# Policy 2600

## From Human Resources

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| **PERSONNEL POLICY MANUAL** |
| **MoDOT Personnel Policy Title**: Performance/Conduct Intervention<br>**Policy Number**: 2600 **Chapter Title**: Discipline<br>**Effective Date**: October 1, 2004<br>**Supersedes Policy Number** 2600 **Dated** May 1, 2001 |
| **Approved By**: Micki Knudsen, Human Resources Director<br>(Signature on file) |

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# POLICY STATEMENT

The Missouri Department of Transportation's objective is to maintain a qualified workforce through performance management. When an employee cannot or will not follow department guidelines and/or department goals and expectation, corrective intervention in the form of probation, suspension, disciplinary demotions, or termination may be necessary. This personnel policy provides supervisors with tools necessary to manage performance/conduct issues. This policy does not entitle employees or require supervisors to take corrective intervention before an employee is terminated.

## ACCOUNTABILITY/RESPONSIBILITY

1. Supervisors are responsible for documenting performance/conduct issues and identifying employees with performance/conduct needing improvement.

2. Supervisors are responsible for consulting with the local human resources office for a consistency review/recommendation prior to administering any discipline greater than a verbal warning.

3. Supervisors are responsible for ensuring the local human resources office receives a copy of all disciplinary letters involving written warnings, or greater, to aid in future consistency reviews.

4. The district engineer or division leader/state engineer is responsible for sending a copy of disciplinary letters above the written warning level to the human resources director for filing in the appropriate employee's file.

5. The district engineer or division leader/state engineer is responsible for ensuring this personnel policy is communicated, enforced, and supported by his/her management team. The management team is responsible for assisting supervisors in identifying employees who are not meeting the department's expectations.

6. The district engineer or division leader/state engineer is responsible for signing letters or disciplinary probation, disciplinary demotion, suspension without pay, and termination.

## GUIDELINES

1. Identify employees with performance/conduct who "need improvement." (Higher-level supervisors may have some knowledge and will need input to identify these employees.)

2. Identify performance needing improvement as the gap demonstrated by an employee in the way tasks and activities are carried out compared to standards and measures.

3. Pinpoint (observable and measurable) job-related conduct and the results (actions produced by the conduct).

4. Hold frequent follow-up and ongoing assessment discussions.

5. Disciplinary probation will primarily be used when performance problems are not resolved with lesser discipline. Suspension without pay will primarily be used when serious conduct issues arise.

6. Provide a letter to each employee who is given a written warning, a disciplinary probation, a disciplinary demotion, or a suspension without pay. Each of these letters needs to identify what performance or conduct issue caused this discipline, what improvements are expected, and when these improvements are expected to be made. These letters also need to explain what discipline will result if the improvements are not made within the time allowed. Consult with a human resources representative regarding the content of these letters before they are signed and issued.

7. Provide a termination letter to each employee who is terminated. Consult with a human resources representative regarding the content of this letter before it is signed and issued.

## TEAM INVOLVEMENT

1. The district engineer or division leader/state engineer appoints a fact-finding team to evaluate an employee's performance/conduct identified as needing improvement. In most cases this should occur before an employee is placed on disciplinary probation, given a disciplinary demotion, or suspended without pay.

2. The team will review documentation for accuracy and completeness.

3. The team will recommend appropriate action to the district engineer or division leader/state engineer.

## TOOLS FOR IMPROVEMENT

1. Disciplinary Probation

a. Disciplinary probation should be applied by the first line supervisor with the approval (signature) of the district engineer or division leader/state engineer.

b. Key points that must be discussed when issuing a disciplinary probation are:

(1) Detail complete performance issues; and,

(2) Emphasize that continuation of the past level of performance is not acceptable.

c. Review written expectations and provide the employee with a copy. Include, in the letter, the standards expected and how the standards will be measured.

d. As a guideline, the disciplinary probationary period should address the following:

(1) Performance improvements may require more training, practice, etc.

(2) The employee's continued employment will be determined during a six-month probation.

(3) While on the disciplinary probation, the employee will not be eligible for a performance increase or a promotion.

e. The following language should be incorporated into all letters of disciplinary probation:

(1) During your disciplinary probation, if evidence indicates you are not making an honest effort to meet expectations, your employment will be terminated. Termination can occur before the end of the six-month probation.

(2) Successful completion of the disciplinary probation does not guarantee employment. If your performance reverts back, termination may result without additional coaching or counseling.

f. General Guidelines on Disciplinary Probation

(1) Documentation

Discipline intervention should be a partnership between the supervisor and the employee setting a goal of the employee moving from "Improvement Needed" to "Met Expectations" or "Exceeded Expectations." Documentation of requirements, expectations, conditions, commitments made, etc., provides a record that is important to both the supervisor and the employee. Therefore, thorough documentation should be prepared by the supervisor and a copy of the documentation given to the employee. A copy should also be retained in the district/division/office.

Examples of documentation include:

- Probationary letter;
- Follow-up discussions and ongoing assessments; and,
- Other letters concerning status of employment such as successful completion of probationary period.

(2) The supervisor and employee should agree on the "tools" necessary to reach expectations (e.g., training, time, advice, standard measurement, feedback, etc.).

(3) The employee should be instructed who to contact if he/she has questions.

(4) The employee should be allowed to ask questions and obtain any clarifications needed to understand what is expected.

(5) The supervisor and employee should establish a schedule for periodic discussions.

(6) The supervisor should clearly state what the next step will be if expectations are not met.

2. Disciplinary Suspension Without Pay

a. When serious conduct issues arise, such as violation of personnel policies or state/federal laws, suspension without pay will be the primary discipline to consider instead of disciplinary probation. Less serious violations could result in written warnings while the most serious violations should result in termination.

b. Occasionally a violation that results in a suspension without pay could also result in the employee being placed on a disciplinary probation. Generally the probation will be used in conjunction with suspension without pay when the violation was serious enough that termination was strongly considered.

c. Suspension without pay should be applied by the first-line supervisor with the approval (signature) of the district engineer or division leader/state engineer.

d. Suspension without pay should be done in one-day increments (one day, three days, etc.).

3. Disciplinary Demotion

Disciplinary demotions should be handled in accordance with Personnel Policy 1021, "Demotions." Demotions may be used for either performance or conduct issues.

4. Termination

a. If improvement in either performance or conduct is not reached and termination is necessary, the following should be included in each termination letter:

(1) The effective date of termination;

(2) A general reference regarding discussions leading to the termination (letters, counseling sessions, etc.);

(3) Statements of facts leading to the employee's termination (avoid any reference to conclusions drawn from those facts);

(4) The statement "we have determined your continued employment is not for the good of the service of MoDOT and your employment is terminated effective…" (on the date determined);

(5) State how and when the employee will receive his/her last paycheck and what period of time the check will cover along with annual leave, comp time, overtime, etc.;

(6) State who the employee is to contact to talk about the status of his/her benefits such as medical insurance, life insurance, cafeteria plan, retirement, deferred compensation, etc.; and,

(7) Advise the employee of the Director of Audits and Investigations' address and his/her right to file an appeal within 30 days of the date of termination.

b. In most cases, the employee should be given an opportunity to verbally respond to the reasons given for termination after he/she has been told of the termination.

c. The termination letter must be signed by the district engineer or the division leader/state engineer.

d. The termination letter does not have to be mailed "certified."

e. Copies of the termination letter should be shown going to the human resources director and to the immediate supervisor. In the district, a copy also needs to be provided to the human resources manager.

f. The supervisor should retrieve department property (identification badge, keys, lap top computer, etc.) from the employee before the employee leaves.

5. Refer to the flowchart process in Appendix A for disciplinary procedures on performance issues.

# CROSS REFERENCE

Personnel Policy 1021, Demotions

# ATTACHMENT

Displinary Intervention Flow Chart

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