



Santa Cruz Consolidated
 Emergency Communications Center
 495 Upper Park Road
 Santa Cruz, California 95065
 (831) 471-1000 Fax (831) 471-1010

9-1-1
 FIRE
 POLICE
 MEDICAL



Michael J. McDougall
 General Manager

**COMMUNICATIONS PERSONNEL
 POLICY/PROCEDURE**

Policy No. 1080 Date Issued: February 17, 1994
 Section: 1000-Personnel Policies Date Revised: September 28, 2006
 Accreditation Standards: CALEA 1.4.8, 2.2.8, 3.6.1, 3.6.4, 3.6.5, 3.6.7, 3.6.8

SUBJECT: CORRECTIVE ACTION

APPROVED:


 Board Chairperson

1. The General Manager may suspend, demote, or dismiss any employee for just cause.
2. *Causes for suspension, demotion, or dismissal.* The following list of causes are provided as a guideline as to what may constitute proper basis for corrective action. It is not all inclusive in that the General Manager may institute corrective action for any activity which s/he deems just cause for such action.
 - 2.1. Just cause for corrective action relating to performance of duties;
 - 2.1.1. Violation of Authority rules, regulations, and policies;
 - 2.1.2. Inefficiency, incompetence, or negligence in the performance of duties, which includes failure to perform assigned tasks or failure to discharge duties in a prompt and responsible manner;
 - 2.1.3. Physical or mental inability to perform the essential functions of the position after considering reasonable accommodations;
 - 2.1.4. Refusal to accept a reasonable and proper assignment from an authorized supervisor – insubordination;
 - 2.1.5. Intoxication or under the influence of drugs or alcohol while on duty;
 - 2.1.6. Careless, negligent, or improper use and/or waste of Authority property, funds, time, or equipment, including damage or risk of damage;

- 2.1.7. Acceptance of gifts in exchange for influence or under circumstances which would tend to compromise the effective discharge of duties;
- 2.1.8. Failure to maintain satisfactory working relationships with the public, User Agency representatives, or other employees;
- 2.1.9. Absence without approved leave;
- 2.1.10. Failure to report to duty at the assigned time and place;
- 2.1.11. Improper use of Sick Leave;
- 2.1.12. Unauthorized release of confidential information as defined by law from official records or sources.
- 2.1.13. Deliberate falsification of official records or sources.
- 2.2. Just cause for corrective action relating to behavior and conduct detrimental or prejudicial to public service;
 - 2.2.1. Guilty of gross misconduct which tends to discredit or adversely affect the Authority's ability to provide service;
 - 2.2.2. Conviction of a felony or job related misdemeanor;
 - 2.2.3. Habitual failure to make reasonable provisions for the payment of personal debts;
 - 2.2.4. Falsified job information to secure position;
 - 2.2.5. Addiction or use of illegal drugs which affect the employee's ability to perform the duties and responsibilities of their position;
 - 2.2.6. Failure to maintain safe and healthy work practices;
- 3. *Informal Action*. The following corrective actions are considered informal in nature.
 - 3.1. *Counseling* is a one-on-one, problem solving session between employees and their assigned supervisors. It serves to provide awareness that a performance or behavior problem exists and is used to expose potential causes and solutions.
 - 3.2. *Documented Counseling* is a written confirmation of verbal notification that performance or behavior needs improvement, and that future corrective action may be taken if such improvement is not realized. In general, counseling is administered by the first line supervisor and subsequently documented in a memo to the employee. The following are guidelines applicable to *Documented Counseling*:

- 3.2.1. The memo should clearly and concisely document the discussion and the improvement expected in the employee's performance or behavior.
- 3.2.2. The original memo is given to the employee, and a copy is provided to the General Manager.
- 3.2.3. The memo is **not** placed in the employee's personnel file. It is retained in the supervisor's working files.
- 3.2.4. All memos may be destroyed after one (1) year, provided that the expected improvement is realized.
- 3.3. *Written Reprimand* is written notice to an employee that s/he is being disciplined for unacceptable performance and/or behavior.
 - 3.3.1. Copies of all written reprimands are placed in the employee's personnel file.
 - 3.3.2. All written reprimands will be approved and signed by the General Manager.
 - 3.3.3. The written reprimand should clearly and concisely state:
 - 3.3.3.1. The basis for the reprimand including dates, times, and places.
 - 3.3.3.2. The applicable rule, regulation, or policy violated.
 - 3.3.3.3. An explanation of why the behavior or performance is unacceptable.
 - 3.3.3.4. The proper conduct or course of action the employee must follow.
 - 3.3.3.5. Any previous corrective actions taken.
 - 3.3.3.6. That further corrective action will occur if the performance and/or behavior does not improve within a specific time frame.
 - 3.3.3.7. That the reprimand will be placed in the employee's personnel file.
 - 3.3.3.8. That the employee has the right, within thirty (30) calendar days, to provide a written response to be included in the personnel file.
4. *Formal Actions*. In response to serious misconduct or a pattern of poor performance, when formal corrective actions are taken, specific due process requirements as outlined within this policy (and further set forth within the Memorandum of Understanding as it may pertain to represented employees) are to be met. *Formal Corrective Action* includes the following levels of action:

- 4.1. *Suspension* is unpaid time off from work for a specified number of hours or workdays. Time spent on suspension is excluded from service time for the purposes of Policy No. 1150 (Length of Service).
- 4.2. *Salary Reduction* is a decrease in salary of one or more steps for hourly employees or a specific percentage for salaried employees, for a specific period of time.
- 4.3. *Demotion* is a removal from one classification and appointment to a classification with a lower salary range.
- 4.4. *Dismissal* is termination from Authority employment.
5. Prior to any formal corrective action taking place, the General Manager shall:
 - 5.1. Insure that a complete investigation has taken place and is thoroughly documented.
 - 5.2. Sent to the employee by Certified Mail, a Notice of Intention which informs the employee of the Authority's intent to take formal corrective action against the employee. The Notice of Intent shall:
 - 5.2.1. Advise the employee of the reasons and effective date for the proposed action;
 - 5.2.2. Provide the employee with a reasonable time frame to request a Skelly hearing, if desired; and,
 - 5.2.3. Include all evidence used to document a charge and to show cause for the action proposed.
 - 5.2.4. Indicate any previous corrective action taken.
6. If requested by the employee, the General Manager shall hold a Skelly hearing. The purpose of the Skelly hearing is to allow the employee an opportunity to present any information which s/he believes the General Manager should consider before imposing a corrective action.
 - 6.1. The Skelly hearing is **not** an evidentiary hearing.
 - 6.2. The sole responsibility of the General Manager is to listen to the employee and to ask any questions, if necessary, to insure understanding of the employee's statement.
 - 6.3. The employee has the right to representation of his/her choosing at the Skelly hearing.
 - 6.4. The Skelly hearing should be held within the response period stated in the Notice of Intent. Written requests for time extension will not be unreasonably denied, but must be approved by the General Manager.

- 6.5. A non-involved management employee shall also attend each Skelly hearing. If none are available, a Board Member, or appointed designee, shall attend.
- 6.6. Based upon the investigation and the information obtained at the Skelly hearing, the General Manager shall make a decision and convey the decision to the employee by Certified Mail. The General Manager shall also advise the Board Chairperson of the decision.
 - 6.6.1. The employee may formally protest the General Manager's decision. In such a case, the formal protest proceedings shall begin as outlined in paragraph 4.3 of Policy No. 1090 (Resolution of Disputes).
7. In determining the degree of seriousness of the performance or behavior which is the cause of suspension, salary reduction, demotion, or dismissal, the General Manager shall consider:
 - 7.1. The nature and extent of the specific act in terms of its effect upon the functions of the Center and/or its Users.
 - 7.2. Damage to public interest or welfare.
 - 7.3. Was the employee forewarned of the probable consequences of his/her conduct or act?
 - 7.4. Was the rule or order related to the proper operation of Authority business and to the performance that the Authority might generally expect of an employee?
 - 7.5. Was the investigation fair and objective?
 - 7.6. Was there satisfactory proof of misconduct?
 - 7.7. Were the rules applied fairly and without discrimination to all employees?
8. Correspondence regarding formal corrective actions will be placed in employees' personnel files and maintained in accordance with Policy No. 1330 (Personnel Files).
9. The General Manager or any supervisor shall immediately remove from an operating console any employee whose continued operation could constitute an injury to themselves, another employee, any User, or the public.
 - 9.1. When circumstances are such that further dispatching or call-taking would constitute a serious threat; the General Manager shall place the employee on immediate Mandatory Administrative Leave until the matter can be addressed in a reasonable manner.

10. In addition to the circumstances described in paragraph 9, the General Manager may immediately place any employee on Mandatory Administrative Leave with pay pending the investigation of a serious incident.

10.1. The purpose of Mandatory Administrative Leave is to provide adequate time for a proper investigation to be conducted in order to determine what action, if any, is warranted.

10.2. Mandatory Administrative Leave authorized by the General Manager will not exceed one hundred and twenty (120) hours.

11. The General Manager shall immediately notify the Board of Directors of any such action which involves Mandatory Administrative Leave.