

Supervisors Guide to Employee Relations



Human Resources Department

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I. RESPONSIBILITY OF SUPERVISORS ---

The supervisor's primary role is to help employees succeed on the job, enhance employee engagement, cultivate and maintain a safe, supportive, and productive work environment by:

- Providing clear and concise expectations
- Providing on-going training and counseling
- Providing an environment free of discrimination, harassment, including sexual harassment and retaliation
- Consistently and fairly enforcing policies and procedures
- Objectively monitoring work performance and conduct
- Continuously providing and receiving constructive feedback
- Identifying and mitigating workplace barriers

Communication is a key component of effective supervision. Supervisors should clearly communicate department needs, expectations, and performance standards on a regular basis. As a supervisor, it is important that you are familiar with the departmental operations, policies, rules, and procedures and understand the impact - not just the "what," but the "why." Be open to questions and discussion. Think about questions that employees may ask and how to answer them (or know where to obtain the information).

Every supervisor would like each employee to meet performance standards and expectations and to follow work rules and procedures. Unfortunately, an employee does not always know what those standards, expectations, rules, and procedures are or how to meet them. It is the supervisor's responsibility to communicate this important information to the employee as early and often as possible.

It is essential for supervisors to provide continual training and assistance to their employees, both probationary and regular, and resolve problems in a timely manner. Disciplinary action can more easily be avoided if a problem is identified and acted upon early. For instance, the supervisor may provide clarification, further instruction or counseling to the employee at the onset of a problem. Please keep in mind that the Human Resources Business Partner assigned to the Department should be consulted about any problem which may lead to disciplinary action well before such action is initiated.

It must be emphasized that the role of the supervisor is not only to let employees know of unsatisfactory performance and unacceptable behavior, but equally important, to advise employees on an ongoing basis of the positive aspects of their performance; consistently providing the employee feedback; recognizing desirable or improved performance; and actively listening to the employee's input, questions, or concerns.

II. SUPERVISOR'S TOOLS

As a supervisor, it is important to engage your employees so that they have a connection to the County and the work that they do. Listed below are some tools that you can use to engage your employees to foster the employee – employer relationship.

A. Orientation

The supervisor should provide an orientation to all new staff members of County and Department specific items. Generally, this should include a review of the following:

- Policies and procedures
- Position description
- Job duties
- Position standards
- Work performance expectations



It is recommended that the supervisor have an orientation checklist, which includes a place for both the employee and supervisor to initial each topic or policy once it has been discussed. **(See Attachment #1)** Additionally, the supervisor should encourage the employee to ask questions as they arise.

The supervisor should provide copies of relevant written materials for the employee's review, and then meet with the employee as soon as possible to go over the material, answer questions and ensure there is an understanding of the job requirements, procedures, standards, and expectations. **(See Attachment #2)**

B. Training

One of the primary responsibilities of the supervisor is to train staff both initially, and equally important, throughout their employment. During the training, it is important to offer an opportunity for the employee to ask questions. It is equally important to review work performance and monitor progress on a regular basis, especially during the probationary period. Corrective feedback should be provided immediately, and any training provided should be documented on a log or calendar.

C. Staff Meetings

In some work environments, periodic staff meetings may be the only time supervisors and employees are able to communicate and build relationships. The supervisor should discuss new/revised policies, procedures, methods, priorities,

etc., and encourage staff to provide input and ask questions. It is recommended and wise to prepare an agenda of topics to be covered and have staff sign-in. If possible, minutes should be prepared and reviewed by staff to validate their accuracy. Copies of agendas, sign-in sheets, minutes, and all relevant written material covered should be maintained for at least 3 years or longer if required. These are helpful if a supervisor is called upon in the future to validate that an employee had received a specific instruction or policy.

D. Important Communications

As a supervisor, you will face situations in the workplace where there will be strong opinions and opposing viewpoints over critical matters. Having early, honest and open conversations to share important information or expectations with employees will assist in overcoming these challenges before they develop into a pattern requiring progressive discipline to correct.

Examples of such early critical conversations are:

- Seeking an employee's explanation for why work was not completed
- Speaking to an employee who is beginning to show signs of having work performance issues
- Talking to an employee about being tardy, the first time to prevent a pattern from developing
- Providing an employee feedback about his/her behavior and outlining expectations for appropriate conduct
- Critiquing an employee's work performance

E. Performance Management, Counseling and Documentation

Supervisors should keep a working file for each employee, including previous evaluations, work reviews, memos of counseling, work performance expectations, commendations, etc., anything that would be used to evaluate their work performance during the rating period. This documentation should be used as a training tool. As such, appropriate documentation should be provided to the employee. A note that the supervisor makes to themselves and places in the supervisor's file is not considered documentation to the employee.



Furthermore, there should not be anything in the employee's personnel file that the employee is not aware of or that you are not willing to share with the employee.

The following guidelines should be followed for effective documentation:

- Be objective - state the facts and give specifics, using quotes when necessary.
- Answer the questions Who, What, Why, When, Where, and How

- Be clear and concise. Your documentation should be understandable to a third party who knows nothing about your business.

Good documentation is important for several reasons. First, it provides a mechanism for effective communication in order to identify work performance strengths and deficiencies. Secondly, if the employee's work performance does not improve, good documentation can be used to substantiate disciplinary action. Lastly, good and consistent documentation provides a sound defense against discrimination complaints.

Documentation can come in various forms as indicated below, and the level of documentation depends on the severity of the infraction:

- Verbal Counseling and Instruction (Refer to Section IV/A)
- Written Memos (Refer to Section IV/B and C)
- Letter of Reprimand (Refer to Section IV/D)
- Work Performance Evaluation (Refer to Section VIII)
- Work Performance Improvement Plan (Refer to Section IX)

F. Administrative Interview of Minors

If the employee respondent or a witness to alleged misconduct is a minor and must be interviewed, the minor will be afforded the opportunity to have a parent or guardian present during the administrative interview. The role of the parent or guardian in the interview should be only as support to the minor. Minors who are County employees may also have a union representative present, if requested and appropriate. Contact your assigned Human Resources Business Partner prior to scheduling an administrative interview with a minor.

G. Formal Disciplinary Actions

Formal discipline is another supervisory tool that can be used when appropriate, in accordance with Rule 10 of the Personnel Rules of the County of San Bernardino or Rule IX of the Personnel Rules for the Board Governed Special Districts. Formal disciplinary actions consist of suspensions, demotions, reductions in salary step for a specified time period, deduction of accrued leave, and dismissals. Consult the Department Human Resources Business Partner if you believe that formal discipline is necessary. For further guidance, refer to Section V, "Formal Disciplinary Action."



No formal disciplinary action should be initiated without first consulting with the Department Human Resources Business Partner. The progressive discipline guidelines may differ for classifications covered by the Peace Officer Bill of Rights, Firefighter Bill of Rights, or other legislative codes.

IV. PROGRESSIVE DISCIPLINARY GUIDELINES

The County uses “Progressive Discipline,” an approach in which each action taken is progressively more severe than the preceding one. It is based on the premise that honest, straight forward communication, both: verbal and written, is essential in the employer-employee relationship; and that discipline is a consequence of the employee’s misconduct and/or failure to meet standards and expectations despite prior training, instructions and warnings. Personnel Rule 10.3(c) provides that unless a single act or omission warrants a disciplinary action, the appointing authority must show that the employee has been warned and given an opportunity to correct faults warranting the disciplinary action.

In most cases, the following steps should be taken prior to issuing discipline:

- Verbal counseling and/or instruction sessions
- Written memos
- Work Performance Improvement Plan (WPIP), as appropriate
- Letter of Reprimand

A. Verbal Counseling and Instruction

Verbal counseling is usually the first and most critical step in the progressive disciplinary process. A supervisor must always discuss (versus just sending an e-mail) with the employee areas in which the employee's work performance is unsatisfactory as soon as the problem becomes evident. These discussions should not occur only at a formal work performance evaluation but on an ongoing basis and the meetings should be held in private.

Some considerations when verbally counseling an employee are:

- What is the message that you are trying to convey?
- Write-out talking points of concern to reference during the counseling meeting
- Focus on the issue and do not be accusatory
- Remain calm and do not be emotional
- Avoid having the meeting feel like an interrogation
- Play it out before you speak with the employee
- Be professional, courteous, respectful, and constructive
- How long should the meeting last; when & how to end the meeting

Verbal Counseling has many uses. It can be used to:

- Provide instruction/develop skills
- Clarify expectations
- Explain standards
- Solve problems
- Gather information
- Provide corrective feedback
- Reinforce appropriate conduct/performance
- Admonish an employee whose performance is below job standards

The supervisor should make a note of such counseling on a log or calendar. The note should include the date, time, full name of the employee, the subject matter, a brief description of the situation that prompted the discussion and any proposed/stated resolution, if appropriate.

B. Written Memos

If the employee's work performance/conduct continues to be below standard after a verbal discussion, you should start to document, in writing, specific areas where improvement is needed; and if appropriate, include what guidance or training has been provided to the employee. This can be done in different forms:

- Memo of Instruction or Memo of Expectation – this could be completed if the employee is not following directives, not adhering to appropriate deadlines, or failing to follow policy. This memo may be issued at any time that would be appropriate to provide an employee specific direction. **(See Attachment #3)**
- Record of Discussion – this could be issued to memorialize a counseling discussion you held with the employee and to reiterate the standards, expectations and/or deficiencies discussed. **(See Attachment #4)**

When issuing the appropriate memo, the memo should be specific and address the unacceptable behavior, the expectation, specific areas where improvement is needed, and how the employee can correct this behavior. The written document should specify whether or not the document will be placed in the County's official personnel file.

C. Memo of Concern

This could be issued if the employee performance/conduct continues after you have had a verbal counseling session with the employee. A Memo of Concern is issued if it is critical to document the employee's actions. **(See Attachment #5)**

D. Letter of Reprimand

A letter of reprimand is usually the next step in progressive discipline. This is a severe disciplinary letter advising the employee that their performance/conduct is in violation of a specific section(s) of the Personnel Rules and warns that additional violations will be grounds for formal disciplinary action. It is written and signed by

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the appointing authority or designee. It should be reviewed by the Department Human Resources Business Partner before being issued to the employee and should follow the recommended format. (**See Attachment #6**) The Letter of Reprimand becomes a permanent part of the employee's personnel file and is not appealable. However, an employee may append a rebuttal to their reprimand.

E. Formal Disciplinary Actions

Formal discipline is a formal adverse action taken by management toward an employee. Discipline in the County of San Bernardino can take place in several forms which include suspension, demotion, reduction of salary step, deduction of accrued leave, and dismissal. Discipline should be appropriate given the circumstances involved.

- A suspension entails removing an employee from the workplace without pay for a specified number of workdays.
- A reduction in salary step entails reducing an employee's pay a specified number of steps for a specified duration (e.g., reduction of 2 steps for 10 pay periods).
- A deduction of accrued leave entails reducing an employee's specified leave balance by a specified number of hours.
- A demotion is an appointment to a lower level classification, and is generally used when an employee can no longer perform the duties of the higher level position.
- Dismissal is used for serious violations, or as a final action in progressive discipline in which the employee has been given every opportunity to improve deficiencies.

F. Factors to Consider in Determining the Appropriate Level of Discipline

- Was the employee given notice of what was expected?
- Did the employee fail to meet expectations?
- Is the employee being treated the same way other employees have been treated in similar situations?
- Employee's status – probationary or regular
- Length of service
- Service record
- Documentation in WPE
 - Were deficiencies noted on most recent WPE?
 - Have WPEs been done at least annually?
 - Have there been Work Performance Improvement Plans (WPIPs) where applicable?
 - Has there been follow-up on WPIPs?
- Prior warnings/counseling/disciplinary actions
- Time since prior action
- Severity of offense
- Extenuating circumstances
- Intent – was there malice on the part of the employee?

Given the severity and consequences of the employee's conduct, it may be necessary to impose greater discipline foregoing a progressive approach.

V. FORMAL DISCIPLINARY ACTION

Formal disciplinary action is imposed when an employee fails to meet performance and behavior standards and expectations, despite prior training, instructions, counseling, and warnings.

Generally, it is progressive and intended to assist employees to meet performance and conduct standards, communicate clear and objective expectations and areas of concern, and to mitigate performance and behavior problems.

The type and level of disciplinary action imposed will depend on various factors as described in the section above. A significant factor to consider is whether the employee is in a trainee, probationary or regular status position.

A. Probationary or Trainee Employee (Non-Regular Status)

Supervisors should effectively utilize the probationary period as an extension of the hiring process by closely monitoring the employee's work performance, conduct, capacity, efficiency, skill, responsibility, integrity, and effectiveness in determining whether or not the probationary employee will make a desirable, regular status employee. It is essential that supervisors clearly communicate all expectations to the employee as well as any concerns regarding the employee's work performance, conduct, capacity, efficiency, skill, responsibility, integrity, and effectiveness.

Probationary employees should not be granted regular status unless the supervisor is completely satisfied with the work performance and conduct of the employee. If the probationary employee is not meeting work performance standards, then the employee may be terminated on probation or you may extend the probationary period to allow the employee more time to improve. This must be done prior to the employee completing the required hours to obtain regular status. Consult with your Department Human Resources Business Partner when this situation occurs.



A promoted employee who has attained regular status in another classification of County employment who does not successfully complete the probationary period in the promoted class may be returned to the former department and classification or a comparable classification without right to appeal.

Probationary employees are considered "at will employees" and may be dismissed, demoted, reduced in step, or suspended without right to review or appeal unless based on political affiliation, unlawful discrimination, or for any other reason proscribed by law, at any time during the probationary period. Regardless, the

supervisor must document a valid business-related reason for disciplining a trainee or probationary employee.

If the supervisor determines that termination on probation is appropriate, it should not be a surprise to the employee as the supervisor should have already had verbal discussions and documentation supporting the termination, unless there is an egregious act that requires immediate termination.

An employee will never attain regular status while in a trainee status. A trainee appointment is an underfill appointment to a regular position made from an appropriate eligible list of a lower classification for a prescribed period, as provided at the time of appointment, during which the employee must qualify for the higher classification or be terminated.

The original trainee appointment must be made on a competitive basis. During the period of a trainee appointment, the trainee shall be in an at-will status. Appointments to the higher classification are subject to a probationary period.

B. Regular Status Employee

Unlike private sector employees, a public sector employee with regular status has a vested property right in their position. Therefore, a regular status employee is entitled to due process, and any cause for disciplinary action must be proven. An employee may attain regular status (i.e., property rights) by successfully passing probation. Regular status employees may be demoted, suspended, reduced in salary step, accrued leave deducted, or dismissed only for “good” or “just” cause. The Department Human Resources Business Partner plays a critical role in ensuring that the County can prove just cause and due process has been followed.

1. Just Cause (Legal Requirements of Discipline)

Whenever the County takes disciplinary action against an employee with regular status, the employee may appeal that action to the Civil Service Commission. The County has the burden of proof for any disciplinary action or dismissal imposed on a regular status employee.

The County must have good reason or just cause for taking an adverse employment action (i.e., suspension, reduction in salary step, deduction of accrued leave, demotion, or dismissal) against an employee. The following seven-step analysis is often used by hearing officers to determine whether you have “just cause.”

- Was the employee given advance notice? Was the employee given thorough verbal or written warnings from management setting forth certain types of conduct which the County will not tolerate and will result in disciplinary action? For example, such warnings would have been communicated during employee orientation, staff meetings, individual meetings, and signed acknowledgements.
- Were the County or Departmental rules, policies, practices, procedures, or performance standards which were violated reasonable and job-related?
- Was an investigation conducted *before* the discipline was imposed?
- Was the investigation conducted fairly and objectively? Was the investigation conducted by an objective and impartial investigator? It is recommended that the investigator be one supervisory level above the witnesses to the alleged conduct.
- Was there substantial evidence or proof (more likely than not) that the employee was guilty of poor performance or misconduct?
- Has the Department applied the rules, policies, or procedures, etc., and penalties equally and fairly to all employees without discrimination?
- Was the level of discipline imposed reasonably related to the seriousness of the proven offense, offenses of a similar nature, the employee's employment record, and his/her length of service?

In summary, to prove "just cause," each case is looked at independently based on the totality of the circumstances and not necessarily every element mentioned above.

2. Types of Actions

As previously stated, discipline is a formal adverse action taken by management toward an employee. In the County of San Bernardino, discipline can take place in several forms which include suspension, demotion, reduction of salary step, reduction in paid leave balances, and dismissal.

Suspensions entail removing an employee from the workplace without pay for a specified number of workdays.

Reductions in Salary Step entail reducing an employee's pay a specified number of steps for a specified duration (e.g., reduction of 2 steps for 10 pay periods). Generally, these are calculated to be equivalent to a designated number of days off (in this example, 10 days). The appointing authority may elect to use this type of discipline for any reason. Generally, it is used when an employee is being disciplined and the appointing authority does not want to give the employee time off, because, perhaps workload demands could not be met, or the employee is being disciplined for leave abuse.

A deduction of accrued leave entails reducing an employee's specified leave balance by a specified number of hours.

A demotion is an appointment to a lower level classification. Demotions are generally used when an employee can no longer perform the higher level duties (e.g., employee cannot perform supervisory level duties).

Generally, dismissal is used for serious violations of County and/or Department rules, policies, procedures, or performance standards, or a final action in progressive discipline in which the employee has been given every opportunity to improve deficiencies or correct the behavior.

3. Notice of Proposed Action

Prior to imposing any formal disciplinary action, a regular status employee shall receive written notice of the proposed disciplinary action at least five working days before such action is taken and must include the following:

- Notice of proposed action and effective date, signed by the appointing authority;
- Reasons for proposed action pursuant to Rule 10, Section 2 of the County Personnel Rules or Rule IX of the Personnel Rules for the Board Governed Special Districts;
- A copy of the charges stating specific incidents or specific courses of conduct; e.g., as evidenced by Work Performance Evaluations;
- A copy of the written materials upon which decisions to take proposed disciplinary action is based; and
- A notice to the employee of the right to respond to the appointing authority in writing and/or orally within five (5) working days of the receipt of the proposed disciplinary action.

The Department Human Resources Business Partner will prepare the Notice to ensure proper charges and violations of the Personnel Rules are cited.

If a formal disciplinary action is imposed on a probationary employee, a notice of proposed discipline is not necessary. Consult with your Department Human Resources Business Partner for appropriate documentation.

4. Skelly (Due Process Rights)

In a Notice of Proposed Disciplinary Action, the employee is advised of their right to respond to the appointing authority, either orally or in writing, explaining or countervailing the causes and reasons in the notice of proposed discipline prior to said action being



imposed. If the employee chooses to do this orally, a “Skelly” meeting is scheduled with the appointing authority who serves as a “Skelly” Officer. A “Skelly” meeting is the employee’s opportunity to respond to the charges and present mitigating circumstances surrounding the proposed disciplinary action.

Generally present at the “Skelly” meeting is the appointing authority (or designee), the Department Human Resources Business Partner on behalf of management, the employee, and the employee’s representative, if requested by the employee. In some cases, the appointing authority may invite a subordinate manager or supervisor.

After the “Skelly” meeting, or upon receipt of the employee’s written response, the appointing authority shall review the response and determine whether the initial proposed disciplinary action is the most appropriate. The appointing authority may impose the same level of disciplinary action, modify with less severe disciplinary action, or rescind the notice of proposed discipline, but not impose greater or more severe discipline. If the appointing authority determines the action is necessary, the Order of Discipline is issued.

If the Civil Service Commission finds that an employee’s due process rights have been violated, the disciplinary action or dismissal imposed by the appointing authority will be overturned.

5. Order of Disciplinary Action

The disciplinary action does not become effective until the employee is served with the Order of Disciplinary Action. The Order is prepared by the Department Human Resources Business Partner.

The Order shall include all the information and evidence as the Notice of Proposed. The Order may also include a summary of what occurred at the “Skelly” meeting. The Order shall also include a notice to the employee that a written answer to charges must be filed with the Civil Service Commission within five (5) working days of filing of notice of appeal with the Civil Service Commission. Special Districts and County Fire employees may request an appeal which shall be adjudicated by a Hearing Officer.

A copy of the Order shall be personally served on the employee or sent by priority mail-delivery confirmation to the employee’s last known address.

6. Hearings

Upon receiving an Order of Disciplinary Action, the employee may appeal the discipline to the Civil Service Commission. The case will either be heard by the Commission or by a professional arbitrator, known as a Hearing Officer.

The hearings are full evidentiary hearings. Both sides are allowed to call witnesses and introduce exhibits. The County has the burden of proof and

must show by “preponderance of the evidence” that there was cause for action and the action was appropriate.

Generally, the Department Human Resources Business Partner assigned to the Department will represent the County. In some cases, County Counsel will represent the department. A department representative will also be present. The appellant will be present, with representation if they so choose. After the hearing, the Civil Service Commission or the Hearing Officer will give each party a written decision of its findings within 30 days.

The Civil Service Commission or Hearing Officer may either uphold or overturn the disciplinary action based on the merits of the case. If the Hearing Officer or Civil Service Commission finds that an employee’s due process rights have been violated, the disciplinary action or dismissal imposed by the appointing authority will be overturned. Costs associated with the hearing, and preparation of the same, will be borne by the parties as outlined in the Personnel Rules and/or applicable MOU.

VI. EMPLOYEE RELATIONS LEAVE (ERL) ---

Administrative Leave (ERL - Employee Relations Leave) should be used only in situations where the appointing authority, in consultation with Human Resources, deems it necessary to remove an employee from the worksite with pay to enable an administrative review of the employee’s conduct and to determine appropriate disciplinary action or to control employees’ ability to engage in conduct that would be harmful to County operations.

When an issue arises that may warrant placing an employee on Administrative Leave, the appointing authority or designee shall consult with the Department Human Resources Business Partner to review the case to determine if it is necessary to remove the employee from their assigned work location. In some cases, rather than placing an employee on Administrative Leave, an employee may be placed in an alternate division within the department, or another department within a group.

If it is determined that the employee must be placed off work, the employee shall be placed on ERL and shall be so notified and available to meet or report for duty during assigned duty hours. Should the employee become unable to remain available due to illness, injury, or other qualifying reason, the employee shall so notify the department and request personal paid leave or leave without pay. Employees shall be required to use Holiday Leave for any holiday occurring during the period the employee is directed off work.

The employee’s Time and Labor Report (TLR) shall be coded as ERL. The Department Human Resources Business Partner must report any ERL time used to the Employee Relations Division of Human Resources. The Human Resources Director shall be notified of all cases exceeding 80 hours of ERL. The CAO shall be notified

of any case exceeding 160 hours of ERL. (County Policy 07-15 and 07-15SP, Employee Relations Leave {ERL}).

VII. ATTENDANCE AND LEAVE

A. Attendance Control/Analysis

Attending work regularly is a basic condition of employment. Excessive and unscheduled absences disrupt business operations and service to the community we serve, often incurring overtime expenses and causing an undue hardship on coworkers who have to assume additional tasks. As a supervisor, it is your responsibility to closely monitor your staff's attendance and immediately address any ***unauthorized*** absences and tardiness. The supervisor should also have a general idea of leave balances for employees they supervise.

It is important that you are fair and consistent when enforcing attendance standards.

B. Protected Leave

Federal and State regulations protect employees while they are out on a qualified leave of absence. Therefore, when calculating excessive absenteeism the following absences must be excluded:

- Each Calendar Year, up to ½ of the employee's annual Paid Sick Leave accruals or Paid Time Off (PTO) is protected when used for the employee's own illness, injury or preventative care, or for a covered family member's illness, injury or preventative care. **(See Attachment #7)**
- Leave qualifying under the Family Medical Leave Act (FMLA) allows County employees a maximum of 12 weeks of leave time per rolling calendar year for:
 - Absence due to employee's own serious health condition, the serious health condition of a child, spouse, or parent, defined as in excess of three (3) calendar days. A Request for Extended Sick and Special Leave (RESSL) form must be completed. **(See Attachment #8)** Additionally employees may qualify for Short-Term Disability Insurance (STD) and a packet should be provided. See your Payroll Specialist for information.
 - Absence related to a pre-approved intermittent leave due to employee's serious, chronic health condition or that of a child, spouse or parent. Examples of a serious, chronic health condition include asthma, cancer, or a child with a disability. This absence does not necessarily need to be more than 3 consecutive days.
 - Any absence due to prenatal care and pregnancy.
- Leave qualifying under the California Family Rights Act (CFRA)
The California Family Rights Act is the State regulation pertaining to leave time. CFRA provides the same protection as the Family Medical Leave Act (FMLA) with the following additional benefits:

- Includes a maximum of 12 weeks of “bonding time” to care for a newborn child or placement of child for adoption or foster care.*
- Includes employee’s absence to care for a domestic partner with a serious health condition.

*In all situations, with the exception of the above, CFRA runs concurrently with FMLA, meaning that employees are allowed a *total* of 12 weeks per rolling calendar year under both FMLA and CFRA. **(See Attachment #9)**

- Absences due to occupational injury or illness are also protected under FMLA/CFRA.
- Military leave.
- Absences due to time off for child-related activities. **(See Attachment #7)**
- Absences due to seeking relief as a victim of domestic violence for reasons that do not allow for use of Paid Sick Leave. **(See Attachment #7)**

C. Granting Appropriate Time (Approved and Unauthorized)

Sick leave is not an earned right, but an insurance benefit provided by the County for specific purposes as defined in the MOU. Therefore, the supervisor may ask the general nature of the illness, NOT the diagnosis, in order to ascertain whether or not the employee is eligible to use sick leave, or qualifies for protected leave (i.e. FMLA, CFRA, PDL, etc.). For example, a family emergency may not necessarily qualify for the use of sick leave, but the supervisor may allow the employee to use vacation leave depending on the situation.



If it is determined that an employee has a qualifying protected (i.e., FMLA) condition, the employee is not required to disclose any additional medical information. Please be advised that requesting medical documentation for protected leave may be considered discriminatory or retaliatory. Contact your Department Human Resources Business Partner to discuss case specific questions related to requesting doctor’s notes.

Vacation is a right, earned as a condition of employment, to a leave of absence with pay for the recreation and well-being of the employee. If an employee has exhausted sick leave, vacation leave may be used for sick leave purposes upon the employee’s special request and with the approval of the appointing authority. Vacations should be pre-scheduled but emergency situations can be taken into consideration, such as a flat tire or lack of childcare.

Accrued Holiday leave and PTO leave may be used similarly to vacation leave requiring pre-scheduling and approval of the appointing authority.

The use of an authorized leave without pay may be appropriate in emergency situations for a short duration and should be used cautiously as these absences are in excess of the employee's sick and vacation leave entitlement under the MOU.

Absences may be deemed unauthorized without pay depending on the circumstances; for example, tardiness in excess of Department standards, failure to provide appropriate medical documentation of absence upon request, or failure to provide adequate notification of an absence. Be reminded that unauthorized absences without pay should be addressed (i.e., verbal counseling, Memo of Concern, Letter of Reprimand, or formal discipline.)

D. Attendance and the Disciplinary Process

These guidelines have been developed to help the supervisor effectively handle attendance issues. Keep in mind that individual situations may vary, so contact the Department Human Resources Business Partner if questions arise.

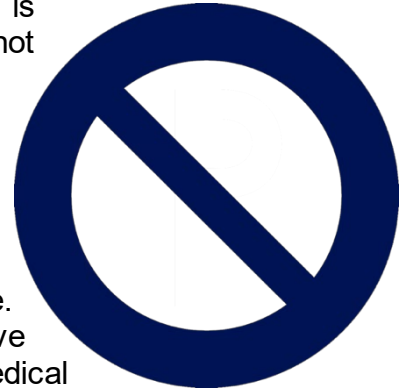
- Closely monitor attendance and keep an on-going attendance record for each employee. Identify patterns of absenteeism and/or potential sick leave abuse.
- Address each issue immediately by verbally the counseling employee.
- If an employee's absenteeism becomes excessive, prepare an attendance analysis. **(See Attachment #10)** As a general guideline, absenteeism is considered excessive when an employee utilizes more than 75% of their annual sick leave accruals, or approximately 66 hours during any 12 month period. This amount excludes any protected time (See section VII-B, "Protected Leave"). Sick leave usage reports, generated by EMACs, do not exclude protected time; therefore, further analysis must be conducted to identify and exclude leave that is protected, on a case by case basis. In some Departments, the standard of excessiveness may be higher or lower because the impact of absenteeism varies, depending on the individual circumstances.
- If verbal counseling did not resolve the issue, then a written memo may be issued to further emphasize the importance of attendance and the consequences of continued absenteeism. **(See Attachment #11)** In some situations, supervisors may consider removing employees with attendance problems from alternative work schedules (i.e., flexible, 9/80, 4/10) and placing them on a regular 5/40 work schedule when appropriate.
- If excessive or patterned absenteeism continues, excluding protected leave, place the employee on a Leave Restriction (See section, VII E, "Leave Restriction".) Prior to placing an employee on a Leave Restriction consult with the Department Human Resources Business Partner.
- If the behavior continues and/or the Leave Restriction Plan is not adhered to, continue the progressive disciplinary process. For example, if the employee does not provide an off-work order for each occurrence of illness or injury or

fails to provide the Department proper notice of illness, take the next appropriate progressive action (e.g., a Letter of Reprimand).

E. Leave Restriction (Absenteeism Corrective Action Plan)

The purpose of the Leave Restriction Plan is to deter employees from unnecessary absences. **(See Attachment #12)** An employee may be placed on leave restriction due to excessive and/or patterned absenteeism, excluding protected leave. A component of the Leave Restriction Plan is that the employee is required to provide medical documentation for each occurrence of illness, injury or that of an immediate family member. Although the employee is required to provide a doctor's certification, this does not necessarily mean that the absence is considered protected leave.

Paid sick leave should only be granted if the employee has a valid medical excuse. If the employee has exhausted all of their paid sick leave, no other leave types will be approved for this purpose. If the employee does not have sufficient paid sick leave to cover an approved absence due to a valid medical excuse, the time must be coded as sick leave without pay. Other leave (e.g. vacation, holiday, etc.) **may not** be used for sick leave purposes. Requests to use other leave, (e.g. vacation, holiday or comp time) will require advance supervisory approval. Emergency situations may be considered on an individual basis.



It is the supervisor's responsibility to ensure compliance with the Leave Restriction Plan by continually monitoring the employee's attendance. At the end of the Leave Restriction Plan, re-evaluate the employee's attendance. If an analysis indicates that the employee's absenteeism continues to be excessive or if the employee has exhausted their protected time under FMLA, then consult with the Department Human Resources Business Partner to take appropriate progressive action. The recommended length of the Leave Restriction Plan is usually six (6) months; however, it is not necessary to wait until the expiration of the Leave Restriction Plan to take action for non-compliance.

F. Failure to Return/Auto Resignation

Periodically, an employee simply stops coming to work. An employee absent without approved leave for three (3) consecutive working days, who fails to notify the immediate supervisor and provide an acceptable reason for the absence to the appointing authority, or who otherwise abandons employment with the County, shall be considered to have automatically resigned from County service as of the last day on which the employee worked or the last day of approved leave unless

the appointing authority approves additional leave with or without pay to cover the absence.

Pursuant to Personnel Rule 9.7, automatic resignation may apply in any circumstance where the employee:

- Fails to obtain approved leave prior to any period of absence for three (3) consecutive working days;
- Fails to return to work, for three (3) consecutive working days, following an approved leave of absence or upon expiration of an off-work order;
- Refuses to accept or fails to respond to an offer of accommodation that would permit the employee to return to work;
- Fails to provide appropriate documentation to substantiate any period of absence for three (3) consecutive working days; or
- Fails to cooperate with the appointing authority's attempts to engage in the interactive process such that, based on the information available to the appointing authority in the absence of the employee's cooperation, the appointing authority is unable to determine if an accommodation would allow the employee to return to employment.

If an employee falls under one of the circumstances described above, notify your Department Human Resources Business Partner immediately. The Department Human Resources Business Partner will prepare the written notice with the facts supporting the proposed action and provide to the employee via Delivery Confirmation. The employee then shall have five (5) working days from the date of service to respond to the appointing authority. If the explanation provided to the appointing authority is acceptable, the employee will return to work. If the employee returns to work, disciplinary action may still be warranted. If the employee does not respond, the Department Human Resources Business Partner may send a notice to the employee that they have been terminated. If an employee who responds to the appointing authority, but whose response was found to be untimely or insufficient to justify reversing the automatic resignation, may, within five (5) working days from the date of service of the corresponding written notice from the appointing authority, appeal the appointing authority's decision to the Civil Service Commission.

G. Tardiness

Employees are expected to be present at their assigned work location and ready to begin work at the start of their scheduled work shift. If they are not, they are considered tardy. Individual departments may have specific policies regarding tardiness. Make sure you are applying this standard consistently and fairly. Tardiness is another behavior which can get out of control if left unaddressed. The impact of tardiness will vary depending on the department and position.

These guidelines have been developed to help you effectively handle excessive tardiness:

- Clearly communicate expectations.
- Identify official time-keeping device, i.e., clock.
- Address each incident of tardiness immediately. Do not let it become a habit or enable it. Verbally counsel employee when appropriate.
- Keep accurate records and document reason for tardiness and other pertinent information.
- Document continued excessive tardiness by issuing a Record of Discussion or Memo of Concern, as appropriate.
- Continue to monitor attendance. Do not allow the employee to make up the time, use their leave balances (other than sick leave), or change their schedule. Consider circumstances in determining whether to record continued tardiness as an unapproved absence without pay. Keep in mind that emergency situations may be considered on an individual basis.
- If tardiness continues, issue Letter of Reprimand citing the Personnel Rule, MOU, and/or department policy violation.
- If issuing a Letter of Reprimand is not effective in correcting the employee's tardiness, take formal disciplinary action in consultation with the Department Human Resources Business Partner.

VIII. WORK PERFORMANCE EVALUATIONS (WPE)

The purpose of a performance evaluation is to provide a systematic method of measuring, recording, and improving the work effectiveness and development of all County employees with regular status in their current classification. Work Performance Evaluations are intended to be supportive and corrective and may reveal work insufficiencies that require corrective or disciplinary action.

The WPE form completed by the supervisor is used to evaluate an employee's work performance at periodic intervals, to end or extend probation or trainee period, to grant merit (step) advancements or rate the individual on an annual basis. The County operates on a merit system, which means that employees do not automatically qualify for a raise because they have worked the pre-requisite number of hours; they must be meeting standards or above to receive a step increase. The WPE is a tool in which to evaluate an employee's work performance during the rating period.

The purpose of a WPE is to assist the department in developing and assuring departmental goals and objectives are being met and to assure that every job is being performed as effectively as possible. It is a key supervisory tool used to set standards and expectations and communicate progress and areas for improvement.

A WPE will also provide feedback to employees on their performance and will assist employees in performing job duties more effectively, easily, and at a level that is satisfactory to the department. This will ensure that all employees are given the

opportunity to grow in a job, that good employees may become outstanding and that employees who are below standards may be brought up to standards.

The supervisor's signature indicates that this is the best assessment of the employee's performance. The employee's signature is obtained at the end of the WPE conference. The employee's signature indicates that the employee has participated in the process, not that they agree with the contents of the evaluation.

A. Types of Work Performance Evaluations

Supervisors are required to complete work performance evaluations on probationary and regular employees according to the San Bernardino County Personnel Rules. During the probationary period and/or trainee period, the supervisor shall prepare a progress report that includes a review of the employee's work, as well as their conduct to determine whether the employee is fully qualified for the position, eligible to receive a merit advancement, or pass probation (attain regular status). The required work performance evaluations (or progress reports) are completed according to the duration of the probationary period being served, as follows:

1. Thirteen (13) Pay Periods (1,040 service hours) Probation

4th – 6th Pay Period – Probationary Progress Report: Intended to clarify the job requirements and expectation and is a report of job performance to date. It is **not** intended to qualify an employee for step advancement or grant regular status.

11th Pay Period – Probationary Progress Report: Intended to report job performance to date and grant regular status and step advancement to an employee who is required to serve 1,040 hours of probation; may also be used to extend probation.

2. Twenty (20) Pay Periods (1,600 service hours) Probation

4th – 6th Pay Period – Probationary Progress Report: as indicated above.

11th – 13th Pay Period – Probationary Progress Report: Intended to report job performance to date and to grant an employee who is required to serve 1,600 or 2,080 service hours of probation, the first step advancement, **not** regular status.

18th Pay Period – Probationary Progress Report: Intended to report job performance to date and to grant regular status, not step advancement to an employee who is required to serve 1,600 service hours of probation; may also be used to extend probation.

3. Twenty-six (26) Pay Periods (2,080 service hours) Probation

4th – 6th Pay Period – Probationary Progress Report: as indicated above.

11th – 13th Pay Period – Probationary Progress Report: as indicated above.

18th and 24th Pay Period – Probationary Progress Report: Intended to report job performance to date and to grant regular status, not step advancement to an employee who is required to serve 2,080 service hours of probation; may also be used to extend probation.

4. Trainee Period

4th – 6th Pay Period – Trainee Progress Report: Intended to clarify the job requirements and expectation and is a report of job performance to date. It is *not* intended to qualify an employee for step advancement or grant regular status.

11th Pay Period – Trainee Progress Report: Intended to report job performance to date and grant promotion to the journey level (as appropriate) and step advancement to an employee who is required to serve 1,040 hour Trainee Period.

18th Pay Period – Trainee Progress Report: Intended to report job performance to date and to grant promotion to the journey level (as appropriate), not step advancement to an employee who is required to serve 1,800 service hour Trainee Period.

24th Pay Period – Trainee Progress Report: Intended to report job performance to date and to grant promotion to the journey level (as appropriate) to an employee who is required to serve 2,080 service hour Trainee Period.

5. Annual Work Performance Evaluations

Supervisors are required to evaluate job performance for the previous year to date and to grant a step (or merit) advancement within their base salary range for eligible regular status employees.

6. Special Work Performance Evaluations

If an employee's performance is below the level specified as acceptable or if there is a need to maintain a record of an employee's work performance, a department may initiate a Special Work Performance Evaluation which may be in conjunction with a Work Performance Improvement Plan (WPIP). Options for progressive discipline should be discussed with the Department Human Resources Business Partner.

B. Position Standards

The most important management responsibility and useful tool is that of establishing reasonable standards of position performance. They are the first steps in goal and priority setting, they are required for classifying positions, examining for jobs, interviewing, training, orienting, developing employees, justifying new positions and organizational restructuring, and controlling accountability. Position standards include what the actual tasks are and what skills, knowledge, abilities and attitudes are required.



Job standards are written statements of what is expected of an employee in the performance of duties or tasks of the job. They are a statement of what constitutes a job well done.

Establishing job standards is the responsibility of the supervisor. Supervisors have expectations as to the quality of the work to be performed by their employees. Employees may be unsure of what these are unless they are written; and even when they are written, it is very easy to have a misunderstanding as to the meaning of the words. Supervisors should discuss the standards with the employee so a common understanding is established. Please refer to Attachment #2 and consult with your Department Human Resources Business Partner.

Writing standards helps to ensure:

- Impartiality, objectivity, and fairness in relationships between employees and supervisors;
- Job related orientation and on the job training;
- Clarification of job responsibilities;
- Realistic and helpful reports (evaluations) of work performance;
- Recognition of good performance; and
- Identification of employee development needs.

Standards must be written for a task at the level which constitutes fully acceptable performance. Standards can vary considerably, depending on what is involved in a given job.

Standards should be set at a level which a competent employee will be able to reach and that can be exceeded by an outstanding employee. If the standard is set too low, it may be possible for unsatisfactory employees to meet or exceed it.

This means that the standard is not necessarily the average performance of employees presently performing the task. The performance of any given group may at a given time be above or below what is actually needed to get a job done.

Equally, the standards should not be set at the level attained by the present employees. If a position is filled by a person of unusually high competency, the use of his attained level of performance as the standard may penalize him/her by making his/her performance appear only adequate when it is really outstanding. This is also unfair to competent but not so outstanding employees.

Standards should express the full range of competent performance. They need to be expressed in terms of the top and bottom limits of the range; otherwise the standard may be easily misunderstood.

Standards need to be written for each particular position and not just for the broad classification. There are wide variations of assignments within each classification. The standards should be written for each position as it exists, based upon the significant tasks of the job at the present time. These standards should be reviewed annually, or as changes occur, to ensure that they are realistic and current.

C. Preparing the WPE

Work performance evaluations are to be completed by the immediate supervisor on time and received by payroll on their due dates.

It is recommended that a draft prepared by the employee's immediate supervisor is reviewed by the reviewing official prior to being given to the employee. Once the employee has signed the evaluation, no changes can be made to the WPE.

1. Layout

When you receive the WPE form from payroll ensure that it has the following information:

- Employee Name
- Employee ID
- Job Code
- Due Date
- Department

The form is divided into eight sections where the duties and responsibilities can be described in eight different task statements. The first section should always contain the "Customer Service" standard. The other seven (7) sections of the WPE must clearly identify the tasks that are most critical to successful job performance. The greater the accuracy of the task statement describing the employee's duties, the more value the appraisal process will have in determining job performance issues. The performance rating should be noted in the upper left-hand corner of each performance block.

2. Justifications

The “justification” space should be utilized to give specific examples of work performance. Comments are important for each rating. Justifications of performance ratings should be neat, readable, and uncluttered. Attach additional pages with justifications, if necessary. Attachments should be clearly marked.

Supervisors should consider the following when writing justifications for a WPE:

Approach – Justification should show a track record or performance history over the evaluation period. They should display the employee’s strengths and weaknesses in accomplishing his or her tasks and performance standards. Finally, justifications should demonstrate the employee’s ability and knowledge to perform the job and measure accurately against the standard.

Accuracy – The supervisor should develop a clear, specific statement of department expectations. This should be supported by correspondence and/or directives given over the rating period.

Clarity – The evaluation should be clear and unambiguous to the employee and to anyone else reading the work performance evaluation. Be specific when documenting an issue or event. Use specific examples and give a factual account of what took place. Important issues should not be minimized. Minimizing the issue could give the impression that the employee is meeting standards or that it is not important whether the employee meets standards or not. The importance of providing a clear message cannot be over-emphasized.

Specificity – Supervisor should describe task performance in detail to define problem areas which have resulted in the performance rating.

Generally, comments regarding the employee’s personality should be avoided. The focus should be on work performance. For example, “John is a good man,” is a poor statement to use on a WPE. A good statement would be, “John performs the technical and operational calculations of his job satisfactorily.” Information that is not substantiated by fact is not recommended for use in the evaluation process. Completion of the overall evaluation should evaluate the employee’s effectiveness in completing the job in relationship to the job standards for each position.

3. Performance Ratings

Once critical tasks have been identified, the employee’s job performance should be evaluated by using a rating code to describe the level of performance. In order to rate employees equitably, it is important for supervisors to have the same understanding of what constitutes the various

qualities, or degrees of problem areas, to warrant each of the different ratings. The following is suggested:

Exceeds - Employee generally performs job tasks beyond the level achieved by his/her peers. Incidents of exceptional performance occur from time to time. In considering level of work performed, you as a supervisor clearly recognize the performance level more than meets job standards and is above average.



Meets - Employee performs tasks consistently at the level achieved by the majority of his/her peers. Employee is cooperative, strives not to make errors and readily corrects errors as they are brought to his attention. A normal and satisfactory rate of growth is maintained. You as a supervisor feel comfortable with the employee's production and attitude.

Below Standards (Needs improvement) - Employee performs job tasks at a level which is somewhat below his peers, or has a significant problem in one aspect of performing a job task. As a supervisor, you feel assured that the employee will be able to improve his/her work and meet standards within a reasonable time frame.

Unsatisfactory - Employee clearly performs job tasks at a level below that of his peers, or has a severe problem in one aspect of performing a job task. Employee's problem(s) significantly affect the quality or quantity of his/her work production or staff relationships. Employee demonstrates little or no concern, or little or no improvement in resolving the problem. As a supervisor, you are unable to predict that the employee will bring his/her work up to minimum standards within a reasonable period of time.

4. Including Disciplinary Actions

It is important for the supervisor to remember that the WPE reflects a particular evaluation period and what occurred during that time. If discipline occurred during the evaluation period it should be mentioned. How the discipline is mentioned depends on whether the discipline was due to performance or misconduct.

D. Evaluation Meeting

Supervisors must meet in person to review and provide the WPE to the employee. Meeting with the employee allows an open discussion about the ratings and justifications outlined in the WPE, the Policy Prohibiting Discrimination, Harassment and Retaliation, etc. The meeting should be scheduled with advance notice. Allow sufficient time for both the supervisor and the employee to discuss

the goals and objectives for the next rating period in addition to the current evaluation.

At the conclusion of the meeting, the employee should sign the WPE. If the employee refuses to sign the WPE, remind them that by signing they are not implying agreement with the content of the WPE, but rather acknowledging receipt. If the employee still refuses to sign, tell them they must sign for receipt of the Policy Prohibiting Discrimination, Harassment and Retaliation and call in a witness. The witness will write “employee refused to sign” on the employee signature line and sign next to that comment. **(See Attachment #13)**

E. Performance vs. Misconduct

Discipline arising out of performance is related to the job standards and expectations you have set for that employee. This discipline should be noted in the appropriate rating categories. Discipline related to performance issues is generally addressed through the progressive steps of discipline.

Misconduct relates to a violation of policy. This should be noted on the WPE. Generally, while it is best to exercise progressive discipline when misconduct occurs, some steps in the progressive disciplinary process may be bypassed. For example, an employee who is a good performer but is caught stealing, will probably be terminated on the first offense.

F. Appeals and Rebuttals

If the employee disagrees with the content of a WPE, they may file a written answer or exception with the evaluator to any evaluation, regardless of the overall rating. The evaluator shall forward the rebuttal to the appointing authority, and such answer or exception must be acknowledged by the appointing authority and forwarded to Human Resources to become a permanent part of the official personnel file.

Employees with regular status, who are rated with an overall rating that is below standards may appeal the content of the WPE as outlined in the Personnel Rule 8. There are established time frames associated with WPE appeals, so it is important to note when the employee receives the official copy to start the clock.

IX. WORK PERFORMANCE IMPROVEMENT PLAN (WPIP)

A Work Performance Improvement Plan (WPIP) is recommended if an employee's work performance has been below standards and after being counseled about their performance, still shows no improvement in the areas noted. A WPIP should also be initiated if the employee's WPE is rated overall as "Below Standards" or "Unsatisfactory," due to performance; such plans should be attached to the WPE or completed shortly thereafter.

A WPIP should be completed to cite the performance area(s) in which the employee is below standards. The WPIP should contain the following: **(See Attachment #14)**

- A clear and succinct description of the problem area(s) and reiterate the departmental expectation. It is important to discuss only one problem area at a time in each section of the WPIP. Cite previous instruction, counseling sessions, and direction provided in each area. Your example should also clearly explain the impact and/or consequence of the behavior to the department, organization, team, etc.
- A plan of action developed for the employee, which, if followed, will result in resolution of the problem. Identify specific actions and/or behavior required to correct the problem.
- The activities provided by the supervisor to assist the employee. Ask what the employee needs from you to address the problem. Activities should include training that will be provided, monitoring, and a description of how you will monitor the employee's conduct and progress.
- The duration of the WPIP should be noted. Generally a WPIP can last from 60 to 90 days. It is important to stress that if the employee's performance improves during the designated time period, he/she will be responsible for sustaining performance that meets standards beyond the time period.
- Indicate intervals in which you will be giving the employee progress reports. You should hold a meeting with the employee to go over the employee's progress or lack of progress. Progress reports should be prepared noting the employee's improvement or lack of improvement and shall be furnished to the employee after each meeting. **(See Attachment #15 and #16)**
- State the consequences for not improving performance or not making enough improvement at the end of the designated time period. This could include reprimand, demotion, reduction in salary step, deduction of accrued leave, suspension or dismissal.

Once you have completed writing the WPIP, you must meet to discuss the content in depth with the employee. Ensure to discuss what the employee is expected to do and what you, as the supervisor, are expected to do for successful completion of the WPIP. A WPIP is a two-way contract. As the supervisor you must follow-up on the employee's progress, meet with the employee to review progress and ensure that the employee has the appropriate resources available to be able to perform his/her duties as expected. A supervisor should document these discussions in order to keep a record of the employee's progress, or lack of progress, throughout the designated time period.

At the end of the designated time period, if the employee's performance has improved and now meets the job standards, you can notify the employee that no further action will be taken at this time and that the employee is expected to sustain the current performance level.

If performance remains below the level specified as acceptable, the department should continue the WPIP and initiate a special Work Performance Evaluation. Options for progressive discipline should be discussed with the Department Human Resources Business Partner.

X. COMMUNICATION

Continuous communication is not only helpful for supervisors, it is also essential for success. As a supervisor, it is your responsibility to effectively communicate with employees on a regular basis, not only at the beginning of their employment, but also throughout the entire time they are employed with you. Supervisors should regularly meet with each employee they supervise to discuss expectations, provide directions, and solicit feedback. These meetings should be conducted one-on-one and in person. When appropriate, these meetings may be followed up with documentation in the form of notes, memos or e-mail.

Although communication comes in various forms, (one-on-one, e-mail, memo, staff meetings, et cetera), supervisors should rely on e-mail and memos only when necessary. It is important to establish a face-to-face communication with each employee so that ideas, expectations, and concerns can be shared.

Positive communication is also an important tool for supervisors. Commendations, verbal praise, acts of appreciation, and other forms of recognition given to an employee usually manifest into more positive work production. It is equally important to document positive actions of employees.

XI. RESOURCES

A. Your Department **Human Resources Business Partner (HRBP)**

The HRBP provides the following services to the various County Departments:

- Provides consultation to department and acts as a liaison between the department and Human Resources.
- Researches and analyzes a variety of organizational issues and recommends appropriate action
- Provides counsel and advises management concerning grievances, disciplinary actions, and related personnel matters.
- Interprets applicable Memorandum of Understandings, Personnel Rules, Contracts, Ordinances and Policies.
- Ensures fair and consistent administration of the Memorandum of Understanding and policy.
- Investigates discrimination, sexual harassment, and workplace violence complaints, and makes appropriate recommendations to Department heads.
- Investigates complaints or allegations of misconduct.

- Administers labor agreements and the Personnel Rules for the County.
- B.** It is important when referencing the **Memorandum of Understanding (MOU)**, you are referencing the MOU appropriate for the job classification of the employee. MOUs can be found at: [Memorandums of Understanding](#)
- Attorney MOU;
 - San Bernardino Public Employees Association (SBPEA) Teamsters General Consolidated MOU (Administrative Services; Clerical; Craft, Labor & Trades; Management; Supervisory; Supervisory Nurses; and Technical & Inspection Units);
 - Nurses Unit MOU and Per Diem Nurses MOU;
 - Preschool Services Department MOU;
 - Probation MOU;
 - Professional Unit MOU;
 - Safety MOU;
 - Safety Management and Supervisory MOU;
 - Specialized Peace Officer & SPO Supervisory MOU;
 - County Fire and Special Districts MOUs
- C.** **Personnel Rules** are the basis of most Human Resources Procedures and can be found at: [County Personnel Rules](#) and [Special Districts Personnel Rules](#)
- D.** **County Policy Manual** can be accessed from Countyline: [County Policy Manual](#)
- E.** **Human Resources Website** can be accessed from Countyline: [HR Homepage](#)
- F.** **Department Policies and Procedures**
- G.** **Frequently Asked Questions (See Attachment #17)**

ATTACHMENTS

1. [New Employee Orientation Checklist](#)
2. [Work Expectations Memo](#)
3. [Memo of Instruction-Expectation](#)
4. [Record of Discussion](#)
5. [Memo of Concern](#)
6. [Letter of Reprimand](#)
7. [Protected Leave SB 579 FAQ](#)
8. [Leave Request for Extended Sick and Special Leave \(RESSL\)](#)
9. [FMLA/CFRA Timeline Chart](#)
10. [Attendance Analysis](#)
11. [Notice of Excessive Absenteeism Memo](#)
12. [Absenteeism Corrective Action Plan/Leave Restriction](#)
13. [WPE Refuses to Sign](#)
14. [Work Performance Improvement Plan \(WPIP\)](#)
15. [WPIP Bi-Weekly Progress Report](#)
16. [WPIP 30-60-90 Day Progress Report](#)
17. [Frequently Asked Questions \(FAQ\)](#)

- Computer Access
 - EMACS: _____
 - E-Mail Log-In Information: _____
 - Department Specific Programs: _____

- Badges
 - Access to offices
 - Times of access: _____
 - Replacement cost: _____

- Issued Equipment
 - Care/Use Expectations
 - Replacement cost: _____

- Parking
 - Employee parking locations: _____
 - Employee permit parking sticker: _____

- Personnel Policies and Procedures (See Personnel Policies & Procedures packet)

- Tour of Office
 - Bathrooms
 - Break/Lunch room
 - Conference rooms
 - Confidential paper shredder
 - Copier/ fax machine
 - Employee entrance
 - Supplies

- Emergency Procedures
 - First-Aid kit
 - Injury log
 - Emergency exits
 - Fire extinguishers

- Stairwells
 - SB Safe Employee Alert System Enrollment

 - Security
 - Secure employee-only work areas: _____
 - Public areas: _____
 - Visitor policy/expectations: _____
 - Security guard extension: _____
-

Employee's Name (please print)

Employee #

Employee's Signature

Date

Supervisor's Signature

Date



Interoffice Memo

DATE:

PHONE:

FROM: **AUTHOR'S NAME**, Author's Title
Author's Department

TO: **RECIPIENT NAME(S)**, Recipient Title(s)
Recipient Department(s)

NOTE: This memo may be used in conjunction with the new employee orientation checklist or as needed (e.g. as part of a WPE/WPIP).

SUBJECT	WORK EXPECTATIONS MEMO
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The purpose of this memo is to outline the work performance expectations and conduct standards for your position of **[INSERT CLASSIFICATION TITLE]** with **[DEPARTMENT]**. These expectations will be used:

- To provide **[INITIAL or ONGOING]** training in your work duties and assignments;
- To evaluate your work progress for the next evaluation period;
- To evaluate your work related conduct during the course of your employment;
- As ongoing standards for the defined categories in your Work Performance Evaluations:
 1. Customer Service
 2. **[INSERT ADDITIONAL CATEGORIES FROM WPE]**

To ensure your success, you are encouraged to see me as questions or concerns arise regarding your duties and assignments. Additionally, assistance through **[ADD TYPES OF ASSISTANCE, RESOURCES, STAFF MEETINGS, COUNTY WORKSHOPS, MENTORING, FOLLOW-UP DISCUSSIONS, ETC.]** will be provided to help you succeed in your position.

Expectation of Duties, Responsibilities and Standards:

[PROVIDE BRIEF DESCRIPTION OF POSITION]

1. **Customer Service [REFLECT WPE CATEGORIES LISTED AS ABOVE]**
 - **[LIST OUT DETAILED POSITION SPECIFIC EXPECTATIONS]**.
2. **[CONTINUE WPE CATEGORIES AS LISTED ABOVE]**
 - **[LIST OUT DETAILED POSITION SPECIFIC EXPECTATIONS]**.

A copy of this memorandum will be placed in your personnel file.

I acknowledge receipt of this Memo and attachments. I assume responsibility to read, review, and seek clarification of all expectations as outlined in the attached documents.

Employee

Date

cc: Department Contacts (e.g. Mary Doe, Administrative Manager)
Human Resources Business Partner (if appropriate)
Department File (if appropriate)
Official Personnel File (if appropriate)



Interoffice Memo

DATE:

PHONE:

FROM: **AUTHOR'S NAME**, Author's Title
Author's Department

TO: **RECIPIENT NAME(S)**, Recipient Title(s)
Recipient Department(s)

NOTE: This memo may be issued if the employee is not following directives, not adhering to deadlines, or failing to follow policy.

SUBJECT: MEMO OF INSTRUCTION (OR MEMO OF EXPECTATION)

The purpose of this memo is to provide you with clear instruction (clarify instruction; clarify a procedure) regarding [INSERT TOPIC]

- Explain the importance of the policy/procedure, conduct or behavior that is causing concern, or how the employee failed to adequately carry out a directive, assignment or instruction. Indicate dates and time directive or instruction was given, if applicable.
- Explain the impact of not following the policy/procedure. Example: "Failure to operate a County vehicle in accordance with policy may result in damage to County equipment".
- Indicate if this instruction has been previously discussed or had been previously trained or counseled.
- Provide a clear directive to the employee. Example: "You are instructed to operate a County vehicle in safe and responsible manner in accordance with all applicable laws."
- Provide consequences an employee may face if he/she fails to follow the directive. Example: "Failure to follow these directives will result in disciplinary action, up to and including dismissal."

I acknowledge receipt of this Memo and understand that a copy will be placed in my personnel file

Employee

Date

cc: Department Contacts (e.g. Mary Doe, Administrative Manager)
Human Resources Business Partner (if appropriate)
Department File (if appropriate)
Official Personnel File (if appropriate)



Interoffice Memo

DATE:

PHONE:

FROM: **AUTHOR'S NAME**, Author's Title
Author's Department

NOTE: This memo would normally be issued following Verbal Counseling.

TO: **RECIPIENT NAME(S)**, Recipient Title(s)
Recipient Department(s)

SUBJECT

RECORD OF DISCUSSION

The purpose of this memo is to memorialize our discussion on [DATE] regarding [INSERT TOPIC] and is intended to summarize the deficiencies/issues/concerns discussed and clarify expectations moving forward.

- Be clear and concise. Example: "On January 15, 2018, I met with you to discuss a client complaint. Also present in the meeting was Jane Smith, Administrative Supervisor."
- Indicate the employee's response: State the facts. Be as objective as possible, giving specific details and using quotes when practical.
- Explain the impact of behavior on organization. Example: "Your carelessness resulted in..." OR "Your neglect of duties compromises patient care."
- Cite the violation of rule and/or policy. Example: "Your actions are in violation of HS Standards of Conduct."
- Indicate if the employee was previously counseled for similar misconduct: Example: "You were verbally counseled for discourteous treatment on January 2, 2018."
- List expectations: Example: "You are expected to maintain professionalism in the workplace."

I acknowledge receipt of this Record of Discussion and understand that a copy will be placed in my personnel file.

Employee

Date

cc: Department Contacts (e.g. Mary Doe, Administrative Manager)
Human Resources Business Partner (if appropriate)
Department File (if appropriate)
Official Personnel File (if appropriate)



Interoffice Memo

DATE:

PHONE:

FROM: **AUTHOR'S NAME**, Author's Title
Author's Department

TO: **RECIPIENT NAME(S)**, Recipient Title(s)
Recipient's Department(s)

NOTE: Generally the employee should have already been verbally counseled and issued written documentation before receiving a Memo of Concern.

SUBJECT: MEMO OF CONCERN

The purpose of this memo is to summarize the Department's continued concerns with [INSERT TOPIC]

- Reiterate the importance of the policy/procedure, conduct or behavior that is causing concern, or how the employee continued to fail to adequately carry out a directive, assignment or instruction.
- Reiterate the impact of not following the policy/procedure. Example: "Failure to operate a County vehicle in accordance with policy may result in damage to County equipment".
- Indicate when this instruction/expectation was previously discussed or had been previously trained or counseled. Indicate dates/times of prior verbal counseling and date written documentation was issued to the employee.
- Provide a clear directive to the employee. Example: "You were previously instructed to operate a County vehicle in safe and responsible manner in accordance with all applicable laws."
- Provide consequences an employee may face if he/she fails to follow the directive. Example: "Failure to follow these directives will result in disciplinary action, up to and including dismissal."

I acknowledge receipt of this Memo and understand that a copy will be placed in my personnel file.

Employee

Date

cc: Department Contacts (e.g. Mary Doe, Administrative Manager)
Human Resources Business Partner (if appropriate)
Department File (if appropriate)
Official Personnel File (if appropriate)



**Department
Division**

Name
Title

Name
Title

Name
Title

Attachment #6

NOTE: This is usually the next step in progressive discipline. This is a severe reprimand and usually precedes formal discipline.

DATE

EMPLOYEE NAME (EMP ID)
CLASSIFICATION TITLE
DEPARTMENT

LETTER OF REPRIMAND

You are hereby reprimanded for violation of the following subsections of Rule 10, Section 10.2 of the County of San Bernardino Personnel Rules:

List actual sub-section of Section 10.2 that the employee violated. Write out the entire Personnel Rule. Example:

- a. Failure to meet reasonable work performance standards ad requirement.

Specifically, the reasons for this action are as follows:

List as appropriate, the reasons (the charges) for the Reprimand. Example:

1. From November 1, 2017, through November 30, 2017, you were tardy 22 times.

State the specific evidence that supports the reason (the charge). State the facts and be as specific and objective as possible. Answer the "Who, What, When, Where, Why (and if applicable How)"

Indicate when the employee was previously given instruction/expectation or had been previously trained or counseled. Indicate dates/times of prior verbal counseling and date(s) written documentation was issued to the employee.

BOARD OF SUPERVISORS

COL. PAUL COOK (RET.)
First District

JANICE RUTHERFORD
Second District

DAWN ROWE
Vice Chair, Third District

CURT HAGMAN
Chairman, Fourth District

JOE BACA, JR.
Fifth District

Leonard X. Hernandez
Chief Executive Officer

LETTER OF REPRIMAND
DATE

Outline for the employee the expected conduct moving forward. For example: "You are expected to arrive and be ready to work at 6:00 a.m." Additional language should be added to impress upon the employee the seriousness of the employee's actions.

Any further violations (failure to improve) may be cause for disciplinary action up to and including dismissal.

AUTHOR'S NAME, Author's Title
Author's Department

Date

I acknowledge receipt of this Letter of Reprimand and understand that a copy will be placed in my personnel file.

Employee

Date

cc: Department Contacts (e.g. Mary Doe, Administrative Manager)
Human Resources Business Partner (if appropriate)
Department File (if appropriate)
Official Personnel File (if appropriate)

Attachment #7

Protected Sick Leave & Child-Related Activities FREQUENTLY ASKED QUESTIONS (FAQs)

SB579 amended California Labor Code Sections 230.8 (Child-Related Activities) and 233 (Kin Care). The changes impact the County's practices regarding protected leave due to expanded protections, uses and definitions of covered family members.

Because the definition of "family member" was not uniform between Kin Care leave protections and the Paid Sick Leave Law (Healthy Workplaces, Healthy Families Act of 2014, AB 1522, LC Sections 245-249), SB 579 reconciled this definition between the two laws; however, it also applied the protections of Kin Care leave beyond caring for family members to protect ANY sick leave taken for reasons provided under the Paid Sick Leave Law, as well as expanded the reasons for sick leave use and the reasons an employee may take protected time off for child-related activities.

DEFINITIONS

COVERED: Protected Sick Leave - employees who receive Paid Sick Leave or Paid Time Off (PTO) are eligible for protected use of Paid Sick Leave or PTO to care for self or family members illness, injury or preventative care.

All regular full-time employees are eligible for protected time off to gain relief as a victim of domestic violence for reasons that do not allow for use of Paid Sick Leave.

All employees are eligible for protected time off for child-related activities.

COVERED FAMILY MEMBERS: Parent (biological, adoptive, foster, step or legal guardian), child (biological, adoptive, foster, step, legal ward, child of domestic partner or a child in loco parentis of the employee; **not** required to be under 18 years of age), spouse, registered domestic partner, sibling, grandparents and grandchildren. (This definition is broader than that included in County MOUs; the law supersedes and governs who is eligible).

PAID TIME OFF (PTO): A bank of leave time granted to employees who elect the Modified Benefit Option in lieu of other leave and is eligible for use in the same manner as sick leave, vacation and holiday time.

PROTECTED: Departments cannot deny the use of this time/time off nor should it be included in excessive absenteeism calculations, referenced in WPEs, or be used to or threaten to support discipline or any other adverse action.

USES ELIGIBLE FOR PROTECTION: Sick leave or other eligible leave used for the purposes of the employee's own illness/injury or a family member's illness/injury, or for time off used to gain relief as a victim of domestic violence, sexual assault or stalking; eligible leave/time off for child-related activities and other matters relating to domestic violence, sexual assault or stalking.

Attachment #7

PROTECTED LEAVE & RELIEF FOR DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING (Kin Care & the Paid Sick Leave Law)

1. What use is protected?

Illness/Injury (Labor Code 233): Each Calendar Year, up to ½ of the employee's annual Paid Sick Leave accruals or PTO is protected when used for the employee's own illness, injury or preventative care, or for a covered family member's illness, injury or preventative care.

Domestic Violence (Labor Code 230.1): Paid Sick Leave, PTO or other appropriate time off to gain relief as a victim of domestic violence, sexual assault or stalking:

2. Does the definition of family for which an employee has protected sick leave include any requirement that the family member reside with the employee?

No. The law does not require the family member to reside with the employee. Use of sick leave is protected to care for a child, parent, spouse, domestic partner, grandparents, grandchildren, or siblings regardless of where the family members reside.

3. If an employee has exhausted sick leave and must use other types of leave to care for a family member or to gain relief as a victim of domestic violence, sexual assault or stalking, does the new law protect the use of other types of leave?

Yes. Sick leave is defined in the Labor Code as any compensated leave that is provided to an employee as a benefit of employment for use by the employee during an absence from work for eligible reasons. As the MOU permits use of other types of leave when sick leave is exhausted, other paid leave types may also be protected if used for eligible purposes.

4. If an employee records leave without pay to take time off for eligible reasons, are those hours protected?

It depends. If the leave is used for the employee's own illness or injury, including care related to domestic violence, sexual assault or stalking, or to care for a covered family member, then sick time without pay/time off is not protected under LC 233. This time may be protected under another law such as FMLA, CFRA, PDL, etc. Please consult with your HRBP on determining whether or not such leave is eligible for protection under another law.

Unpaid leave/time off used to gain relief as a victim of domestic violence, sexual assault or stalking, for eligible reasons other than medical treatment, such as an alarm installation, a court ordered appearance, or to obtain a temporary restraining order, is not an appropriate use for sick leave; therefore, an employee may use other leave or leave without pay, and this time would be protected.

5. Should I continue to submit a RESSL on behalf of employees on extended leave?

Yes. A RESSL is required for employees on extended leave; however, you should not ask the employee to provide a doctor's note if he/she has not exhausted half of their accrued sick leave for the year.

Attachment #7

6. Will FMLA be administered in the same way?

Yes. FMLA will be administered in the same way.

7. Can I deny an employee's use of protected leave due to business need?

No. Employees are entitled to utilize paid sick leave or to take time off for the reasons outlined and up to one-half (1/2) of their annual accrual of sick leave is protected. Employees cannot suffer discrimination for requesting leave or for use of leave.

8. How do the additional protections afforded to employees affect employees currently on a Leave Restriction Plan?

Current sick leave restriction plans should be reviewed to ensure any protected leave used after January 1, 2016 was not included in the sick leave analysis. Please consult your HRBP before taking any action.

9. How do we analyze leave use?

An analysis of leave usage should carefully exclude any protected leave or protected unpaid leave. Additional considerations must include up to 1/2 of the employee's annual sick leave or PTO accrual as it is now protected.

10. Can I reference use of protected leave in a Work Performance Evaluation (WPE)?

No. Do not reference protected leave (paid or unpaid) in a WPE.

11. Does the use of protected leave affect eligibility for overtime?

Yes, if leave time is considered hours worked for the purposes of calculating overtime. Consult your HRBP and the applicable MOU.

12. Can a supervisor ask for a doctor's note when an employee uses protected sick leave?

Generally no. Requesting a doctor's note for protected time may be considered discriminatory or retaliatory. Contact your Human Resources Business Partner to discuss case specific questions related to requesting doctor's notes.

13. The MOU states that Clerical staff can use all of their sick leave to care for a family member. How much of this leave is protected?

Up to 1/2 of the employee's annual accruals is protected for covered family members. The language in the MOU provides for unlimited use for "immediate family" residing with the employee – we can still enforce this definition, but only for the amount over and above 1/2 of the employee's annual sick leave accruals.

Attachment #7

SCENARIO: if an employee in the Clerical Unit accrues 88 hours of sick leave annually and uses 24 hours of paid sick leave for a personal illness and then uses 40 hours of paid sick leave to care for a sick child, the use of 24 hours of paid sick leave for the personal illness and the first 20 hours of paid sick leave for care of the child is protected by LC 233.

14. LC 233 protects ½ of an employee's annual sick leave accrual or PTO for illness/injury for self or a family member. The MOU states that an employee can use half of his/her annual sick leave accrual to care for a sick or injured "immediate" family member, while the regulations now protect the same amount for self or care for a family member. How much leave is protected?

LC 233 has been amended to protect ½ of an employee's annual sick leave accruals or PTO for self or covered family members, this is the standard that governs, so this is what is protected. MOU language allowing employees to use up to ½ of annual sick leave accruals to care for "immediate family" was intended to incorporate LC 233 requirements into the MOU. The MOU provision precedes legal changes and is not intended to provide a greater protection than what the law provides.

15. For employees with separate leave banks (e.g., sick, vacation, holiday, not PTO), if an employee has exhausted all sick leave, must the supervisor allow the use of vacation or other leave in lieu of sick leave?

If the employee has not used leave equivalent to half of any sick leave that could be accrued in one year, then the supervisor should allow the use of other types of appropriate leave in lieu of sick leave.

If the employee has used leave equivalent to half of sick leave accrued in a year, then the supervisor can deny the use of other leave and the employee will code unpaid time.

16. For what reasons can an employee who is the victim of domestic violence, sexual assault or stalking use sick leave?

An Employee who is the victim of domestic violence, sexual assault or stalking can use sick leave for any of the following:

- To obtain medical attention for injuries caused by domestic violence, sexual assault, or stalking; OR
- To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking; OR
- To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; OR
- To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

17. Can an employee who is a victim of domestic violence, sexual assault or stalking use sick leave to testify at a court hearing?

No. Time off to appear in court or to obtain a TRO or restraining order does not justify the use of sick leave. Other leave types or time off without pay should be approved, and is protected.

Attachment #7

18. Can written proof be required from employees who are victims of domestic violence, sexual assault or stalking?

In some circumstances, yes. As a condition of taking time off for this purpose, an employee shall give reasonable advance notice of their intention to take time off, unless reasonable advance notice is not feasible. When an unscheduled absence occurs, the employee may be asked to provide proof of the reasons for the absence (i.e. a police report, court order protecting/separating employee who was a victim from the perpetrator and/or documentation from a licensed medical professional or DV counselor as provided for under the law).

19. What type of proof is sufficient to justify an unscheduled absence due to domestic violence, sexual assault or stalking?

Some examples of sufficient proof are as follows:

- a. A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking.
- b. A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee has appeared in court.

Documentation from a licensed medical professional, domestic violence counselor, as defined in Section 1037.1 of the Evidence Code, a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, licensed health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, or stalking.

SCENARIOS

1. An employee used their sick leave balance (four (4) hours) on January 11, 2016 and called in sick on February 15 through February 19, 2016. Upon the employee's request, the department approved the use of forty (40) hours of vacation leave in lieu of sick leave for the absence.

Question: Can the Department request proof of illness?

Answer: As long as the leave is not protected, the supervisor may request a doctor's note for any absences due to illness after February 19, 2016 (after ½ of annual sick leave accrual is used – 44 hours).

The department must also exclude all leave accruals used due to illness on or before February 19, 2016 from excessive sick leave analysis or to support any adverse employment action against the employee (including documenting in the WPE).

2. An employee calls in sick on February 15 through February 19, 2016 and has used the last four (4) hours of sick leave accruals prior to this. The employee has no other leave accruals available and records forty (40) hours of sick without pay (WOPSCK).

Question: Can the Department request proof of illness or use this absence in excessive sick leave analysis?

Attachment #7

Answer: Yes, as long as the leave is not protected, (e.g., LC 233, FMLA, CFRA, PDL, etc.) the department can request proof and consider this leave time in a leave analysis. Sick leave without pay is not protected under LC 233 if used for care of self or family member for illness/injury, including preventative care.

3. An employee who works a Monday through Friday, 8 a.m. to 5 p.m. schedule and has used 16 hours of sick leave during the calendar year forgets to call in sick. His supervisor eventually reaches him and the employee explains that he is sick and forgot to call in.

Question: Can the supervisor require proof of illness and/or discipline the employee?

Answer: In this case, the employee has not used $\frac{1}{2}$ of his annual sick leave accruals, so the supervisor may not request proof of illness; however, the employee is subject to corrective action for failing to provide appropriate notice of sickness. Consult with your HRBP to review MOU and departmental requirements.

4. An employee has called in sick intermittently during the past few months due to a chronic condition. After using 20 hours of sick leave accruals, the employee contacted The Standard, the County's third party administrator for Leaves, to apply for protected leave under the Family Medical Leave Act and the California Family Rights Act.

Question: Can the Department request proof of illness from this employee for any future absences?

Answer: Although the employee has not used the equivalent of $\frac{1}{2}$ of his/her annual sick leave accruals, it is acceptable that The Standard request a physician's certification to process the application for FMLA/CFRA. However, it is still not permissible for the Department to request proof of illness for protected time.

Attachment #7

CHILD RELATED ACTIVITIES

1. What is a protected child-related activity?

Time off, with reasonable notice to the employer of the planned absence for emergencies, to find, enroll or re-enroll a child in school or with a licensed childcare provider, for requests to pick up a child for behavior/discipline issues or due to natural disasters, or to participate in activities of the school or licensed childcare provider.

2. What is considered a “child care provider or school emergency?”

A “child care provider or school emergency” means that an employee’s child cannot remain in a school or with a licensed child care provider due to one of the following:

a. The school or child care provider has requested that the child be picked up, or has an attendance policy, excluding planned holidays, that prohibits the child from attending or requires the child to be picked up from the school or child care provider.

b. Behavioral or discipline problems.

c. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays.

d. A natural disaster, including, but not limited to fire, earthquake, or flood.

3. How much time is protected?

Forty (40) hours per year, up to eight (8) hours per month.

4. What kind of time can an employee use?

Employees shall utilize paid leave time for any absences related to child-related activities. Time off without pay may be approved if appropriate leave balances are not available. Sick leave is not appropriate for this purpose.

5. How much notice must an employee provide to attend to a child related activity?

An employee must provide “reasonable notice” to the employer. Once the employee is aware of the need for leave, he/she should notify his/her supervisor or as soon as practicable.

6. Who tracks use of this time?

The immediate supervisor should track this time.

7. Can I request proof for child-related activities?

Yes, you can request proof.

8. I have two employees at my worksite who share a child, are they both entitled to protected time off for the same child-related activity?

Attachment #7

No, if both parents are employed by the County at the same worksite, only the parent who first gives notice for the same event is eligible for protected time. It is at the discretion of the supervisor to allow both employees the same amount of time off, but only one employee's time is protected.

9. An employee calls in stating that she will not be able to report to work because her husband has a final exam that day and she does not have anyone to watch her children. Is that covered under child related activities?

No. The husband isn't a licensed child care provider and the employee would not have protection for this emergency. A babysitter or Nanny would not be covered for the same reason.

10. An employee calls in stating that her licensed childcare provider is closed due to a personal emergency and she does not have anyone to watch her children. Is this a child related activity entitling the employee to protected time off?

Yes. If the childcare provider is licensed, and the employee only recently learned of the provider's unavailability, the time off would be protected.

Ensure the most current form is submitted. Refer to EMACS Forms/Procedures website.

LEAVE REQUEST FOR EXTENDED SICK AND SPECIAL LEAVE

Employees must contact The Standard no later than the 4th day of leave to initiate the leave process.¹

Must print in Black or Blue ink ONLY

Check box if applying for STD

Employee ID	Rcd No.	Last Name, First Name		
Job Title		Department	Department ID	
<i>To Be Completed By Employee (Supervisor may complete in employee's absence)</i>				
Home Address		City	State	Zip Code
Mailing Address (if different than Home)		City	State	Zip Code
Telephone Numbers:	Home	Work	Alternate	
Type of Request <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	Reasons for Leave			
	<input type="checkbox"/> Own serious health condition (non-work related) <input type="checkbox"/> Occupational injury/illness <input type="checkbox"/> Indicate due date if pregnant : <input type="checkbox"/> Care for child/spouse/domestic partner/parent for a serious health condition ² <input type="checkbox"/> Birth, placement or adoption of a child's other parent is a county employee, indicate name and employee ID: <input type="checkbox"/> Care for other family member, including legal guardianship, for serious health condition <input type="checkbox"/> Military leave, educational leave, or other leave not specified above			

Please refer to the The Standard's Frequently Asked Question about Reporting Absences and Filing for Short Term Disability Benefits

Leave Type ²	Leave Begin Date	Leave End Date	Check If Applicable
<input type="checkbox"/> Sick Leave With Pay <u>or</u> <input type="checkbox"/> Sick Leave Without Pay			<input type="checkbox"/> Reduced Schedule <input type="checkbox"/> Intermittent Leave
<input type="checkbox"/> Leave With Pay <u>or</u> <input type="checkbox"/> Leave Without Pay			<input type="checkbox"/> Reduced Schedule <input type="checkbox"/> Intermittent Leave
<input type="checkbox"/> Leave With Right To Return To Position <u>or</u> <input type="checkbox"/> Leave Without Right To Return To Position			
Military Leave (attach active duty orders)			
Occupational Injury/ Illness <small>(Pending Risk Management's approval and requires an Employer's Report of Occupationally Injury or Illness)</small>			<input type="checkbox"/> Reduced Schedule <input type="checkbox"/> Intermittent Leave
Other - Explain:			<input type="checkbox"/> Reduced Schedule <input type="checkbox"/> Intermittent Leave
Print & Sign		Date	
Employee ³			
Supervisor/Title			
Appointing Authority or Designee			
Human Resources Officer ⁴			

² At no time will the Employee receive more than 100% of pay from County paid leave, Short Term Disability or any other state leave program.³ If employees is unable to sign , write SNA and indicate date copy sent to employee's mailing address⁴ Required for Leave With/Without Right to Return, Medical Leave of Absence, educational leave**DISTRIBUTION:**

Original-EBSD-Leaves Team (0440)

Leave With Right-EBSD-Leaves Team (0440)

Leave Without Right-EBSD-Leaves Team (0440)

Medical Leave of Absence-EBSD-Leaves Team (0440)

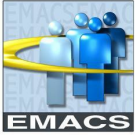
1st Copy - Department

2nd Copy - Supervisor

3rd Copy - Employee

Office Use Only

Payroll Specialist Name		Approved	Approved Pending Cert.	
Mail Code	Reviewed By	Date	Keyed By	Date



Ensure the most current form is submitted. Refer to EMACS Forms/Procedures website.

LEAVE INTEGRATION REQUEST

(STD, SDI and WORKERS' COMPENSATION)

Clear Form Fields

Notice: This form must immediately be submitted for processing based on the distribution choice below.
Integration choice will begin based on the date this form is received.

NO FUTURE OR RETRO PROCESSING WILL BE MADE

Must print in Black or Blue ink ONLY

Employee ID	Rcd No.	Last Name, First Name	Department ID
Type of Request <input type="checkbox"/> New Request <input type="checkbox"/> Revised	Type of Integration <input type="checkbox"/> Full <input type="checkbox"/> No Integration <input type="checkbox"/> Partial Integration - List number of _____ hours per pay period: _____		Department Name
Date of Injury/ Start of Leave	Type of Benefit Payments <input type="checkbox"/> Short Term Disability (STD) <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> State Disability Insurance (SDI)		Union Code

Requested Order of Use

Default Order of Use - Check box if requesting to use leave in the order listed.

Requested Order of Use - Check box if requesting an order other than default, enter the requested order of leave to be used.

Sick Only - Check box if requesting to use sick leave only.

Note: Leaves will be used until exhausted, then the next designated leave will be used. Sick Leave must be used first in accordance with the MOU.

If a box is not checked, the default order will be used

Type of Leave	<input type="checkbox"/> Default Order of Use	<input type="checkbox"/> Requested Order of Use	<input type="checkbox"/> Sick Only
Sick	1	1	1
MOU Mandated Leave	2	2	
Vacation	3		
Holiday	4		
Compensatory Time	5		
Annual	6		
Administrative	7		
Attorney	8		
Other	9		
Medical Emergency Leave (MEL) <small>Must be integrated with STD</small>	Medical Emergency Leave (MEL) donations will be integrated with STD when leave accruals have been exhausted.		

I understand that all leave benefits will be administered in accordance with the MOU and County/Special Districts Policy. I have received a copy of the Leave Integration Guidelines (page 3). I authorize my supervisor, department payroll specialist and/or Central Payroll to code or modify my paid time to be consistent with this Leave Integration Request. I understand that the maximum amount of pay that I am allowed to receive while out on leave and integrating with another benefit (disability or Workers' Compensation payments) shall not exceed 100% of my base salary.

Employee Signature *	Telephone	Date
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*** I have been given authorization and direction on completing this form on behalf of the above employee - REQUIRED if form is completed by someone other than the employee**

* Appointee (Print & Sign)	Telephone	Date
Appointing Authority or Designee (Print & Sign)		Date
Payroll Specialist (Print & Sign)	Telephone	Date

DISTRIBUTION: Original - STD - EBSD - Leaves Team (0440)

- SDI / Workers' Compensation - Central Payroll (0032)

Copy - Department, Supervisor and Employee

Leave Integration Guidelines

Integration of available leave balances with any Short-Term Disability (STD) Benefit Payments, State Disability Insurance (SDI) Benefit Payments, Workers' Compensation Benefit Payments, and/or regular/transitional work hours shall not exceed 100% of your normal base salary. In the event that any combination of these payments exceeds 100% of your normal base salary, the County will recover the overpayment from future pay warrants per MOU guidelines.

Medical Emergency Leave (MEL) will not be considered "eligible leave" for certain purposes such as the accumulation of leave accruals, eligibility for step advancement or retirement credit per the MOU. However, the use of MEL will count towards the minimum requirement for the receipt of Benefit Plan Dollars and/or premium subsidies. If you are using MEL, you must contact your payroll specialist to determine exactly how your benefits and accruals will be affected.

It is your responsibility to provide your supervisor and department payroll specialist any and all information regarding changes in your leave status, copies of all off-work orders and your anticipated return to work date. You should check with your Appointing Authority for specific department policies and procedures.

Each pay period your paid time will be coded with the anticipated number of leave hours required to integrate with your additional benefit payment and any time worked so that you may receive 100% of your normal biweekly base salary or the amount specified according to your election.

Receipt of Benefit Plan Dollars and/or premium subsidies, leave accruals, retirement credit and eligibility for step advancements will be administered in accordance with the appropriate MOU, contract or salary ordinance provisions governing your terms of employment.

The Leave Integration Request will be honored for the current pay period as long as it is submitted in time to meet payroll deadlines.

In addition to this form, it is your responsibility to complete any additional paperwork required for your STD, SDI, MEL and/or Workers' Compensation Benefits. Delay in submitting the required forms may also result in the loss or delay of benefits.

Short-Term Disability payments are taxable income; however, taxes are not automatically withheld. If you wish to have taxes withheld from your disability payments, submit a DE-4S to request state income taxes and a W-4S to request federal income taxes. Mail or fax these forms directly to the County Short-Term Disability provider as listed in the Employee Benefits Guide or per the "STD and FMLA Filing a Request Instructions and Form". You will receive a W-2 at the end of the year from this provider.

PRELIMINARY FMLA DESIGNATION NOTIFICATION

This is to inform you that your extended and/or intermittent leave will be preliminarily designated as FMLA (Family Medical Leave Act) and/or CFRA (California Family Rights Act) Leave in accordance with federal and state laws. These laws are there to protect your job and employer paid benefits while you are out on a qualified leave of absence.

As indicated on this *Leave Request for Extended Sick and Special Leave* form, you are requesting an extended leave for your own serious health condition, the serious health condition of your child, spouse, domestic partner, or parent, for the birth or adoption of a child or to care for a family member with a serious injury or illness who is a member of the Regular Armed Forces, the National Guard or Reserves, and the illness or injury incurred in the line of duty. Leave for any of these reasons qualifies as FMLA and/or CFRA Leave.

A "serious health condition" for a family member requires either:

- ◆ Hospitalization; or
- ◆ Any period of incapacity of more than three calendar days that involves continuing treatment by a health care provider; or
- ◆ Any health condition that if left untreated would result in a period of incapacity of at least three days (including chronic conditions); or
- ◆ For prenatal care
- ◆ Written documentation confirming the covering service member's injury/illness was incurred in the line of duty on active duty and the covered service member is undergoing treatment for such injury or illness by a health care provider.

The definition of a "serious health condition" is the same for an employee with the addition that it must prevent the employee from performing the functions of his/her position.

If the reason for your leave meets the above criteria **and** you meet the eligibility requirements, your leave will be counted as FMLA and/or CFRA. ***This does not impact how or if you are paid during your leave. You are still required to complete the necessary paperwork to receive sick pay and/or disability, if eligible.*** A formal notification will be sent to you indicating the dates covered, what entitlement your leave counts against, your eligibility, and if there is any additional information required.

For more information, please refer to the *FMLA and Pregnancy Supplemental Brochures*. If you have any further questions, call your departmental payroll specialist.

Attachment #9

Timelines - Health
FMLA - 12 weeks max
CFRA - 12 weeks max

Timelines - Pregnancy	
Combined - 28 weeks max	
FMLA - 12 weeks max	
PDL - 16 weeks max	
	CFRA - 12 weeks max



Interoffice Memo

DATE:

PHONE:

FROM: **AUTHOR'S NAME**, Author's Title
Author's Department

TO: **RECIPIENT NAME(S)**, Recipient Title(s)
Recipient Department(s)

NOTE: If verbal counseling regarding attendance concerns did not resolve the issue, this memo may be issued to an employee to further emphasize the importance of attendance and the consequences of continued absenteeism.

SUBJECT: NOTICE OF EXCESSIVE ABSENTEEISM

This memo is to advise you that your excessive leave usage is a significant problem and encourage you to take whatever steps are necessary to improve your attendance. It is important for you to understand that, although we may have approved your absences and regardless of the merits of any situation requiring use of sick leave or other time off for illness, you are expected to report to work regularly.

The attached analysis of your leave usage was done for the period covering [DATE] through [DATE]. According to this analysis, you have been absent from work due to illness/injury, for yourself or others, for approximately [XX] hours. This time excludes use of any protected time (e.g. FMLA, Labor Code 233, Workers' Compensation, etc.) Of additional concern is that your leave usage shows a pattern of [DESCRIBE PATTERN HERE – MONDAYS/FRIDAYS/DAY AFTER HOLIDAY, ETC].

Specifically related to your position, your frequent and unscheduled absences cause your work to be (DISCUSS THE SPECIFIC ISSUES THAT RESULT FROM EMPLOYEES ABSENCES HERE, SUCH AS -routinely re-assigned to another employee, thus increasing the other employee's workload considerably, excessive and/or unplanned absences from work are often the most disruptive to the department and requires additional monitoring...).

If there are other circumstances affecting your attendance which may not have been considered, such as FMLA/CFRA, ADA accommodations, please let me know as soon as possible or contact The Standard at (844) 239-3560.

Your attendance will continue to be monitored. Failure to demonstrate immediate and sustained improvement may result in further corrective action such as: placement on an Absenteeism Corrective Action Plan – Leave Restriction, a below standards rating on your performance evaluation, or disciplinary action. Please let me know if you have questions or concerns about the information contained in this memo.

A copy of this memorandum will be placed in your personnel file.

I have read and received a copy of this memo.

Employee

Date

Attachment: Absenteeism Analysis

cc: Department Contacts (e.g. Mary Doe, Administrative Manager)
Human Resources Business Partner (if appropriate)
Department File (if appropriate)
Official Personnel File (if appropriate)



Interoffice Memo

DATE:

PHONE:

FROM: **AUTHOR'S NAME**, Author's Title
Author's Department

NOTE: This memo places an employee on leave restriction due to excessive and/or patterned absenteeism, excluding protected leave.

TO: **RECIPIENT NAME(S)**, Recipient Title(s)
Recipient Department(s)

SUBJECT	ABSENTEEISM CORRECTIVE ACTION PLAN – LEAVE RESTRICTION
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This memo is to advise you that the department continues to have serious concerns with your excessive absenteeism. The attached analysis of your leave usage was done for the period covering [DATE] through [DATE]. According to this analysis, you have been absent from work due to illness/injury, for yourself or others, for approximately [XX] hours. This time excludes use of any protected time (e.g. FMLA, Labor Code 233, Workers' Compensation, etc.) Of additional concern is that your leave usage shows a pattern of [DESCRIBE PATTERN HERE – MONDAYS/FRIDAYS/DAY AFTER HOLIDAY, ETC].

Due to your failure to demonstrate immediate and sustained improvement, the following conditions are effective immediately:

1. You are expected to follow the procedures as outlined in the [cite appropriate MOU language]. You are required to call in between xxx and xxx and you are required to speak to one of the contacts listed below. You are not permitted to leave a message. This expectation for calling in is for any reason when you will not be available to work at your appointed start time.
2. When calling in to report illness or injury, you are to personally speak to your supervisor _____ at (909) _____. If _____ is not available, you are to call _____ at (909) _____ (Manager). If both _____ and _____ are unavailable you are to contact _____ at (909) _____ (Deputy Director).
3. You will be required to provide medical verification for all absences (other than protected time) due to illness (your own or a family member). For single-day absences, this medical verification must be provided upon your return to work. For absences of more than one day, the medical verification should specify how soon you may be able to return to work and the medical verification must be delivered to me (via fax, mail or in person). Any absences due to illness or injury not supported by a timely medical verification will be considered an unapproved absence without pay. Unapproved absences are considered misconduct and are subject to disciplinary action.
4. Sick leave will only be paid for authorized absences due to illness (as specified by the MOU). No other leave types will be approved for this purpose. If you do not have sufficient paid sick

ABSENTEEISM CORRECTIVE ACTION PLAN – LEAVE RESTRICTION
DATE

leave to cover an approved absence due to illness or injury, the time must be coded as sick leave without pay.

5. All other leave (Vacation, Holiday or Comp-time) will require advance approval from your supervisor. Failure to request and receive advance approval will result in the leave being denied. However, should you have an emergency, please contact me or one of the above mentioned contacts, and your request will be considered. A bona fide emergency is specifically defined as a situation requiring your immediate response to address a set of circumstances. Acceptable evidence of this emergency will be required.

If there are other circumstances affecting your attendance which may not have been considered, such as FMLA/CFRA, ADA accommodations, please let me know as soon as possible or contact The Standard at (844) 239-3560.

Failure to demonstrate immediate and sustained improvement may result in disciplinary action up to and including termination. Please let me know if you have questions or concerns about the information contained in this memo.

A copy of this memorandum will be placed in your personnel file.

I have read and received a copy of this corrective plan.

Employee

Date

cc: Department Contacts (e.g. Mary Doe, Administrative Manager)
Human Resources Business Partner (if appropriate)
Department File (if appropriate)
Official Personnel File (if appropriate)

Ensure the most current form is submitted. Refer to EMACS Forms/Procedures website.

WORK PERFORMANCE EVALUATION (WPE)**Select Appropriate WPE**

Must print in Blue or Black ink

Employee ID	Last Name, First Name		CA Driver's License No.	Auto Insurance <input type="checkbox"/> Yes <input type="checkbox"/> No	Service Hours Select Service Hours	Due Date
Position No.	Job Code	Job Code Title		Department		Department ID

Rating codes: E = Exceeds Job Standards M = Meets Job Standards B = Below Job Standards U = Unsatisfactory

In each box below, describe an important task, duty, and/or job-related problem area. Evaluate job performance on each task, duty or job-related problem area with a rating code and give a justification of rating. You are required to complete this WPE as it *may* impact the employee's step advance.

<input type="checkbox"/>	Customer Service	<input type="checkbox"/>	<input type="checkbox"/>
JUSTIFICATION:		JUSTIFICATION:	JUSTIFICATION:
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
JUSTIFICATION:		JUSTIFICATION:	JUSTIFICATION:
<input type="checkbox"/>		<input type="checkbox"/>	OVERALL EVALUATION
JUSTIFICATION:		JUSTIFICATION:	COMMENTS:

Action**Select Appropriate Action****Note:** If extending probation provide pay period (pp) end date below**(Extension must be in 3 pp increments only)**

Extend Probation to: _____

(pp end date)

I acknowledge receipt of a copy of the Policy Prohibiting Discrimination, Harassment and Retaliation and understand that I must comply with its contents.

Employee Print/Signature: _____ **Employee must sign here to acknowledge receipt of policy** Date: _____**The employee's signature on this evaluation does not necessarily imply agreement. The employee or reviewing official may file additional comments and/or a statement of disagreement that will become part of this evaluation.**Employee Print/Signature: _____ **Employee Refused to Sign – Witness Signature** Date: _____Supervisor Print/Signature: _____ **Supervisor Signature** Date: _____Reviewing Official Print/Signature: _____ **Reviewing Official Signature** Date: _____



Interoffice Memo

DATE:

PHONE:

FROM: **AUTHOR'S NAME**, Author's Title
Author's Department

TO: **RECIPIENT NAME(S)**, Recipient Title(s)
Recipient Department(s)

NOTE: This memo may be used to address deficiencies in work performance standards. This memo may also be used to address deficiencies in conduct standards as appropriate. For addressing deficiencies in conduct standards please consult with your HRBP.

SUBJECT: **WORK PERFORMANCE IMPROVEMENT PLAN**

The purpose of this Work Performance Improvement Plan (WPIP) is intended to identify and correct **[IDENTIFY WHETHER WORK PERFORMANCE AND/OR CONDUCT STANDARD]** deficiencies.

Specifically, this WPIP is being initiated due to your work performance deficiencies in the following areas **[AND IF APPROPRIATE, AN OVERALL EVALUATION OF BELOW JOB STANDARDS ON YOUR WPE DATED ____.]**

This WPIP will give you a thorough understanding of your **[IDENTIFY WHETHER WORK PERFORMANCE AND/OR CONDUCT STANDARD]** deficiencies and the job standards expected of you. Additionally, this WPIP will include your commitment and actions you will take to make the improvements necessary to meet these job standards.

1. **Areas where failed to meet job standards:**

a. *Performance issue #1/CATEGORY*

Standard & expectation

State department standard, your expectation of the employee

Below Standard Conduct

State specific examples of employee's conduct

b. *Performance issue #2/CATEGORY*

Standard & expectation

State department standard, your expectation of the employee

Below Standard Conduct

State specific examples of employee's conduct

WORK PERFORMANCE IMPROVEMENT PLAN
DATE

2. **How to improve your performance:**

[IDENTIFY EMPLOYEE'S PLAN OF ACTION TO IMPROVE WORK PERFORMANCE AND/OR CONDUCT STANDARD]

Summarize expectations and give examples of how employee can improve performance.

3. **Supervisory Assistance and guidelines**

You and I will meet [INSERT HOW OFTEN YOU WILL MEET WITH THE EMPLOYEE. E.G. BI-WEEKLY] to review. Please check with me as frequently as you wish to discuss these items or any matters that need clarification.

After [INSERT WHEN YOU WILL MEET AGAIN WITH THE EMPLOYEE CONSISTENT WITH DEPARTMENT PRACTICE POLICY, E.G. AFTER 30 DAYS], we will meet to review discuss your progress towards meeting your job standards and what is needed for your continued improvement. At this time, I will complete a Performance Progress Report.

At the end of the [INSERT WHEN YOU WILL PREPARE A FOLLOW UP PROGRESS REPORT CONSISTENT WITH DEPARTMENT PRACTICE POLICY, E.G. 60-90 DAYS] period from the start of this WPIP, we will meet to discuss your progress, at which time I will complete a Final Performance Progress report.

4. **Further Action**

I believe you can improve your work to meet or exceed the standards. However, if significant improvement is not made within the next [INSERT DATE CONSISTENT WITH THE ABOVE], further action may be necessary. This could include reprimand, demotion, reduction in step, suspension or dismissal. Let's work together so further action will not be necessary.

A copy of this memorandum will be placed in your personnel file.

I HEREBY ACKNOWLEDGE RECEIPT OF THIS MEMO:

Employee

Date

cc: Department Contacts (e.g. Mary Doe, Administrative Manager)
Human Resources Business Partner (if appropriate)
Department File (if appropriate)
Official Personnel File (if appropriate)



Interoffice Memo

DATE:

PHONE:

FROM: **AUTHOR'S NAME**, Author's Title
Author's Department

NOTE: This memo may be used to document bi-weekly progress meetings during a WPIP which memorializes the employee's improvement or lack of improvement and shall be furnished to the employee after each meeting.

TO: **RECIPIENT NAME(S)**, Recipient Title(s)
Recipient Department(s)

SUBJECT: **WORK PERFORMANCE IMPROVEMENT PLAN BI-WEEKLY PROGRESS REPORT, (START DATE) TO (END DATE)**

On **DATE, EMPLOYEE** received a **XX** day Work Performance Improvement Plan (WPIP) for failing to meet job standards in **CATEGORY** due to **SUMMARY OF ISSUES**. On **DATE**, a bi-weekly progress meeting was held with **EMPLOYEE** to discuss his/her progress during the WPIP.

SUMMARY OF WHAT WAS DISCUSSED AND HOW IT RELATES TO EACH CATEGORY ON WPIP

EMPLOYEE is **BELOW OR MEETING** standards on the Work Performance Improvement Plan during this rating period due to **REASON (REFERENCE BRIEF SUMMARY HERE OF WHY BELOW OR MEETING)**

A copy of this memorandum will be placed in your personnel file.

I HEREBY ACKNOWLEDGE RECEIPT OF THIS MEMO:

Employee

Date

- cc: Department Contacts (e.g. Mary Doe, Administrative Manager)
- Human Resources Business Partner (if appropriate)
- Department File (if appropriate)
- Official Personnel File (if appropriate)



Interoffice Memo

DATE:

PHONE:

FROM: **AUTHOR'S NAME**, Author's Title
Author's Department

TO: **RECIPIENT NAME(S)**, Recipient Title(s)
Recipient Department(s)

NOTE: This memo may be used to document 30-60-90 day progress meetings during a WPIP which memorializes the employee's improvement or lack of improvement and shall be furnished to the employee after each meeting.

SUBJECT: **WORK PERFORMANCE IMPROVEMENT PLAN 30-60-90 DAY PROGRESS REPORT, (START DATE) TO (END DATE)**

On **DATE, EMPLOYEE** received a **XX** day Work Performance Improvement Plan (WPIP) for failing to meet job standards in **CATEGORY** due to **SUMMARY OF ISSUES**. On **DATE**, a **30-60-90 DAY** progress meeting was held with **EMPLOYEE** to discuss his/her progress during the WPIP.

We have held bi-weekly meetings since the initiation of the WPIP. We met on **DATE**, and **DATE**, to discuss your performance in the following areas:

1. **CATEGORY**

Standard and Expectations

State department standard, your expectation of the employee.

Progress: BELOW OR MEETING Standards

State how employee is progressing.

2. **CATEGORY**

Standard and Expectation

State department standard, your expectation of the employee

Progress: BELOW OR MEETING Standards

State how employee is progressing.

I am sure that with continued effort on your part you can achieve the standard of performance we both desire within the 60 day **(or time period)** as mentioned in the Work Performance Improvement Plan memo of **indicate date issued**.

A copy of this memorandum will be placed in your personnel file.

WORK PERFORMANCE IMPROVEMENT PLAN 30-60-90 DAY PROGRESS REPORT
DATE

I HEREBY ACKNOWLEDGE RECEIPT OF THIS MEMO:

Employee

Date

cc: Department Contacts (e.g. Mary Doe, Administrative Manager)
Human Resources Business Partner (if appropriate)
Department File (if appropriate)
Official Personnel File (if appropriate)

Attachment #17

FREQUENTLY ASKED QUESTIONS

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I. ATTENDING TRAINING, SPECIAL ASSIGNMENTS

A. *When is travel time on an overnight trip considered work time that must be compensated?*

When an employee takes an overnight trip, travel time by that employee is considered to be paid work time only if the travel time occurs during the employee's normal work hours unless the employee is *required* to drive an automobile. This is true even if the travel time occurs during the employee's regular hours of work on the employee's day off.

Example: If an employee regularly works Monday through Friday from 8:00 a.m. to 5:00 p.m., the travel time spent by an employee during these hours on Saturday or Sunday is paid work time. However, travel time before 8:00 a.m. and after 5:00 p.m. on any day, including Saturday or Sunday is not counted as hours worked and the employee is not owed compensation for the travel time outside his regular work hours except as provided below.
29 CFR 785.39

Travel time is considered hours worked on an overnight trip, even if the travel time occurs *outside* the employee's regular work hours, if the employee is ***required to drive*** an automobile, train, boat, bus or airplane. An employee is considered to be performing work when "driving." An employee that is not driving (i.e., is a passenger) is not considered to be working. As such, time spent traveling, as a *passenger* in a plane, train, boat, bus or automobile is not paid work time, unless it occurs during the employee's regular work hours.
29 CFR 785.41

Example: An employee drives his personal vehicle to a seminar or training that involves an overnight stay. He is compensated for his travel time. If the employee is a *passenger* in a vehicle or other transportation, he is paid only if the travel time intersects with his normal working hours.

B. *Is travel time to and from a training site, on the same day, which falls outside an employee's normal scheduled hours of work, paid work time?*

Employers are not required to pay an employee for traveling to the place where their principal work activities will be performed. Therefore, travel from the employee's home to their work site and the return trip home on the same day at the conclusion of the day, regardless of distance, is not paid work time. This is ordinary home to work travel to their work site for the day.

29 CFR 785.35

Training

Mandatory off-site training is included in an employee's principal work activity. Travel time to this training will not be paid work time. Mandatory off-site training is any training approved by the department.

Imada v. City of Hercules 138F.3d 1294 (1998)

Example: An employee normally assigned to work in Barstow drives from his home in Barstow to training in San Bernardino for two (2) months. Her travel time will not be compensated.

Temporary Work Assignment

Travel time from home to work is not paid work time when an employee travels to a temporarily assigned work location that is different from his usual work location.

29 CFR 785.34/35

Example: An employee on modified duty who is normally assigned to work in Victorville is assigned to work at ARMC in Colton to accommodate his restrictions. His increased travel time is not paid work time.

C. Is travel time for a “special one day assignment” in another city or jurisdiction paid work time?

Employees who regularly work at a fixed location that are given a “special one day assignment” in another city or jurisdiction (that is far from the employee’s ordinary work site) may be entitled to pay for their travel time that occurs outside their regular work hours. Pay for travel time is appropriate where the special assignment is performed for the employer’s benefit and at the employer’s special request to meet the needs of the particular and unusual assignment. Mandatory training or other assignments that are a normal, contemplated and mandated incident of the employee’s employment are **not** entitled to pay for travel time.

29 CFR 785.37

Example #1:

An employee must fly to Sacramento to attend a meeting. The employee drives to the Ontario airport, takes a flight to Sacramento, attends the meeting, flies back to the Ontario Airport, and then must go to their regular work location before driving home. The travel time from the employee’s home to the airport is not paid time. This is ordinary home to work travel. The employee is paid for his time flying, and for all his time until he leaves the office. He is paid up until the time he starts his commute home. His commute home is also unpaid time.

Example #2:

An employee is a floater, assigned to work at another location one day per week. The employee’s travel time to the other location one day per week is not paid travel time. That time is ordinary home to work travel because the one day assignment to work at a different location is a part of that employee’s regular duty.

D. Can employees use a County vehicle to travel to training classes?

It is at the discretion of the employee’s department. If the department allows this practice, it should not impact the department’s operation. This may be done purely for convenience to the employee, and the employee is not entitled to compensation for the time spent in the vehicle unless the vehicle is required for the training or the employee is required to drive other employees to the training.

II. MATERNITY, BEREAVEMENT, SICK, FMLA/CFRA LEAVE & COMP TIME

A. *Are there provisions for employees to take leave to attend to a sick child or other family members?*

Clerical Employees

Refer to Leave Provision in appropriate MOU

B. *If an employee runs out of sick time, can they utilize vacation time as sick leave?*

General Employees

If an employee has exhausted sick leave, vacation leave may be used upon special request of the employee and with the approval of the appointing authority. If the medical condition falls under FMLA, (personal or family medical leave) utilization of accrued vacation time must be granted.

Consolidated MOU, Leave Provisions, Section 3(a)

Safety Employees

Annual leave is a right, earned as a condition of employment, to a leave of absence with pay for the recreation and well being of the employee. Under unusual circumstances, annual leave may be used for sick leave purposes upon a special request of the employee and with the approval of the appointing authority. If the medical condition falls under FMLA (personal or family medical leave) utilization of accrued vacation time must be granted.

Safety Unit MOU, Leave Provisions, Section 2, Annual Leave (a)

C. *What is FMLA and CFRA? What is Pregnancy Disability Leave? Who is eligible to take off FMLA and/or CFRA leave time?*

General and Safety Employees

The Family Medical Leave Act of 1993 (FMLA) provides job protection to an eligible employee and allows up to 12 weeks (480 hours) of unpaid leave for certain family or medical reasons every 12 months on a rolling calendar basis. A qualified employee is one who has worked at least 12 months and 1250 hours in that time. The California Family Rights Act (CFRA) of 1993 is a state act that provides leave provisions similar to FMLA. Pregnancy Disability Leave (PDL) is a separate act in California and does not run concurrently with CFRA, nor does it require that the employee complete 12 months of service or 1250 hours of service to be covered by PDL. Other than for pregnancy, FMLA and CFRA time run concurrently. To be eligible for FMLA and CFRA the employee must have been employed by the County for at least 12 months and worked a minimum of 1250 hours within the past 12 months. An employee who wishes to take FMLA/CFRA time off must notify their supervisor of the need for leave at least 30 days before the leave begins, if possible. An employee who takes time off for reasons that fall under FMLA/CFRA will be charged for said leave time. Federal and state laws require the County to code FMLA and CFRA leave for all eligible leaves of absence. Per the California Code of Regulations, if an employee requests *medical leave* as defined by CFRA, the employer may require the employee to use sick time. If time off is for *family leave*, the employer may require the employee to use accrued paid time off (Vacation, Comp). A request for absence without pay (AWOP) for family leave may be denied if the employee still has leave balances.

County of San Bernardino, Human Resources

California Code of Regulations 7297.5(b)(2)

D. What process is used when an employee wants to take FMLA/CFRA leave?

General and Safety Employees

Once an employer has been notified that an employee wants to take time off as defined under FMLA/CFRA a determination must be made regarding how the leave time will be charged. Medical Leave: Is for the employees *own* serious health condition or the health condition of the employees spouse, registered domestic partner, child or parent. Family Leave: Is for the birth of a child or the placement of an adoptive or foster child into the home. Leave must be taken within twelve (12) months of the birth or placement of the child. Whether the time off is defined as medical leave or family leave, a Request for Extended Sick and Special Leave (RESSL) document must be completed and signed by the employee as soon as practicable. If the employee does not return the RESSL, it should be submitted without signature to allow Human Resources to preliminarily designate the leave as FMLA/CFRA. When the employee is taking time off for any reason other than their own serious health condition, a *Health Care Provider Certification for Family Leave* form or a *Health Care Provider Certification for Medical Leave* form must be completed by the employee and signed by a health care provider. Again, the RESSL should be submitted in advance of the receipt of the form to allow Human Resources to make a preliminary designation of covered leave.

E. What is the definition of a “serious health condition” as it relates to FMLA/CFRA?

General and Safety Employees

As defined under the Medical Leave Act, a serious health condition is:

1. A physical or mental condition involving either inpatient care in a medical facility or continuing treatment by a health care provider.
2. Any period of incapacity due to pregnancy or for prenatal care.
3. Any period of incapacity due to a chronic serious health condition.
4. Any period of incapacity due to long-term conditions for which treatment may not be effective.
5. Absence for treatment for restorative injury.
6. Absence for treatment to prevent further incapacity.
7. Incapacity for more than three (3) calendar days and subsequent treatment or incapacity, provided that it also involves either:
 - a) two (2) or more treatments by, under the supervision, or on referral by a health care provider; or
 - b) one (1) treatment by a health care provider resulting in a regimen of continuing treatment under the health care provider’s supervision.

In all instances when an employee is taking medical leave as defined by FMLA/CFRA, sick time leave shall be used. The employer can compel use of sick leave. If the employee exhausts sick leave, the use of other accrued leave time shall be granted.

FMLA/CFRA/County Human Resources

F. How is FMLA leave coded on an employee's time sheet?

General Employees

If and when an employee takes leave time as defined in the FMLA they may be required to use their vacation or sick leave balances. An employee may elect to use paid sick leave for a family member's illness according to the sick leave policy. However, the employer cannot require the employee to use sick time to attend to a family member, but can require the use of vacation time for that purpose. The employer can only require the employee to use their sick time for their own personal illness. If an employee takes time off for his or her own serious health condition they may utilize sick time for the duration of the illness or period of absence as defined. If sick time has been exhausted, vacation leave may be used for sick leave purposes. The Department may require the use of vacation and other leave balances for CFRA qualifying leave in place of unpaid leave. The RESSL form should indicate the dates of absence and the number of hours that were utilized during all medical leave. When an employee takes times off to care for a parent, child, spouse, registered domestic partner or the child of a domestic partner they may use a maximum of ½ of their annual accrual of earned sick leave per calendar year. There is no limit to the amount of sick leave a clerical unit employee may use for the care of a family member. Vacation leave may be utilized to accommodate time off for family leave purposes. In every instance where an employee takes leave to provide care for a family member, a signed *Health Care Provider Certification* from must be completed by a recognized health care provider and the original document shall be submitted to Human Resources.

County Human Resources

Consolidated MOU, Leave Provisions, Section 1

Code of Federal Regulations 825.207

California Code of Regulations 7297.5

Safety Employees

When an employee takes leave time as defined in the FMLA they may be required to use their vacation or sick leave balances. An employee may elect to use paid sick leave for a family member's illness according to the sick leave policy. However, the employer cannot require the employee to use sick time to attend to a family member, but can require the use of vacation time for that purpose. The employer can only require the employee to use their sick time for their own personal illness. If an employee takes time off for his or her own serious health condition they may utilize sick time for the duration of the illness or period of absence as defined. If sick time has been exhausted, vacation leave may be used for sick leave. The RESSL form should indicate the dates of absence and the number of hours that were utilized during all medical leave.

Attendance upon an ill member of the employee's immediate family is an authorized absence as defined under sick leave. Attendance upon the parent(s) of an employee may not exceed a total of eighty (80) hours per calendar year. All family leave time taken shall be documented on the RESSL form accordingly. In each instance a *Health Care Provider Certification* form must be submitted with the signature of a health care provider.

County Human Resources

Safety MOU Unit, Leave Provisions, Section 1(a)

Safety Management MOU, Leave Provisions, Section 1(a)

G. If an employee and spouse are both County employees, can they take off the same amount of time under FMLA or CFRA?

General and Safety Employees

A husband and wife are limited to a combined total of 12 weeks of leave if the leave is taken:

- a. for the birth of the employee's child or to care for the child after birth
- b. for placement of a child with the employee for adoption or foster care, or to care for the child after placement.
- c. to care for the employee's parent with a serious health condition.

In cases where the employees have each taken 6 weeks of family leave, they are each still entitled to the remaining 6 weeks for medical leave. If FMLA and/or CFRA are taken for any other qualified reason (for example, for your own serious health condition) each employee is entitled to 12 weeks. Further, the disability period for a mother after giving birth (6-8 weeks) will be considered time used for her own serious health condition and would not be subject to the combined 12 week limit.

**County of San Bernardino, Human Resources
29 Code of Federal Regulations 825.202**

H. If an employee is off work due to an FMLA issue, can this be mentioned in their evaluation?

General and Safety Employees

Time taken off under FMLA and/or CFRA can be mentioned in an employee's annual evaluation as an explanation of hours used. There can be no adverse consequence or adverse comment based upon the amount of time an employee was on FMLA and/or CFRA leave.

San Bernardino County Human Resources

I. How does a supervisor handle notification from an employee that she is pregnant?

General Employees

If a female employee makes verbal notification of her pregnancy, there is nothing that needs to be done. Absent a modified duty order from a physician, an employer SHALL NOT change her work assignment. Federal statutes have determined that an employer CANNOT make an employee disabled – even if work conditions may be hazardous to her health. (Example: Blood Borne Pathogen exposure, criminal or inmate contact) PREGNANCY ALONE IS NOT A DISABILITY! (unless determined to be so by a Health Care Provider). Once an employee brings in a modified duty notice, the employer shall make every effort to accommodate those restrictions listed. Any uniform requirement shall be specifically addressed on a case-by-case basis and according to any department specific policy.

State and Federal Statutes

Consolidated MOU, Leave Provisions, Section 1(a)(1)

Safety Employees

In addition to the guidelines listed above, per the Safety MOU:

“An employee who is medically able to perform the duties of her position but who prefers to be reassigned to available duties that are less strenuous and/or less dangerous, may request a reassignment under the conditions listed. If the appointing authority is unable to find other suitable duties, and the employee prefers a leave of absence to continuing to perform her regular duties, a leave of absence with right to return will be granted. “

Safety MOU Unit, Leave Provisions, Section 6(d)

J. How much time can an employee take off for maternity leave?

General and Safety Employees

A physician’s verification of pregnancy must be submitted to an employee’s supervisor in order for her to qualify for leave pursuant to FMLA and Pregnancy Disability Leave (PDL). PDL only covers the time that the employee is actually disabled as a result of the pregnancy or birth. The pregnant employee is entitled to a total of 28 weeks off. This will include all time taken off before, during and after childbirth. The employee may code their TLR’s as sick (during their period of actual disability), vacation, or absent without pay (AWOP). The FMLA and Pregnancy Disability Leave run concurrently during the first 12 weeks of time off, the PDL allows for an extra 4 weeks off for a total of 16 weeks.

Consecutive to this time, CFRA allows for a maximum 12 weeks off for a total of 28 weeks. The employee is responsible to contact their Payroll Specialist to verify continuing benefits if they opt to take time off without pay. According to the MOU, benefit plans will be continued up to a maximum of 12 weeks if the employee is not showing at least 41 hours of paid leave per pay period. After 12 weeks AWOP, the employee may be required to pay the entire amount of their benefits for them to continue.

EXAMPLE:

If an employee is ordered off work due to pregnancy for four weeks prior to the birth of the child and then is given a continuing disability for the six weeks after the birth of the child, then the employee’s FMLA time has two weeks remaining. Her job must be secure for two more weeks. Assuming that the employee is released from disability six weeks after the birth, the right to PDL ends and the employee is then entitled to the 12 weeks of leave allowed under the CFRA, for a total of 22 weeks. PDL only extends the leave entitlement by the time the employee is declared disabled as a result of the pregnancy and birth.

**County of San Bernardino, Human Resources
Consolidated MOU**

Time Lines – Pregnancy

FMLA

12 Weeks Maximum

PDL

16 Weeks Maximum

CFRA

12 Weeks Maximum

Combined = 28 Weeks Maximum

K. How much time is a new father allowed to take off?

General Employees

A maximum of 40 hours earned sick leave may be used per occurrence for the birth of his child or the arrival of an adoptive child at the employee's home. The FMLA allows up to 12 weeks of leave for the birth, adoption or foster care placement of a child so the remaining 11 weeks will be charged to vacation or holiday leave time, if available. If the employee is medically necessary to care for the infant or spouse, then half of the employee's annual accrual of sick leave may be used. For clerical employees, there is no limit on the use of sick leave to care for sick family members.

Consolidated MOU, Leave Provisions, Section 1(e)(3) FMLA

Safety Employees

An employee is entitled to a total of 12 weeks of leave during any 12 month period for the birth, adoption or foster care placement of a child in accordance with the FMLA. There is no provision in the current MOU that allows a new father to use sick leave during any of these events unless there is a documented medical need for him to care for the newborn child or his spouse/partner. During the dates that the employee is acting as the medical care provider, sick time may be utilized. Absences taken to allow for "bonding" father to child will be charged against annual leave balances. An employee is entitled to a leave of absence, without pay, with right to return to the position, for the purpose of birth or adoption of a child and/or care of a child, spouse or parent as required by the FMLA.

Safety Unit MOU, Leave Provisions, Section 6(c) FMLA

L. Can a supervisor require an employee to accrue comp time in lieu of paid overtime?

General and Safety Employees

No. FLSA regulations and the Safety MOU prohibit the department from requiring an employee to accrue comp time rather than receive overtime pay.

M. What are the guidelines for an employee who wants to use comp time?

General and Safety Employees

The general rule is that any employee who has accrued comp time and requested use of this comp time will be allowed to use the time off within a "reasonable period" after making the request, if such request is not "unduly disruptive" to the department's operations. Mere inconvenience to the department is an insufficient basis to deny a request to use comp time. Likewise, the fact that the granting of a request for use of comp time will result in overtime is an insufficient reason to deny a request. In order to turn down a request for comp time, the Supervisor must, reasonably and in good faith, determine that the request for comp time would impose an unreasonable burden on the department's ability to provide services of acceptable quality and quantity for the public during the time requested without the use of the employee's services. The "reasonable period" during which you must grant the request for comp time will depend on the facts and circumstances in each case considering such things as:

- The normal schedule of work;
- Anticipated workloads based on past experience;
- Emergency requirements for staff and services;
- The availability of qualified substitute staff.

Comp time does not have to be granted for the specific dates requested if the granting of that comp time would unduly disrupt operations.

Example #1:

On June 1st, an employee requests to use comp time on July 11th and 12th. If there is going to be adequate staffing in the department on July 11th and 12th, the request for comp time should be granted. If the employee's use of comp time on those dates would result in staffing levels that are lower than is reasonable and safe for the department, then alternative dates should be proposed to the employee. As long as the comp time can be used within a "reasonable time" from the date of the request, the requirements of the laws are met. Proposing alternative dates in November, for example, would not likely be considered reasonable.

Example #2:

On June 1st, an employee requests to use 2 days of comp time on unspecified dates. The request for use of comp time should be granted. The dates for the employee's leave can be any dates agreed upon by the employee and supervisor, as long as adequate staffing arrangements can be made for those dates

29 CFR 553.25

III. PHYSICAL THERAPY, MODIFIED DUTY PROGRAM

A. Can physical therapy time for an occupational injury be claimed as time worked if physical therapy is on the employee's day off?

Employers must provide for the medical care, but they do not have to pay employees for attending an appointment on a day off or during non-scheduled work hours. If an employee is on modified duty and attends physical therapy during the scheduled workday, the employee must use accrued sick leave.

B. Can an employee with an injury, occupational or not, refuse to participate in the modified duty program?

General and Safety Employees

The modified duty program has proven to be very cost effective in reducing temporary disability payments, medical costs, legal costs, permanent disability awards, and worker's compensation premiums charged to the department. In addition, modified duty positions benefit the employee, as they are therapeutic and can speed the employee's recovery.

Occupational Injury

An employee with an occupational injury, who has a modified duty restriction and meets the criteria of the modified duty program, will be assigned to a modified duty position by the appointing authority or his designee. An employee with an occupational injury does not have the discretion to work in the modified duty program. They may be transferred to other Stations/Divisions if no meaningful work is available or the transfer meets the needs of the employee and department.

Non-Occupational Injury

An employee does have the discretion to participate in the modified duty program if he/she has incurred an injury that is not work related. In this situation, the employee has a work restriction and if a modified duty position has been offered to them by the appointing authority or his designee, the employee can refuse to participate. The employee will then have to utilize their own sick leave balance or other appropriate leave until they are returned to full duty status by their personal physician and the County doctor.

IV. EVALUATIONS, EXTENDING PROBATION, WORK IMPROVEMENT PROGRAM

A. What is the process to extend an employee's probation? Are there time limits?

General Employees

With proper notification, an employee's probationary period may be extended. An appointing authority may extend a probationary period in increments of three (3) pay periods with a maximum extension of fifteen (15) pay periods. It is imperative that the employee is notified PRIOR to the completion of the required number of service hours needed to complete their probationary period. If this is not accomplished, the employee attains regular status. Contact your HRBP for assistance to ensure the process is completed properly.

County Personnel Rules, Rule 7, Appointments, Section 8

B. How do you terminate an employee's probation?

General and Safety Employees

Prior to completion of the probationary period, or extended probationary period, you shall provide the employee with written notification of termination. Even though the employee is considered an "at-will" employee, it is important to have a valid and documented reason for failure of probation. If the employee was promoted and has regular status in a prior position, they shall be returned to their former department and classification or a comparable classification. In either circumstance, the employee does not have a right to review or appeal the action.

C. How do you process an evaluation when the employee is off on long-term leave or disability?

General Employees

If the employee is on an extended paid leave, the evaluation shall be held in abeyance until such time they return from leave. The supervisor must notify their Payroll Specialist.

D. What should you do if an employee is due a merit increase and they are being rated unsatisfactory or below standards on a performance appraisal report?

General Employees

If you are going to rate an employee unsatisfactory or below standards and deny them a merit advance, you must follow one of two procedures:

#1: If the employee is going to be rated below standards or unsatisfactory, you must give the employee written notice of an inadequate work performance at least three (3) pay periods prior to giving them their performance evaluation, which coincides with the step advance eligibility date. If this procedure is followed, the step advance shall be denied. If the employee's step is denied, the employee will be re-evaluated after three (3) pay periods from receiving their below standards or unsatisfactory evaluation. If they receive a meets standards or exceeds, the employee shall be granted the merit advancement effective at the beginning of the pay period in which the meets standards or exceeds standards evaluation was administered.

Consolidated MOU, Merit Advancements

Consolidated MOU, Merit Advancements, Section 4, Denied Steps

#2: If you fail to give the employee notice three (3) pay periods in advance of their unsatisfactory or below standards evaluation, the merit increase shall be held in abeyance. The supervisor then must re-evaluate the employee after three (3) more pay periods from the date of the original evaluation. If the employee is still unsatisfactory or below standards at the second evaluation, the step increase will be denied. If the employee is not re-evaluated after the 4th pay period of the original evaluation, they will be automatically deemed as meeting job standards and be granted their merit advancement retroactive to the original eligibility date. If they are rated within the three (3) pay periods, as meeting job standards or exceeding job standards, the step shall be granted retroactive to the original step advance eligibility date.

Consolidated MOU, Merit Advancements

V. SEPARATION FROM EMPLOYMENT, SEPARATION REPORTS, EMPLOYMENT VERIFICATIONS

A. What documents are necessary when an employee notifies their supervisor that they intend to separate their employment from the County?

General and Safety Employees

When an employee notifies their supervisor of their intent to separate their employment with the County due to retirement or resignation, the supervisor or department representative should ask them for a letter of resignation or Separation Report, although an oral resignation is still considered official notification.

B. When completing the County Separation Report, what rating should you give the employee?

General

The rating should be based on the most recent and timely work performance evaluation and should accurately reflect the employees work performance.

C. When a supervisor receives a telephone call about the performance of a current or ex-employee, what information can be provided?

Supervisors and other employees are only to verify that employee works or did work at the County, the position they held, and date of employment. All other inquires require a signed release form from the employee which should be reviewed by the department's Human Resources Business Partner. Some departments may have a more specific policy that should be adhered to.

VI. MISCELLANEOUS QUESTIONS

A. Does the department have to pay appellants for attendance at Civil Service hearings?

General and Safety Employees

General and Safety employees who are appellants in a Civil Service Commission hearing should receive pay for attendance at hearings that occur during hours that such employees have been scheduled to work. However, employees who are appellants in Civil Service Commission hearings should *not* receive overtime pay for attendance at hearings at times or on days that fall outside these employees' scheduled hours of work.

B. Are employees entitled to pay for time spent on matters where the employee is a party to an action against the County?

General and Safety Employees

General and Safety employees who are plaintiffs in a lawsuit against the County or are parties to any other actions involving personal matters are *not* entitled to receive pay for time spent on court appearances.