in accordance with applicable College policies and procedures. Once a decision is made regarding a request for termination, the supervisor will be contacted and, if appropriate, a termination notification meeting will be scheduled.

DISCLAIMER

The provisions of this administrative regulation or any procedures, rules, or forms promulgated by the College’s Chief Human Resources Officer to implement this system are not intended to create a contract of employment or property interest in employment on behalf of staff nor are such documents a contract of employment. Staff shall serve at will and are not employed for any specific length of time.

EXIT INTERVIEWS

An exit interview may be held with all employees prior to their leaving employment with the College.