

ST. CLAIR COUNTY COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE PROCEDURE

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I. **APPLICATION:**

- SCCCMHA Board
- SCCCMHA Providers & Subcontractors
- Direct-Operated Programs
- Community Agency Contractors
- Residential Programs
- Specialized Foster Care

II. **PURPOSE STATEMENT:**

St. Clair County Community Mental Health Authority (SCCCMHA) shall follow a consistent process to address performance below expected standards, policy/administrative procedure violations, the need for follow up, Employee Assistance Program (EAP) referrals, improvement opportunity or disciplinary action.

III. **DEFINITIONS:**

- A. **Deficiency:** Lacking in something necessary; not up to a standard.
- B. **Job Jeopardy:** Occurs when an employee's continued employment is at risk based on the action and/or activities or lack thereof of the employee that require some form of corrective action.
- C. **Supervisor:** Includes Chief Executive Officer, Chief Operating Officer, Medical Director, Directors, Assistant Directors, Supervisors, Managers and Labor/Employee Relations Manager.
- D. **Timely Manner:** Appropriate or adapted to the times or the occasion; occurring at a suitable or opportune time.

IV. **STANDARDS:**

- A. Training, counseling, guidance and/or clarification of expectations to improve performance will be provided to any employee who is not performing to agency standards, except in circumstances warranting discharge. Employee deficiencies, as well as training needs, should be identified, addressed and documented on the Employee Communication Memorandum, in a timely manner throughout the year as issues arise and at the time of his/her annual performance evaluation.
- B. Per the Bullard-Plawecki Employee Right to Know Act (Act 397 issued in 1978), supervisors who keep an individual file on employees and want that information considered in a disciplinary action

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must forward the information in the form of an Employee Communication Memorandum, to the employee's personnel file within six (6) months of the date of the occurrence or the date the fact becomes known, and may not forward their personal files on to the next supervisor. All official documents must be in the employee's personnel file or destroyed when an employee leaves the program in which they are supervised.

- C. Supervisors will provide regular supervision to all employees (in accordance with Administrative Procedure #06-001-0020, Supervision of Staff) and promote a supportive work environment through coaching and encouraging employees. This might include providing regular communication, accessibility, clarification, feedback on performance and encouragement to the employees they supervise.
- D. Employees should keep regular and open communication with their supervisor. This includes reporting circumstances that may affect performance.
- E. Supervisory use of coaching techniques should be applied as appropriate and documented on the Employee Communication Memorandum #0702 in Forms Index, to allow maximum communication and cooperation between the employee and supervisor. Some ideas are:
 1. Getting agreement that a problem exists.
 2. Mutually discuss alternative solutions.
 3. Try to agree on action to be taken to solve the problem.
 4. Follow up to insure that action has been taken.
 5. Recognize any achievement as it occurs.
- F. In imposing any discipline on a current event, the Authority will not take into account any prior infractions which occurred more than three (3) years prior unless such prior infraction involves an intentional falsification of their employment application which has not been formerly disclosed in writing to the Authority.
- G. Employees are to be made aware of the Employee Assistance Program (EAP) and may access EAP should they desire. If referred for job jeopardy, attendance is mandatory. It is the intent of the Authority for EAP counseling to be supportive in nature and does not take the place of the disciplinary process.
- H. Employees may utilize the grievance procedure if they consider the discipline or discharge inappropriate or improper other than discipline received during the employee's probationary period. Discipline or discharge shall remain in force until the grievance procedure is completed. See union contract for grievance procedure.
- I. When imposing a suspension or discharge or conducting a "job jeopardy" meeting, the Authority agrees to give written notice to the Union, within two (2) business days of the action and prior notice if possible. However, the name of the employee will be released only with the employee's consent. Such notice shall include the action to be taken and the reasons for such action.

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- J. Employees shall only be disciplined when just cause exists. When discipline is imposed, the Authority will cooperate in the Union's effort to determine the facts and in its effort to effectively represent a bargaining unit member, if the employee has consented. Notice of all written discipline shall be forwarded to the Union Chairperson and staff representative (if applicable). However, the name of the employee will be shared only with the employee's consent.
- K. Employees may submit a written request to the Labor/Employee Relations Manager to remove any Employee Communication Memorandum (or previously used Individual Supervision Form #0601) containing what they perceive as unfavorable or detrimental information from their personnel file which are dated more than three (3) years prior to the current date. If there have been zero unfavorable contact notes or disciplinary action in the last three (3) years, the Labor/Employee Relations Manager will remove these Employee Communication Memorandums or Individual Supervision Forms, which were opportunity for improvement.
- L. If an employee receives written discipline or opportunity for improvement as a result of a substantiated Recipient Rights complaint, a copy will be provided to the Office of Recipient Rights as evidence of completed remedial action.
- M. If an employee receives a written discipline or opportunity for improvement as a result of a substantiated Corporate Compliance Complaint, a copy will be provided to the Corporate Compliance Office as evidence of completed remedial action.
- V. PROCEDURES:
- A. The Preliminary Process
- Supervisor**
1. Investigates the issue(s) and analyzes all the facts, upon becoming aware of an issue that needs addressing within their area of supervision/management.
 2. Interviews the employee, in a timely manner, to obtain the employee's point of view and to ascertain if there are any extenuating circumstances. (There may be circumstances that are "defacto" and do not require or warrant an interview, but a supervisor should consult with a human resource designee before deciding not to interview an employee).
 3. Obtains any other information from all sources possible and confirms with witness statements, etc. as necessary.
 4. Determines one of the following action steps, based on the information obtained:
 - a. Incident warrants no further action; stop process.
 - b. Incident only warrants a verbal consultation/discussion. Supervisor documents on an Employee Communication Memorandum (form #0702. Refer to Administrative Procedure #06-001-0020.

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- c. Incident warrants written reprimand or suspension. Go to Section B. Discipline: Reprimand-Suspension.
- d. Incident warrants termination. Go to Section C. Discipline: Termination.

B. Discipline: Reprimand - Suspension

Supervisor

1. Categorizes the level of infraction to determine the level of discipline warranted. NOTE: If the level of infraction is unclear or for any recommended suspension/discharge, the supervisor should immediately consult with HR designee for all recommended suspensions or discharges. Chief Executive Officer/designee makes final determination if suspension is warranted and length of suspension.
2. Documents all disciplinary action on the Employee Discipline Report (Form #0703).
3. Forwards to the HR designee for review.

HR Designee

4. Provides written notification of upcoming meeting to Union, consistent with Union contract.

Supervisor

5. Schedules a meeting with the employee, informing them of the need for a disciplinary meeting and that they have the option of including Union representation.
6. Administers discipline privately and confidentially.
7. Forwards original documentation to HR for filing.

HR Designee

8. Provides written notification to Union of the meeting outcome/level of discipline.

Supervisor

9. Monitors any disciplinary opportunity for improvement plan when an employee transfers into your supervision from another program, adhering to timeframes as stated in the opportunity for improvement plan.
10. When imposing current discipline, does not take into account infractions older than three (3) years.

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11. Documents follow-up and completion of an opportunity for improvement plan on Employee Communication Memorandum and forwards to HR.

C. Discipline: Termination

Supervisor

1. Consults with his/her supervisor and provides recommendations to determine if the infraction warrants discharge.
2. Meets with HR designee to discuss recommendation.
3. Completes the Employee Discipline Report (Form #0703) as directed by HR designee.

Chief Executive Officer/Designee

4. Determines if discharge is warranted.

HR Designee

5. Notifies employee of the “charge” and schedules meeting.
6. Provides written notification to Union, consistent with Union Contract.
7. Issues discharge, if still warranted.

Chief Executive Officer

8. Advises the SCCCMHA Board or its Chairman, as appropriate, of the discharge of an employee.

VI. REFERENCES:

- A. CARF Human Resources 1.I.8

VII. EXHIBITS:

None available.

VIII. REVISION HISTORY:

Dates issued 02/86; 02/87; 10/89; 03/91; 12/93; 07/97; 09/98; 10/00; 06/02; 08/04; 03/06; 04/08; 04/10; 05/12; 07/13; 07/14; 07/15; 07/16; 07/17; 07/18; 07/19; 7/20; 11/21; 11/22.