CBT Chapters
- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Introduction

As a manager or supervisor, you are responsible for developing and maintaining good working relationships with your employees and maximizing their performance. Establishing clear and concise workplace expectations at the time of hire will maximize working relationships and employee performance. However, there may be times during this relationship when management must address an employee's poor performance or misconduct.

CBT Chapters
- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Introduction (continued)

Common performance and behavior deficiencies include

- Recurring issues such as absenteeism and tardiness
- Continuing problems adhering to or following management instructions despite additional training, coaching or counseling
- Overall poor performance
- Misconduct
- Violations of laws, rules, or policies

Although not pleasant, management needs to respond appropriately when an employee requires discipline.

In this course you will learn

- The importance of gathering information and documenting findings
- How and when to apply corrective or disciplinary measures
- Special procedures involved when disciplining a covered employee
- Basics of employee grievances and appeals for covered employees

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Types of Employee Appointments

When considering corrective and disciplinary actions, managers and supervisors must remember that the State Personnel System has unique laws, rules, policies and procedures relating to **covered** and **uncovered** employees. Understanding the differences between these types of appointments is critical when considering corrective or disciplinary actions.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Covered Employees

Covered employees are employees who are subject to the State Personnel System Rules and can protest corrective and disciplinary actions by filing a grievance or appealing the action to the appropriate board (for example the State Personnel Board).

Covered employees serve an original probationary period of one year to provide agencies with an opportunity to assess an employee's suitability for permanent employment.

Covered employees may be terminated at any time during the original probationary period without a statement of cause. Once a **covered** employee obtains permanent status, however, he or she may be disciplined or dismissed only for cause. The causes for discipline or dismissal of a covered employee are delineated in statute and will be reviewed later in this course.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Uncovered Employees

Uncovered employees are employed at will. A statement of cause is not required to separate an **uncovered** employee.

Uncovered employees can be terminated for any reason except

- Unlawful discrimination or harassment
- A reason that is contrary to Arizona or federal law (e.g., the illegal firing of a whistleblower)

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Uncovered Employees (continued)

In the remainder of this course references to *uncovered* employees DO NOT necessarily apply to employees in positions listed in A.R.S. § 41-742.F (agency directors, deputy directors, assistant directors, etc.), therefore you should contact your agency Human Resources office for advice before administering corrective or disciplinary action to an employee in such a position.

Remember: It is important for managers and supervisors to work with their Human Resources office to ensure that each employee's Federal and State employment rights are guaranteed based on the employee's type of appointment.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Chapter Summary: Introduction

This chapter provided an overview of employee relations and the differences between **covered** and **uncovered** employees.

The next section discusses the importance of addressing performance and behavior problems.

Click the next arrow to continue the course.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Addressing Performance and Behavior Problems

It is management's responsibility and duty to use appropriate measures when employees do not adhere to agency policies and procedures, demonstrate poor performance, or engage in misconduct. This applies to both **covered** and **uncovered** employees.

When early corrective or disciplinary action is administered, it can provide an opportunity for managers to educate and provide training to their employees. Managers should view corrective and disciplinary actions as means of preventing future personnel problems, correcting behavior or performance issues, and as valuable tools for communicating to employees what is expected in terms of performance and conduct. Used appropriately, such actions can lead to improved employee performance and behavior, and the achievement of agency goals.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Addressing Performance and Behavior Problems (continued)

Ensuring fair and equitable treatment of all employees is critical in corrective and disciplinary actions and it is important that

- Management ensures all employees are treated impartially and any corrective and disciplinary action taken is fair and consistent
- Management documents facts promptly while memory is still fresh
- Management remains objective by documenting only observed behaviors, actions, and words; not impressions or conclusions
- Management establishes consistency in documenting problems and taking appropriate action

Remember: Each case must be examined separately, on a case-by-case basis, because the facts and circumstances will always vary. Contact your Human Resources office for assistance.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Discipline or Dismissal of Covered Employees

To formally discipline or dismiss a **covered** employee, there must be just cause for the action. Pursuant to A.R.S. § 41-773, these causes include but are not necessarily limited to

- Fraud or misrepresentation in securing appointment
- Incompetency
- Inefficiency
- Neglect of duty
- Insubordination
- Dishonesty

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Discipline or Dismissal of Covered Employees (continued)

Causes also include

- Being impaired by alcohol or drugs while on duty
- Illegal use or illegal possession of a narcotic or habit-forming drug
- Unauthorized absence or absence without leave
- Commission of any crime classified as a felony or involving moral turpitude
- Discourteous treatment of the public or other employees
- Improper political activity
- Willful disobedience
- Misuse or unauthorized use of State property
- Other causes deemed necessary by the Director of the Department of Administration

As stated previously, such behavior constitutes just cause for formally disciplining or dismissing **covered** employees. **Uncovered** employees can be subject to formal disciplinary actions as well (e.g., reprimand, suspension); however, **uncovered** employees remain "at-will" employees, meaning their employment can be ended at any time for any reason, except those that are prohibited by law.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Chapter Summary: Addressing Performance and Behavior Problems

In this chapter, you learned about addressing performance and behavior problems. Next, let's take a look at the importance of documentation.

Click the next arrow to continue the course.

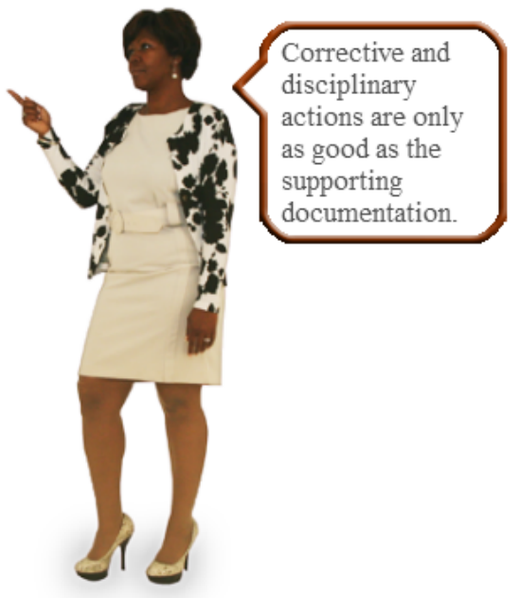
CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Documentation

Corrective and disciplinary actions are only as good as the supporting documentation. Good documentation is important for several reasons:

- It provides a mechanism for effective communication in order to identify performance strengths and deficiencies
- If the employee's work performance does not improve, good documentation can be used to substantiate corrective and disciplinary action
- Good and consistent documentation provides a sound defense against discrimination complaints
- Good documentation will provide a record, if needed, to support more stringent corrective or disciplinary action in the future



CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Documentation Principles

Managers who do not document corrective and disciplinary actions, regardless of their significance, will have a much harder time defending those actions if they are challenged.

Corrective and disciplinary documentation may be as formal as using official agency forms or as informal as making dated notes on a ruled legal pad or piece of scrap paper. However, it is important to document events as quickly as possible. The principles of good documentation include

- Documenting performance deficiencies and behavioral problems as they occur
- Maintaining a chronology of incidents
- Keeping samples of work that do not meet expected standards
- Documenting direct observations, actions, and results

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Gathering Information

Prior to issuing a corrective or disciplinary action to an employee, management should gather, organize, and review information and documentation for the incident or performance issue. This should include a review of the documentation of the employee's prior performance. Performance documentation can be a double-edged sword: It can support a disciplinary action or it can destroy it. It is very difficult to formally discipline an employee for a behavior that has been occurring for some time, but has never been documented. The same is true if performance documentation is contrary to the employee's actual behavior (for example, the performance documentation states the employee produces accurate work, but employee actually has a high error rate). If documentation is inadequate, the manager may have to start at the beginning and "build the case" for poor performance. This is why recording accurate documentation of performance on an ongoing basis is so important.

NOTE: Documentation is critical regardless of whether the employee is an **uncovered** or **covered** employee.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Gathering Information (continued)

The Society for Human Resource Management (SHRM) promotes the "Five W's of Effective Documentation" for corrective and disciplinary action:

- **Who:** Who was involved? Who witnessed the misconduct or infraction?
- **What:** Describe the incident by detailing specific behaviors or actions. Is it a recurring issue?
- **When:** Did the incident occur during regular work hours or "off-duty" time?
- **Where:** Describe the location of the incident. Was it on workplace property?
- **Why:** Investigate and gather information. Do not guess or speculate.

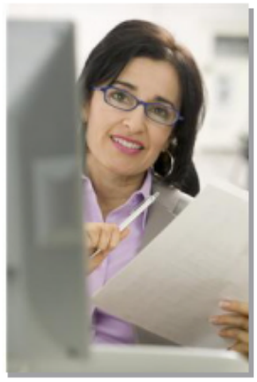
Answering these simple questions provides management the pertinent information to establish whether corrective and disciplinary action needs to be taken and, if so, what level of discipline.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Gathering Information (continued)

As a rule, managers should never include personal opinions or interpretations of an employee's behavior or poor performance in the documentation. The documentation should include just the facts of the matter, and never include "hearsay." Be clear and concise. Your documentation should be understandable to a third party who knows nothing about the situation.



Additionally, never document an employee's medical condition or an opinion that the employee has a medical condition. *(If the employee says his/her behavior or poor performance is caused by a medical condition, immediately contact the Human Resources office for guidance.)*

Getting your documentation in order will put management in the best possible position to proceed with a corrective or disciplinary action.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Chapter Summary: Documentation

In this chapter, you learned about the importance of documentation.

The next chapter discusses the Corrective and Disciplinary Action Process.

Click the next arrow to continue the course.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

The Corrective and Disciplinary Action (CDA) Process

The Corrective and Disciplinary Action process is a systematic method of communicating with the employee to improve unacceptable behavior or performance. When an employee has performance or behavior problems, progressive discipline can be appropriate, beginning with corrective actions (such as a memorandum of concern) before proceeding to a more severe disciplinary option (such as a suspension without pay), or ultimately to separating the employee.

Do you have to follow the process when behavior is extremely bad?

Progressive discipline is not warranted in every situation. Sometimes, based on the severity of the conduct, an agency should proceed straight to the dismissal process.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Benefits of the Corrective and Disciplinary Action Process

The benefits of the corrective and disciplinary action process include

- Allowing managers to intervene and correct employee behavior at the first sign of trouble
- Enhancing communication between managers and employees
- Ensuring consistency and fairness in dealing with employee problems
- Laying the groundwork for fair, legally defensible employment separations for employees who cannot or will not improve

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Determining the Level of Corrective Action or Discipline

In determining the appropriate level of corrective or disciplinary action, management should consider the following:

- Consistent application of rules and standards
- Prior knowledge of rules and standards
- The severity of the infraction
- The repeated nature of violations
- Prior corrective or disciplinary actions
- Previous oral discussions
- The employee's past work record
- The effect on agency operations
- The potential of the violations for causing damage to persons or property

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Corrective vs. Disciplinary Actions

What is the difference between corrective and disciplinary action?

Corrective actions are intended to "correct" poor performance or behavior. There are two types of corrective actions:

- Verbal Counseling
- Memorandum of Concern

Corrective actions are not placed in the employee's official personnel file. Depending on the issue, they may or may not be mentioned in the employee's performance evaluation if the behavior or performance has improved.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Corrective vs. Disciplinary Actions (continued)

Disciplinary actions are formal letters that set out what the employee did wrong and what the employee must do in the future. They are placed in the employee's official personnel file. The behavior or performance issues addressed in the disciplinary letter should also be addressed in the performance evaluation.

Levels of discipline include

- Reprimand
- Suspension (may be multiple)
- Involuntary Demotion
- Dismissal

The pages that follow explain each of the levels of corrective action and discipline in more detail. We'll begin with the verbal counseling session.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Verbal Counseling

Often an employee's behavior can be addressed informally, especially if it involves a first infraction. In these situations, verbal counseling should be used. Oftentimes merely talking with the employee regarding an issue may improve performance or correct behavior.

A verbal counseling session is an opportunity to bring the employee's attention to the unacceptable behavior, explain what behavior is acceptable, and explain the consequences if the unacceptable behavior is not stopped. Examples of conduct that may result in verbal counseling as a first step include

- Absenteeism
- Tardiness
- Low productivity
- Poor quality work product

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Verbal Counseling (continued)

While a verbal counseling is not documented via formal letter in the employee's official personnel file, it can assist in setting up future discipline if necessary. The supervisor should document the counseling meeting, place the notes in the supervisory file and may wish to follow up via email with the employee to recap the conversation and reiterate any directives. The following are tips for effective verbal counseling:

- Prepare a list of issues that you will address before conducting the counseling session
- Ensure the verbal counseling is done in private
- Document your verbal counseling session, even if only in your supervisory file
- Do not use accusatory language or belittle the employee; discuss the issue in a problem-solving fashion
- Attempt to maintain rapport for the sake of the long-term working relationship

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Memo of Concern

If an employee's work performance and/or conduct continue to be below standard after verbal counseling, you should start to document, in writing, specific areas where improvement is needed. The Memo of Concern is the first written description of the problem, and is typically issued by the employee's immediate supervisor. Unlike a verbal counseling, the employee will receive a written memo including the following core elements:

- Description of the misconduct and/or performance issue
- Expected appropriate future conduct and/or improved performance
- Consequences if conduct and/or performance is not improved

Click here to view a sample Memo of Concern for a **covered** employee.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Memo of Concern (continued)

The Memo of Concern should be signed by the employee acknowledging receipt of the memo and should be kept in the supervisor's file. It is not placed in the employee's official personnel file.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Letter of Reprimand

The Letter of Reprimand is a disciplinary letter that is administered when an employee has continued to fail to meet performance and behavior standards and expectations, despite prior training, instructions, counselings, warnings, and a reasonable amount of time for improvement. The Letter of Reprimand states what the employee did wrong, what to do in the future, and warns the employee that failure to correct the behavior or improve performance will result in further disciplinary action up to and including dismissal.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Letter of Reprimand (continued)

The core elements of the Letter of Reprimand include

- A description of the employee's position, duties and responsibilities.
- A very clear, specific description of the reasons for the reprimand (i.e., description of the behavior at issue, the date and time, what the employee did wrong or what action the employee failed to complete, etc.).
- A clear description of correct conduct (i.e., what the employee should have done or should not have done).
- A description of what the manager/supervisor expects the employee to do in the future.
- Notice to the employee that future misconduct may lead to harsher disciplinary action.
- If the employee is a **covered** employee, notice of the employee's grievance rights. (See sample letter on Page 36 for appropriate wording). **Uncovered** employees do not have grievance rights.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Letter of Reprimand (continued)

The Reprimand should be issued by the appropriate level of management and signed by the employee acknowledging receipt of the letter. The Letter of Reprimand is placed in the employee's official personnel file. If the employee refuses to sign the letter, management should reiterate to the employee that he/she will be held accountable to the expectations and standards of conduct outlined in the Reprimand. Management should note on the letter that the employee refused to sign and provide a copy to the employee.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Letter of Reprimand (continued)

Important things to consider regarding the Letter of Reprimand:

- A **covered** employee who receives a Letter of Reprimand has the right to grieve it under the State Personnel System Rules. **(Uncovered** employees do not have grievance rights.)
- It is recommended that you contact your agency Human Resources office to ensure compliance with appropriate rules and agency policies, as well as for guidance. This is especially important in managing discipline for **covered probationary** employees. Your Human Resources office can also provide you with template letters/memos for all of the corrective and disciplinary actions.

Click here to view a sample Letter of Reprimand.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Suspension

When an employee fails to heed a lesser disciplinary action or the employee engages in misconduct that makes a less severe form of discipline insufficient, a suspension may be appropriate.

A suspension is the action of placing an employee on leave for a specified amount of time. The rule of thumb is: the more serious the infraction, the longer the suspension. Depending on the FLSA status of the employee, a suspension can be with or without pay.

- If the employee is FLSA non-exempt, the employee only receives pay for hours actually worked. For example, if the employee is suspended for two days (16 hours) and works eight hours each day the remaining days of the work week, the employee receives pay for 24 hours.

CBT Chapters
- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Suspension (continued)

- If the employee is FLSA **exempt** and the employee is suspended for one or more full work weeks, the employee receives no pay for the week(s) of the suspension.
- If the employee is FLSA **exempt** *and the employee is suspended for less than one full work week,* the employee's pay is not reduced.

In ALL cases involving suspension, the suspension letter is placed in the employee's official personnel file and should impact the employee's performance appraisal score for the rating period.

Please note: the State Personnel System Rules require that the Arizona Department of Administration review suspensions over 80 hours prior to the action being administered. Please contact your agency Human Resources office for guidance.

CBT Chapters
- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Suspension - Special Procedures for Covered Employees

Although not required in all circumstances, some agencies issue a Notice of Charge(s) (NOC) before issuing any suspension. An NOC is required for suspensions exceeding 80 hours for **covered permanent status** employees. The NOC is issued to the employee in the form of a letter which sets out the charges against the employee and provides the employee an opportunity to respond. The NOC must grant a minimum of three working days for the employee to respond to the charges. Once the employee responds to the NOC, management must review the response and then determine the appropriate course of action. This may include moving forward with the suspension or imposing less severe discipline.

Click here to see a sample Notice of Charges.

NOTE: Only **covered** employees receive a Notice of Charges prior to issuing a suspension letter; this does not apply to **uncovered** employees.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Suspension (continued)

The core elements of the suspension letter include

- The effective dates and length of the suspension
- A description of the employee's position, duties and responsibilities
- A very clear, specific description of the reasons for the suspension (i.e., the date and time, and what the employee did wrong or what action the employee failed to complete)
- A clear description of correct conduct (i.e., what the employee should have done or should not have done)
- A description of what the manager/supervisor expects the employee to do in the future
- Notice to the employee that future misconduct will lead to harsher disciplinary action
- Notice of the employee's appeal or grievance rights (applicable to **covered** employees only)

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Suspension (continued)

PLEASE NOTE: For **covered** employees, suspensions of 80 hours or less are grievable and suspensions greater than 80 hours are appealable to the Personnel Board* if the employee has permanent status. **Covered** Full Authority Peace Officers may appeal suspensions of more than 40 hours to the Law Enforcement Merit System Council.

Uncovered employees do not have grievance or appeal rights.

Click here to view a sample suspension letter for a **covered** permanent status employee.

**The Personnel Board and Law Enforcement Merit System Council are independent bodies that hear employee appeals.*

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Suspension (continued)

The suspension letter should be issued by the appropriate level of management and signed by the employee acknowledging receipt of the letter. Since the suspension letter is formal discipline, the letter is placed in the employee's official personnel file. The manager should also keep a copy of the letter for his/her file. It should also be noted that employees may receive more than one suspension prior to moving forward with more severe discipline.

As with all corrective and disciplinary procedures, it is recommended that you contact your agency Human Resources office to ensure compliance with appropriate rules and agency policies.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Demotion

There may be times when management feels that an employee can no longer adequately function in the employee's current position, but decides that dismissal is not appropriate. In this type of situation, an employee may be involuntarily demoted to a position in a lower grade, provided the employee meets the knowledge, skills, and abilities required for the job.

The State Personnel System Rules require that a **covered** employee who is going to be demoted first be issued a Notice of Charges informing the employee that a demotion is being considered and giving the employee an opportunity to respond to the charges. If the employee is an **uncovered** employee, the employee may be appointed to another **uncovered** position in a lower pay grade and should not receive a Notice of Charges but does receive a Letter of Demotion.

The salary of any employee who is demoted is reduced in accordance with Department of Administration procedures and guidelines.

CBT Chapters
- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Demotion (continued)

For **covered** employees, the core elements of the demotion letter include

- The effective date of the demotion
- The classification grade and salary the employee is being demoted from and the classification grade and salary of his/her new position
- A very clear, specific description of the reasons for the demotion (i.e., misconduct, the date and time, and what the employee did wrong or what action the employee failed to complete)
- A clear description of correct conduct (i.e., what the employee should have done or should not have done)
- Notice to the employee that future misconduct will lead to harsher disciplinary action
- Notice of the employee's appeal rights to the Personnel Board or Law Enforcement Merit System Council (applicable to **covered permanent status** employees only)

Remember, the State Personnel System Rules require Arizona Department of Administration review prior to the demotion being administered.

Click to view sample demotion letters for **covered** or **uncovered** employees.

CBT Chapters
- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Dismissal

The decision to dismiss any employee should not be made hastily. A dismissal should take place when all efforts to correct an employee's conduct or performance have failed.

OR,

When the employee engages in misconduct that is so egregious that the employee must be dismissed.

Dismissals are handled differently, depending on whether the employee is **uncovered** or **covered,** and if **covered,** whether the employee is on original probation or has permanent status.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Dismissal of an Uncovered Employee

Uncovered employees may be dismissed at any time and without a statement of cause. An agency may dismiss an **uncovered** employee simply by notifying the employee that his or her employment is terminated.

The dismissal letter for an **uncovered** employee is very brief and only provides two statements:

- This letter is official notice that your services are no longer needed with the Department of _____, effective (date) at _____ __.m.
- As an uncovered employee, you have no right to appeal this action.

An **Uncovered** employee is employed at will and does not have a right to know the reason(s) for dismissal. An agency should not disclose to the employee, either orally or in writing, the reason for the dismissal. Communicating a reason for the dismissal may result in liability to the agency or entitle the **uncovered** employee to a hearing.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Dismissal of a Covered Employee

A Notice of Charges (NOC) serves as notice to the **covered** employee that a dismissal is being considered. The NOC also provides a **covered** employee the opportunity to respond to the charges. The NOC must grant a minimum of three working days for the employee to respond. Once the **covered** employee responds to the NOC, management shall review the response and determine the appropriate course of action. This may include proceeding with the dismissal or modifying it to a less severe level of corrective or disciplinary action. **Uncovered** employees do not receive a Notice of Charges.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Dismissal of a Covered Employee (continued)

If management determines a dismissal is appropriate, a dismissal letter should be issued by the appropriate level of management and served to the **covered** employee. The required elements of the dismissal letter for a **covered** employee include

- The effective date of the dismissal
- A statement that includes the employee's official class title and length of total State service and specifies how, because of this background, the employee should have been aware that his/her actions were inappropriate
- A very clear, specific description of the charges (i.e., misconduct, the date and time, and what the employee did wrong or what action the employee failed to complete)
- A clear description of correct conduct (i.e., what the employee should have done or should not have done)
- A listing of any prior corrective/disciplinary action issued to the employee
- Notice of the employee's appeal rights

Remember, the State Personnel System Rules require Arizona Department of Administration review prior to a dismissal being administered.

Click here to view a sample letter of dismissal for a **covered** employee.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Dismissal of a Covered Employee (continued)

Important things to consider:

- Remember, there are specific State Personnel System Rules that govern dismissals for **covered** employees. Please contact your Human Resources office to ensure compliance with appropriate rules and policies.
- A **covered permanent status** employee who is dismissed has the right to appeal the dismissal to the State Personnel Board, or in the case of a Full Authority Peace Officer, the Law Enforcement Merit System Council.
- **Covered** employees in an **original probationary** status may be terminated at any time during the original probationary period without a statement of cause. Please consult your Human Resources office for guidance in managing dismissals of probationary employees.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Voluntary Versus Involuntary Separation

Once an employee has been dismissed, there are specific policies and procedures that must be followed. Due to specific rules governing **covered** and **uncovered** employees, managers should work closely with Human Resources to ensure compliance during the separation process. For example, an agency must provide a dismissed employee's last paycheck to the employee within three days of dismissal. Contact your agency Human Resources office to see if a separation checklist is available.

More information regarding guidelines for the separation process is outlined in the MGT1007, Off-boarding Employees CBT.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Chapter Summary: The Corrective and Disciplinary Action (CDA) Process

In this chapter, you learned about the Corrective and Disciplinary Action process.

The next chapter discusses grievances, appeals and resources for management.

Click the next arrow to continue the course.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Grievance Process for Covered Employees

Covered employees have grievance rights or appeal rights, depending on the level of discipline.

In accordance with State Personnel System Rules, **covered** employees are guaranteed a grievance process when they do not agree with

- A written Reprimand, or
- A suspension of:
  - 40 working hours or less if the employee is a full authority peace officer, or
  - 80 working hours or less if the employee is a covered employee in any other capacity

Contact your Human Resources office for information about your agency's grievance process. If you have an employee who files a grievance, your Human Resources office can provide you advice and guidance.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Appeals Process for Covered Employees

A **covered permanent status** employee who is suspended for more than 80 hours, demoted, or dismissed may appeal the action to the Arizona State Personnel Board. **Covered** Full Authority Peace Officers may appeal suspensions of more than 40 hours, demotions or dismissals to the Law Enforcement Merit System Council. *(When in doubt, contact your Human Resources office to determine which appeals process applies to your employees.)*

The appeals process is a formal, quasi-judicial process. If you have an employee who appeals a disciplinary action to the Personnel Board or Law Enforcement Merit System Council, you will want to work closely with your agency Human Resources office and the Assistant Attorney General assigned to your agency throughout the appeals process.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Uncovered Employees

An **uncovered** employee does not have grievance or appeal rights. However, an **uncovered** employee can submit a complaint through the agency's formal complaint process if the employee feels a disciplinary action is the result of unlawful discrimination, harassment or retaliation. Your Human Resources office can provide you with information about your agency's formal complaint process.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Seek Advice

There are a multitude of resources available for managers during the discipline process. Remember that your Human Resources office can provide you with an overview of proper practices and advice which will result in consistent treatment for similar misconduct or performance issues throughout your agency. Additionally, the Attorney General's Office has an Assistant Attorney General to assist your agency in legal issues relating to employment law matters.

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Seek Advice (continued)

Resources for Management

Statewide HR Policies and Procedures
http://www.hr.az.gov/PolicyLegislativeAffairs/PLA_Statewide_HR_Policies.asp

State Personnel System Rules http://www.hr.az.gov/PDF/Personnel_Rules.pdf

Federal Employment Laws Summary
http://www.hr.az.gov/PolicyLegislativeAffairs/PLA_Fed_EmploymentLaws.asp

CBT Chapters

- Introduction
- Addressing Performance and Behavior Problems
- Documentation
- The Corrective and Disciplinary Action (CDA) Process
- Grievances, Appeals and Resources for Management
- Final Exam

Chapter Summary: Grievances, Appeals and Resources for Management

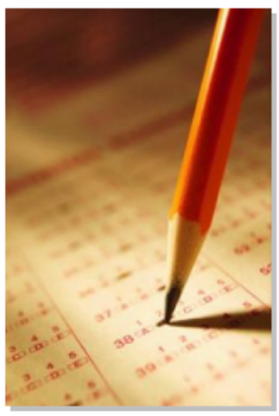
In this chapter, you learned about grievances, appeals and resources for management.

The next section of this course is the final exam.

Click the next arrow to continue the course.

Final Exam

Assess Your Knowledge

This final examination is made up of 10 questions. You will need a minimum score of 70%, or 7 correct answers, to successfully pass this examination.

Click the Next button to proceed to the final examination.