

Performance Management

For Non-Faculty Positions



Supervisors are a key to employee success. Servant Leadership requires that supervisors put the performance of employees first and that they provide the feedback and support needed to inspire high performance standards. This manual is designed for supervisors to navigate performance management at ACC. If you have any questions, contact Human Resources at 223-7572.

Objectives of Performance Management

- Provide support to employees and provide a harmonious working environment
- Clearly state job expectations
- Provide feedback on employee performance
- Provide employee with notice when job expectations are not met
- Provide appropriate documentation of performance deficiencies
- Take actions in accordance with ACC policies and/or procedures

Leadership and Management Expectations of the Supervisor

(<http://www.austincc.edu/pres/communications/SupervisorsExpectations.pdf>).

- All supervisors of Austin Community College (ACC) are expected to be good managers and good leaders, and to understand the responsibilities and expectations associated with the privilege of serving students, faculty, staff, and the general public.
- Supervisors will especially understand the critical importance of fostering and practicing good communication skills (sharing information, collaborating with others, listening to others, and explaining the rationale for decisions which are made), and the importance of open communication in developing high performance teams.
- ACC will provide Servant Leadership training, and a wide variety of leadership skills development, to all supervisors and will require training of new supervisors before they assume leadership responsibilities.
- **All supervisors are expected to:**
 - Understand that being a supervisor is an honor and a responsibility;
 - Commit to high quality in all aspects of one's professional responsibilities;
 - Commit to high ethical standards;
 - Be fair and consistent in decision-making;
 - Model the behavior and standards expected of faculty and staff;
 - Communicate effectively;
 - Be systems-oriented, with a focus on continuous quality improvement;
 - Be skilled in the use of technology to enhance communication and effectiveness;
 - Promote learning and self-empowerment of those you serve;
 - Maintain current and comprehensive understanding of all college policies and procedure;
 - Conduct themselves, at all times, in a manner that avoids the appearance of impropriety, favoritism, or bias;
 - Practice Servant-Leadership.

Managing Performance

I. Performance Counseling

A. The Steps to Performance Counseling

1. Provide on-going coaching, training and performance feedback
2. Assess employee's performance
3. Identify unsatisfactory performance (behaviors not attitudes)
4. **Address unsatisfactory performance:**
 - I. Verbal Warning
 - II. Written Warning/Signed by Employee
 - III. Suspension/Probation
 - IV. Termination
5. Be specific about concerns and expected behaviors and outcomes/results
6. Conduct a two-way counseling process

B. Effective Discipline Management

- Be clear about performance expectations.
- Identify behaviors, not feelings.
- Refrain from subjective comments or judgmental statements.
- Have all the facts and documents.
- Prepare for the interview.
- Develop a plan for improvement.
- Develop a timetable and review date.
- Get Closure.

C. What You Should Not Do

- Feel Guilty
- Defend your position
- Humiliate employee
- Avoid apologizing for doing your job
- Get angry
- Be reactive
- Withdraw from communication

II. Employee Assistance Program

A. Austin Community College has an Employee Assistance Program (EAP) with Worker's Assistance Program (WAP). An EAP is a work-sponsored program designed to assist in the identification and resolution of problems associated with an employee's personal and or professional issues. ACC recognizes the importance of maintaining the health and well-being of their employees and families. The service is free and confidential.

B. When can a Supervisor mandate attendance to the Employee Assistance Program?

1. When the health and/or safety of the employee or others in the workplace is of concern;
2. When the employee's performance is being significantly impacted by emotional, psychological or sociological concerns that the supervisor is unable to effectively address; and
3. When determined to be in the best interest of the college and approved by the next level supervisor or Executive Vice President.

III. Discipline Process

A. Common Problems

- Supervisors know of performance problems and wait until it's too late to address the issues.
- Performance reviews were poor or marginal
- Lack of documentation
- Not following policy, procedure

“An employee may not discharge or otherwise discipline an employee based on the employee's refusal to engage in an illegal act.” --- Sabine Pilot Serv vs. Havck (1986)

B. Ensuring Uniformity

- Have other employees performing similarly or worse also been discharge?
- Was this employee given an oral warning?
- Was this employee given a written warning?
- Was this employee given the same amount of training, opportunities and equipment as other employees in similar positions?
- Is it justifiable to fire this employee?

C. Phases of the discipline process

1. Phase I—Informal Verbal Warning

- Supervisor monitors performance and provides immediate verbal feedback to the employee.
- Warning must be given in a face-to-face meeting, in private.
- Identify performance deficiencies.
- Ask employee to discuss performance deficiencies.
- Secure consensus on performance deficiencies.
- Provide continuous feedback after initial discussion.
- Establish deadlines for achievement of satisfactory performance and follow-up.
- Note date of discussion and content of verbal warning.
- An email is not considered a verbal warning.

2. Phase II—Formal Written Warning

- Warning must be communicated to employee in writing, in private.
- Copy of memo must be given to employee and the next level supervisor
- A copy of the formal written warning must be put in the employee's departmental file
- The written warning should be acknowledged by the employee or the witness (supervisor level employee), if employee chooses not to sign.
- Performance deficiencies must be conduct/behavior specific.
- Set a timeframe for review and improvement.

3. **Phase III—Probation** (If employee's performance does not improve after the Written Warning):
 - The Supervisor should provide sufficient time for improvement after written warning.
 - If there is no improvement, the employee may be placed on probation (30-90 days) with a written memo.
 - The written memo should describe performance deficiencies and a performance improvement plan.
 - The supervisor should establish a timetable for review with consequences; meeting with employee every 30 days.
 - The employee should receive a copy of the probation letter.
 - The employee does not have to sign the probation letter.
 - The supervisor may extend probation only once.
 - The probation status and memo must be approved by the administrator and Vice President of Human Resources.

4. **Phase III—Suspension** (Some serious offenses requires removal of the employee form the work place.)
 - Threatening, intimating, coercing employees or interfering with the performance of other employees
 - Acts of sabotage or interference with College's business
 - Defacing or destroying college property
 - Insubordination
 - Theft
 - Assault
 - Indictment of Class A misdemeanor or felony (suspend with or without pay depending upon the circumstances)
 - Violation of College policies, procedures or Board Policies
 - While the employee is out, the supervisor must investigate circumstances, and then report findings to the next level supervisor.
 - Upon the employees return, if the suspension was for a valid reason, the employee can be placed on probation.

5. **Phase V—Termination**
 - A. The Supervisor must:
 - Ensure that the disciplinary steps have been taken and policies have been followed (oral, written warning)
 - Compile performance documentation; draft termination of employment letter
 - Ensure steps have been taken to assist the employee (training, EAP, performance reviews, etc.)
 - If an employee has received two probations during his/her employment, termination may be recommended.
 - Draft letter to employee with exhibits (Written Warning) attached.
 - Secure approval of next level supervisor

- Secure approval of the administration and Vice President of Human Resources prior to meeting with employee.
- Review termination packet with Vice President of Human Resources for approval
- Meet with employee to discuss termination and provide memo of explanation.
- Departmental file and all documents pertaining to termination should be sent to Human Resources.

B. To be included in the Termination Packet:

- Copy of Written Warning memo
- Documentation of performance issues; remediation efforts
- Supervisor's notes, emails, pertinent materials, etc.
- Draft of Termination Letter

C. Performance related to illness

- Vice President of Human Resources secures legal review (if issues are medical, ADA or FMLA-related).
- ADA prohibits termination of employees who are absent due to an illness or with an illness that is considered a "disability" while on FMLA.
- A "disability" is an impairment that substantially limits one or more life activities, a record of such an impairment, or being regarded as having such an impairment.
- When absence is due to illness, supervisor should advise employee to contact HR Benefits (223-7800) to discuss:
 - ADA-accommodations
 - FMLA
 - Sick Leave Pool
 - Worker's Compensation
 - Other Leave Policies

D. More on Termination

Reasons for Termination:

1. Unsatisfactory Performance

Managing Unsatisfactory Performance

- Unsatisfactory performance must be communicated to the employee and documented
- Employee must be advised of specifics of unsatisfactory performance
- Identify behaviors or actions, rather than feelings
- Employee should have time to remediate problem
- A performance discussion is the first step
- Employee performance deficiencies must be reviewed on a consistent basis

2. Insubordination

The employer must show:

- Clear directions were provided to employee
- Employee understood the directions

- Direction was within the employee's scope of responsibility
 - Insubordination was verbal and clear
 - Employee was asked to comply but refused
3. **Poor Attendance/Chronic Tardiness**
 - Identify excused and unexcused absences
 - Document all absences and incidents of tardiness
 - Create a record of absences, use of sick leave pool and FMLA
 - Review record of absences and notification with employee; advise employee that continued lateness may result in termination
 4. **Illegal Activity**
 - Identify the activity, basis of illegality and consequences
 - Did the illegal activity take place on the job?
 - Has the employee been convicted of a felony or Class A Misdemeanor while employed?
 - Is the crime, job related?
 5. **Lack of ethics and unprofessional behavior**
 - Encourage high ethical standards
 - Base your decisions on facts and solid evidence; investigate as needed.
 - Identify the "behaviors" associated with unethical or unprofessional behavior
 - Model a code of ethics
 6. **Alcohol/drug use**
 7. **Violation of ACC policies**
 - Administrative Rules are in the Employee Handbook and on the ACC website at <http://www.austincc.edu/admrule/inventory.htm#Board%20Policy%20Group%20F:%20%20Personnel>
 - Be sure all employees have access to and understand ACC policies
 - Identify specific violation immediately
 - Communicate consequences
 - Identify expected behavior, including measurable elements
 - Identify new policies and procedures each year

E. Termination Guidelines

1. **Voluntary terminations** are those initiated by the employee, while involuntary terminations are initiated by ACC. Discharging or encouraging an employee to resign is a sensitive matter for employees and supervisors alike. ACC makes every effort to provide employees the opportunity to improve their performance in accordance with ACC policy before considering termination of employment. There are circumstances, however, which require immediate action and termination is the end result.
2. An employee who resigns voluntarily is asked to provide as much advance notice as possible (no less than two weeks' notice is desirable). The employee should submit a written notice to the supervisor specifying the last day of employment and address for future correspondence. The

- supervisor should request that the employee contact the HR Benefits Office to terminate/continue benefit provisions. The employee will be expected to comply with ACC policies regarding termination and an exit interview.
3. Employees who decide to **retire** from ACC are asked to provide at least three (3) months' notice of retirement in order to provide for benefits analysis, retirement planning and counseling. Retiring employees should notify their supervisor and the HR Benefits Office of their retirement date and refer to the Retiree Checklist (http://www.austincc.edu/hr/benefits/documents/Retirement_Checklist.pdf).
 4. Those terminating **involuntarily** must comply with ACC's policies including AR#6.08.001, AR#6.08.002 and Board Policy F-8 Due Process Requirements for Employment Termination. Once the decision has been made and approved to terminate an employee, the supervisor should contact the Vice President of Human Resources to discuss the termination procedures. To ensure compliance with ACC policy and applicable laws, the Vice President of Human Resources should approve any disciplinary action and/or letter of termination.
 5. Upon termination of an employee, the supervisor is expected to end an assignment for hourly employees online through the hourly webpage. A **Separation Form and Exit Checklist** form are required for staffing table employees and can be completed through the ACCeHire (<http://www3.austincc.edu/it/ehire/mod1/login.php>) system.
 6. The supervisor should request that the employee contact the HR Benefits Section to discuss the status and/or continuation of the employee's benefits after separation. Employees are required to settle all debts with ACC before they leave, including expense and travel reports. Employees must also return any ACC property including keys, tools, etc. HR Payroll is responsible for preparing the final paycheck(s). It is the responsibility of the supervisor to ensure that termination of employment is conducted in accordance with ACC policies.

F. Termination of New Employees

During the first week of employment, the supervisor should advise the new employee of:

1. Employee's Job Description
2. Performance goals, job duties, expectations and deadlines
3. 180-day initial period of employment is a probationary period (communicate end date)
4. Supervisor should advise employee of unsatisfactory performance periodically, if applicable.
5. Conduct formal review within 90 days and indicate satisfactory or unsatisfactory performance (or sooner if poor performance or extend probationary period.) If performance is unsatisfactory, provide written notice to employee.
6. If unsatisfactory performance does not improve, recommend termination prior to end of probationary period.

G. Termination Approval Process

1. Secure termination approval of next level supervisor
2. Prepare proposed termination letter
3. Submit termination letter; secure approval of VP of Human Resources
4. Supervisor will meet with employee to discuss termination; give employee termination letter.
5. Supervisor must complete Exit Checklist Form available (online at http://www3.austincc.edu/it/eforms/forms_int/HURE.015.pdf) on next to last day of employment
 - If employee is not available, note the reason.
 - Complete the form as much as possible and submit it to HR Records.
6. Prior to termination date complete Employee Separation Form (available online at: <http://www3.austincc.edu/it/ehire/mod1/login.php>) and submit with copy of termination materials to HR Records
7. Submit departmental personnel file to HR Records to be integrated into master personnel record. (Keeping a copy for your records.)
8. Refer the employee to HR Benefits.
9. On Termination day, notify Campus Police only if violence is anticipated. ACC is public property and thus, former employees are able to come on Campus for business operations.
10. Upon receipt of Exit Checklist Form, Employee Separation Form and termination materials, HR Records will generate Staffing Table Employee Requisition to post vacant position.

H. Meeting EEOC Requirements pertaining to terminating an employee.

1. State the specific reasons why complainant was discharged
2. State date and time of discharge
3. Explain in detail the specific act for which the complainant was discharged
4. Attach any documents, including witness statements
5. Provide an opportunity for employee to explain conduct
6. Respond to explanation and indicate why it was not accepted
7. State pertinent rules and policy (Employee Handbook, Administrative Rules, Supervisory Expectations, etc.)
8. Indicate previous warnings (dates, situations, etc.)
9. If discharge is for absenteeism or tardiness, attach copy of attendance record or list pertinent dates.

Performance Management Checklist

Unsatisfactory Performance

1. Verbal Warning

- _____ **Verbal Warning** Given to Employee
- _____ Performance Deficiencies Clearly identified
- _____ Expectations communicated to the employee
- _____ Performance review date set and communicated to employees

2. Written Warning

- _____ **Written Warning** Memo Developed
- _____ Performance review meeting held with employee
- _____ Performance Deficiencies clearly identified
- _____ Expectations communicated to the employee
- _____ Memo given to employee
- _____ Employee requested to sign written warning
- _____ Employee given a copy of written warning
- _____ Performance review dates set and communicated to employee

3. Probation

- _____ Supervisor reviews written warning, performance deficiencies, expectations and employee improvement
- _____ Supervisor develops written memo to employee
- _____ Probation Memo describes performance deficiencies, expectations, improvement and lack of improvement. Memo sets timetable for performance review.
- _____ Supervisor secures approval of the next level supervisor
- _____ Supervisor secures approval of Vice President of Human Resources
- _____ Supervisor meets with the employee
- _____ Employee signs memo and receives a copy
- _____ Probation memo is kept in department file
- _____ Supervisor monitors performance
- _____ Supervisor either continues or terminates probation period with letter to the employee

4. Suspension

- _____ Employee exhibits serious offense or commits act necessitating suspension
- _____ Supervisor investigates circumstances and determines suspension is appropriate
- _____ Supervisor develops memo
- _____ Supervisor secures approval of next level supervisor
- _____ Supervisor secures approval of Vice President of Human Resources
- _____ Supervisor meets with Employee to discuss circumstances

- _____ Supervisor gives employee suspension memo identifying outcomes and expectations
- _____ Supervisor may need to conduct a further investigation
- _____ Supervisor determines and monitors employee return
- _____ Supervisor determines if an employee should be placed on probation or further disciplinary action should be taken.

5. Termination

- _____ Supervisor's review of written warning, performance deficiencies, expectations and employee's improvement
- _____ Supervisor meets with next level supervisor to review request for termination
- _____ Supervisor prepares termination memo.
- _____ Next level supervisor approves termination
- _____ Supervisor and next level supervisor meets with Vice President of Human Resources to review documentation and termination memo
- _____ Vice President of Human Resources approves termination
- _____ Supervisor meets with employee
- _____ Supervisor reviews termination memo with employee
- _____ Supervisor and employees discuss termination and termination processes (Key, ID, Computer, personal items, etc)
- _____ Employee is terminated
- _____ Supervisor enters termination into Datatel.



Performance Memorandum [Written Disciplinary Action]

TO: _____

FROM: _____
Name Title

RE: **WRITTEN DISCIPLINARY NOTICE**

DATE: _____

This memorandum is notification that your performance does not meet the expected level of performance for your position. The information below details the performance issues and expectations for improvement. Your performance will be reviewed within ____ days to determine the level of improvement. If you have any questions or concerns, please feel free to discuss them with me (or your immediate supervisor).

I. Performance Description: Specify specific behaviors or actions that detail the performance deficiencies.

II. Performance Improvement Plan:

A. Improvement Goals/Performance Expectations:

B. Training/Instruction To Be Provided:

C. Scheduled Review Date:

D. Is the employee required to attend the Employee Assistance Program?
(Approval of the Office of Human Resources is required.)

Yes No

III. Outcomes:

If the level of performance does not meet expectations within the review period, the employee will be subject to further disciplinary action, up to and including termination.

IV. Employee Comments:

(Attach additional sheets, if needed)

Employee Signature

Date

EMPLOYEE ACKNOWLEDGEMENT

I understand that Austin Community College is an “at-will” employer, meaning that my employment has no specified term and that the employment relationship may be terminated at any time at the will of either party on notice to the other. I also understand that my employment is governed by the Administrative Rules of the College. I have been provided a copy of the pertinent Administrative Rules.

I have received a copy of this notification and it has been discussed with me. I have entered my response in item IV. above. I understand that I must make substantial improvements in my performance in order to remain employed.

By signing this I acknowledge that I have been advised of the performance issues and concerns. My signature does not indicate that I agree with the memo.

Employee Signature

Date

Supervisor Signature

Date

If the employee refuses to sign this document, the supervisor should request that another supervisor confirm that the discussion has taken place and sign below.

Confirmation of the Discussion:

Supervisor Signature

Date

Distribution: ORIGINAL – Department File; COPY – Employee, COPY – Next Level Supervisor



Performance Review Notice

Employee Name	Position Title	
Supervisor's Name	Department	Date of Review

A performance review of the above listed employee has taken place and the results are recorded below. The performance expectations will be monitored and the employee will receive timely feedback regarding his or her progress. The forms should be complete and placed in the departmental file. The employee must receive a copy of the forms. This form should be attached to the letter of notification.

V. Disciplinary Level:

- Written Warning
- Suspension
- Probation
- Termination
- Other: _____

**VI. Prior Notifications:
Discussed**

Date

Areas

- Verbal Warning _____
- Written Warning _____
- Conference after Written Warning _____
- Suspension _____
- Previous Probation _____
- None: Explain: _____

VII. Performance Issues:

- Policy/Procedure Violation
- Performance Problems
- Behavior/Conduct Infraction
- Absenteeism/Tardiness
- Unprofessional Behavior
- Other: (Explain) _____



Performance Memorandum

[Probation]

TO: _____

FROM: _____
Name Title

RE: **NOTICE OF PROBATION**

DATE: _____

This memorandum is notification that you are being placed on probation. The information below details the performance issues and expectations for improvement. Your performance will be reviewed within ____ days to determine the level of improvement. If you have any questions or concerns, please feel free to discuss them with your immediate supervisor.

VIII. Performance Description: Specify specific behaviors or actions that detail the performance deficiencies. Attach additional sheets, if necessary.

IX. Identify Prior Efforts to Improve Performance: (Detail verbal and written warnings)

X. Performance Improvement Plan:

A. Improvement Goals/Performance Expectations:

B. Training/Instruction To Be Provided:

C. Scheduled Review Date:

XI. Outcomes:

If the level of performance does not meet expectations within the review period, the employee will be subject to further disciplinary action, up to and including termination.

XII. Employee Comments:

(Attach additional sheets, if needed)

Employee Signature

Date

EMPLOYEE ACKNOWLEDGEMENT

I understand that Austin Community College is an "at-will" employer, meaning that my employment has no specified term and that the employment relationship may be terminated at any time at the will of either party on notice to the other. I also understand that my employment is governed by the Administrative Rules of the College and I agree to abide by the rules of ACC.

I have received a copy of this notification and it has been discussed with me. I have entered my response and rebuttal in item IV. above. I understand that I must make substantial improvements in my performance in order to remain employed.

By signing this I acknowledge that I have been advised of the performance issues and concerns.

Employee Signature

Date

Supervisor Signature

Date

If the employee refuses to sign this document, the supervisor should request that another supervisor confirm that the discussion has taken place and sign below.

Confirmation of the Discussion:

Supervisor Signature

Date

APPROVAL OF NEXT LEVEL SUPERVISOR:

Supervisor's Signature

Date

Supervisor's Title

Distribution: ORIGINAL – Employee; COPY – Department File, COPY – Next Level Supervisor



Performance Memorandum

[Suspension]

TO: _____

FROM: _____
Name Title

RE: **NOTICE OF SUSPENSION**

DATE: _____

This is notification that you are hereby placed on suspension with/without pay for the performance issues listed below. Disciplinary action of suspension is taken involving willful misconduct, actions with malicious intent, serious violation of policy or seriously unacceptable behavior. An investigation has been started regarding the complaint/performance issue. Upon completion of the investigation, you will have an opportunity to respond to the issues before further action is taken on your employment status. You are expected to remain available to return to work. You will be contacted by telephone to schedule the investigation review. If you have any questions, contact me (your immediate supervisor).

XIII. Type of Infraction:

- Policy/Procedure Violation
- Seriously Substandard Work Performance Involving Safety or Health and Welfare of Other Employees
- Failure to Follow Critical Instructions/Insubordination
- Continued Absenteeism/Tardiness after Warning
- Misconduct
- Other: _____

XIV. Description of Performance Requiring Suspension:

Suspension is (check one):

- With Pay** **Without Pay**

XV. Describe Any Prior Notifications Regarding Performance: (List dates, details, meetings held, written notifications, etc.)

EMPLOYEE ACKNOWLEDGEMENT

I have received a copy of this notification and it has been discussed with me. I understand that an investigation will be conducted and I will have an opportunity to respond to the results of the investigation. I understand that I may not contact any of the parties or employees involved in the investigation. A final determination of my employment status will not be made until after the investigation and investigation conference.

By signing this I acknowledge that I have been advised of the performance issues and concerns that necessitate immediate suspension.

Employee Signature

Date

Supervisor Signature

Date

If the employee refuses to sign this document, the supervisor should request that another supervisor confirm that the discussion has taken place and sign below.

Confirmation of the Discussion:

Supervisor Signature

Date

Distribution: ORIGINAL – Employee; COPY – Department File, COPY – Next Level Supervisor



Termination Notice

Date

Employee Name
Employee Address

Dear _____:

This is to inform you that your employment with Austin Community College is being terminated for _____.

On _____ you received a written notice of these performance problems: _____. On _____ you were placed on probation for a period of __ days. In addition, during this time, you were provided (identify meetings, trainings, etc.) _____. However, your performance has not improved. (Detail the performance issues, problems, and/or deficiencies).

Your performance demonstrates an inability to perform at an acceptable level the performance expectations for this position. Therefore, your employment is terminated as of _____.

ACC employees have a right to appeal any employment decision. If you wish to appeal this decision, you may access the process instructions at www.austincc.edu/hr. Forms can be obtained from the Office of Human Resources by calling 223-7572. An appeal of this decision does not affect the termination process.

Your final paycheck will be mailed to you at the close of the business day of the next regular payday. You may choose to continue your medical insurance coverage at your own expense through COBRA. Please contact the HR Benefits Office (223-7617) at your earliest convenience and no later than within two (2) weeks of the termination date.

If you have any questions or concerns, please call me at _____.

Sincerely,

Supervisor
Title

Enclosure: Performance Review Notice
xc: HR Records, Office of Human Resources
Next Level Supervisor



Administrative Rules

Subject: Progressive Discipline Procedures for Non-Faculty Staffing Table Employees **AR#** 6.08.003

Based on Board Policy: [F-8, Due-Process for Employees](#)

Recommended by Council/President: Administrative Services Council

Date Approved/Amended: 11/11/1999; amended 09/13/07

Value Statement

Austin Community College District (ACC) supports good employee relations and a harmonious working environment. Employees are expected to fulfill the duties and responsibilities of their position in a cooperative and professional manner. To avoid discipline issues, supervisors are expected to provide employees with clear direction and feedback about performance.

Administrative Rule

The Progressive Discipline process will: (1) provide employees with notice when job performance or conduct standards are not met and of the action needed to improve the deficiency in accordance with the Progressive Discipline Guidelines and Procedure and (2) provide appropriate documentation to ensure consistent application of policies, administrative rules and/or procedures.

Any disciplinary action taken by a supervisor must be fair and proportionate to the seriousness of the violation in compliance with the Progressive Discipline Guidelines and Procedure. If a situation warrants corrective action, the progressive discipline process may include an initial warning, a written warning, probation, suspension or termination from employment. Each step need not be taken in each case. Depending upon the circumstances, the College may take any appropriate disciplinary action starting at any step, including immediate termination.

Eligibility

This progressive discipline rule applies to all non-faculty staffing table employees; it does not apply to hourly employees. Hourly employees may be terminated without notice and without cause in accordance with Texas law and/or ACC policy, administrative rule and/or procedure. All non-faculty staffing table employees seeking appeals in reference to this rule should refer to the ACC Grievance Policy.

President/CEO: Stephen B. Kinslow

Date: 02/28/08



Guidelines/Procedures

Subject: Progressive Discipline for Non Faculty Staffing Table Employees

**Guideline/Procedure
for AR#:** [6.08.003](#)

Date Effective: 11/11/1998; amended 09/13/07

Progressive Discipline Steps

Employee/Supervisor Expectations

Supervisors are expected to provide on-going coaching, training and performance feedback to employees. When the employee is unable to meet performance expectations, the supervisor should provide a verbal warning specifying the deficient behavior, expected performance and timetable for improvement.

Employees are expected to attend appropriate job-related training, perform the duties of the position, and communicate performance needs to supervisors.

If an employee does not meet performance expectations or improve, supervisors should initiate progressive discipline. The progressive discipline process should include:

- A verbal warning,
- A written warning,
- Suspension /probation,
- Termination.

Each step need not be taken in each case, and depending upon the severity of the circumstances, the College may take any appropriate disciplinary action and may start at any step, including immediate termination at any time. All steps and actions must be documented.

Immediate Termination

Severe conduct for which immediate termination is appropriate with no prior notice or prior discipline may include, but is not limited to the following.

- Appropriating College or student equipment, time or resources for personal use or gain;
- Theft of services or resources;
- Computer abuse, including, but not limited to: unauthorized destruction of files, creating illegal accounts, possession of unauthorized passwords, disruptive behavior on the computer and non-work related utilization of computer software or hardware;
- Acts of sabotage or other interference of the College's business;
- Defacing or destroying College property;

- Engaging in actions which endanger the health and/or safety of oneself or others;
- Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job;
- Fighting, assaulting, threatening, intimidating, coercing, or interfering with the performance of other employees;
- Acts of sabotage or other interference of the College's business; and,
- Having an unauthorized weapon, firearm or explosive on College property.

Employees who have been placed on probation twice employment at ACC may be terminated without being issued a third probation. The employee may be terminated even if those prior two probations were issued by a different supervisor or for different job performance issues.

Procedural Steps	Explanation/Action	Forms
<p>Step I: Initial Warning</p> <ul style="list-style-type: none"> • When an employee requires correction of problems pertaining to conduct and/or job performance, the supervisor shall verbally warn the employee during a face-to-face meeting (when possible). • The initial warning should take place after the supervisor has made an effort to communicate problems with the employee's performance, and has offered guidance in correcting the issues in a timely fashion. • During this meeting the employee shall be given the opportunity to explain his/her actions. 	<ul style="list-style-type: none"> • When the initial warning is required, the supervisor shall gather all necessary information and outline the discipline process for the employee. • The supervisor will request corrective actions to begin immediately, or, if training is needed, after appropriate training. • Initial warnings must be conducted in private. • If a face-to-face meeting is not immediately possible the supervisor may issue the initial verbal warning by telephone directly with the employee. A follow-up face-to-face meeting should be held, if the employee requests it. • An e-mail alone will not be considered a verbal warning. 	<ul style="list-style-type: none"> • No form is required; however, documentation of the employee name, date, and content of the verbal warning shall be noted in the supervisors' records/ work calendar. • Supporting documentation may be supplied by either the supervisor or the employee.
<p>Step 2: Written Warning/ Reprimand</p> <ul style="list-style-type: none"> • The supervisor shall meet with the employee to discuss the continuing performance problems and issue a written warning if the initial warning does not yield the required corrective action within the 	<p>In the written warning the supervisor shall:</p> <ul style="list-style-type: none"> • review the deficiency, incident, or policy violation; • advise the employee that he/she must correct the performance, behaviors or situation, explain how the correction must be 	<p>Written Warning Form</p> <ul style="list-style-type: none"> • The Written Warning Form requires the signature of the employee as an acknowledgment of the receipt and discussion of the written warning. • Should the employee refuse to

Procedural Steps	Explanation/Action	Forms
<p>timeline outlined by the supervisor.</p> <ul style="list-style-type: none"> An e-mail will not be considered a written warning as a signature is required on the form. 	<p>accomplished and set the deadline for the improvement;</p> <ul style="list-style-type: none"> inform the employee that failure to correct the deficiency or violation within the specified timeline will result in further disciplinary action up to and including termination. 	<p>sign the written warning, a witness (preferably another supervisor) must sign to acknowledge that the employee was notified and the situation was discussed.</p> <ul style="list-style-type: none"> Copies will be distributed as follows: one to the employee, one to the next level supervisor, and one copy to be kept in the departmental file for one year. After one year, the form will be removed from the departmental file and forwarded to Human Resources.
<p>Step 3: Probation</p> <ul style="list-style-type: none"> The supervisor will discuss the problem with his or her supervisor of the probation and may then place the employee on probation for up to a 90 day period if the written warning does not yield the required corrective action. An employee's probation may occur through the normal steps of Progressive Discipline or when the supervisor determines that the employee's behavior warrants Probation as the first step in the process. The supervisor should meet with the employee as often as needed but at least once or twice (recommended at 30 days and at 60 days) in order to discuss the employee's progress. During the probationary period, an employee may ask that the time be extended because more time is needed or due to personal reasons. The supervisor can grant or 	<ul style="list-style-type: none"> The supervisor shall complete a Probation Form for documentation. The supervisor shall review the circumstances of the probation and the form with the employee. The supervisor shall, in writing: <ul style="list-style-type: none"> Document the problem. Link the misconduct to workplace policy or Explain how substandard performance adversely affects the workplace and/or the mission of the college. Review performance expectations. Outline corrective action to be taken. State the periods for review during probation. Immediately upon return from 	<p>Probation Form</p> <ul style="list-style-type: none"> Sections of the Probation Form include: <ul style="list-style-type: none"> record of the probation 30 and 60 day progress reports request for extension of probation Result of probation The supervisor shall give the employee any section of the Probation Form as it is completed, including terms and conditions of the probation, progress reports, and requests for extension. Copies of all sections will also be placed in the departmental file, given to the next level supervisor, and sent to Human Resources. The completed Probation Form and all sections require an employee signature, acknowledging that the form has been received and discussed. Should the employee refuse to sign, a

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<p>refuse this extension.</p> <ul style="list-style-type: none"> • Upon successful completion of the probation, the supervisor will indicate this in a letter to the employee. • Should the employee not successfully complete the probation, the supervisor may extend the probation or terminate the employee with approval from the next level supervisor, Vice President and in consultation with the Associate Vice President of Human Resources. 	<p>probation, the employee and supervisor must meet, discuss and document next steps.</p>	<p>witness must sign that the employee was advised of the contents of the probation notice.</p> <ul style="list-style-type: none"> • After one year, the form will be removed from the departmental file. If the employee has requested and been granted an extension, the form will be removed after one year of the successful completion of the probation.
<p>Step 4: Suspension</p> <ul style="list-style-type: none"> • The supervisor may suspend an employee if the employee commits a serious offense that mandates that the employee be removed from the workplace. • Some offenses that may be cause for suspension include, but are not limited to: <ul style="list-style-type: none"> - Threatening, intimidating, coercing, or interfering with the performance of other employees; - Acts of sabotage or other interference of the college's business; - Defacing or destroying college property; - Insubordination; - Theft; - Assault; - Violation of college Administrative Rules/ 	<ul style="list-style-type: none"> • The supervisor shall complete a Suspension Form for documentation. • The supervisor shall review the circumstances of the suspension and the form with the employee. • The supervisor shall, in writing: <ul style="list-style-type: none"> - Document the problem. - Link the misconduct to workplace policy or - Explain how substandard performance adversely affects the workplace and/or the mission of the college. - Review performance expectations. - Outline corrective action to be taken. - State the periods for review during suspension. • Immediately upon return from a 	<p>Suspension Form</p> <ul style="list-style-type: none"> • Suspension is a written warning and will be documented on the Suspension Form. • The supervisor shall give the employee a copy of the completed Form. Copies of the Form should be kept in the departmental files, shared with the next level supervisor, and sent to Human Resources. • If the employee is found innocent of misconduct as the result of an investigation, any written warnings pertaining to this incident will be removed from all files. • Should the investigation show that the employee engaged in misconduct, all copies of the form will remain in all files.

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<p>Procedures, or Board Policies;</p> <ul style="list-style-type: none"> - Indictment for a felony or a Class A misdemeanor. • The supervisor may suspend the employee for a specific period of time, with or without pay. Employees indicted for a felony or a Class A misdemeanor shall be suspended without pay. • A suspension may be designed to include an investigation of specific circumstances. • During suspension an employee shall decide whether he or she wishes to continue employment with the college. If so, the employee must agree to take positive steps to correct past performance deficiencies. • Should the employee decide to continue employment after the period of suspension, he or she shall be placed on probation for up to 90 days. • If an employee is found innocent of misconduct through an investigation, the employee will not be placed on probation. In such cases, if the employee had been placed on leave without pay during the suspension period, the employee will be paid for the day(s) for which payment was withheld. • If investigatory results indicate reprehensible behavior or gross neglect of duties, the employee may be terminated with the approval of the next level, Vice President and Associate Vice President of Human Resources. 	<p>suspension, the employee and supervisor must meet, discuss and document next steps.</p>	

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<p>Step 5: Termination</p> <ul style="list-style-type: none"> Termination shall be considered appropriate when an employee fails to respond to the corrective actions outlined in the written warning. Employees may be immediately terminated for the most serious offenses, which may include, but are not limited to those items outlined in this document. Immediate termination may occur during the probation period. When it is determined that an employee should be terminated, the supervisor shall secure approval from the next level supervisor, Vice President and Associate Vice President of Human Resources prior to executing the termination. A supervisor may terminate an employee who has received two probations during his/her employment at ACC, instead of issuing a third probation, even if those probations were issued by a different supervisor or for different performance issues. 	<ul style="list-style-type: none"> Terminations shall be carried out in a manner that is consistent with Board Policy F-8. When terminated, an employee shall receive a letter reviewing the issues and lack of corrective actions on the part of the employee. 	<p>Separation Form</p> <ul style="list-style-type: none"> The supervisor shall give the employee a copy of the completed Separation Form. Copies of the Form should be kept in the departmental files, shared with the next level supervisor, and sent to Human Resources. All employee documents pertaining to the termination should be sent to Human Resources after one year. Procedures resulting from a Separation Form should be followed up at the Departmental Level and at Human Resources levels.

Employees may not be terminated for illegal reasons.

President/CEO: Stephen B. Kinslow

Date: 02/28/08