

PERSONNEL POLICY NO. 7 - DISCIPLINARY ACTION

7.1 GENERAL PROVISIONS

In order for the Tribe to conduct its business efficiently and to meet its goal of providing a quality work environment, all employees are expected to meet the work guidelines and procedures set forth in these policies and in their job descriptions.

In most cases, if you have a performance problem, your Supervisor will give you a verbal or written counseling warning and an opportunity to improve.

- a. A corrective action may include informal verbal counseling, written counseling, or suspensions; however an employee may also be terminated “at will”, without any advance warning, and without any cause. The type of disciplinary action to be taken will be determined by the specific circumstances of each situation.
- b. An employee involved in any type of disciplinary action shall be notified in writing of any actions pending or taken by Supervisor and/or Director.
- c. All regular full-time or part-time employees who have successfully completed their initial trial period who are subjected to disciplinary action have access to the Employee Grievance Procedures discussed in Policy No. 9 - Grievances and Appeals.
- d. Disciplinary actions will usually originate with an employee's immediate Supervisor. If, however, the immediate Supervisor does not initiate such action, the Department Director or Executive Director may initiate such action. The Department Director or Executive Director may modify disciplinary action as necessary.
- e. Head Start employees cannot be terminated, demoted, suspended without pay or put on extended/disciplinary probation without the approval of the Head Start Policy Council.

7.2 PROGRESSIVE DISCIPLINE

The Tribe favors a progressive discipline to ensure fair and equitable treatment of employees. Discipline may be necessary for various reasons, including, but not limited to, employee misconduct, insubordination or poor job performance.

However, the nature of the offense and the employee's past employment record with the Tribe may affect the severity of the discipline imposed and may warrant skipping one or more of the steps in the process. In other words, circumstances may sometimes warrant immediate termination of employment. It must be kept in mind that employment with the Yurok Tribe is “at-will” and there may be terminated without utilizing disciplinary process of any kind.

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7.3 TYPES OF DISCIPLINE

The following types of disciplinary action may be used to enforce work rules and standards of conduct.

7.3.1 Verbal Counseling

If an employee violates a rule or regulation or for some other reason requires Supervisory attention the first step taken by their Supervisor may be verbal counseling. During the counseling, the Supervisor will give specific suggestions for corrective actions to be taken by the employee.

A written record (utilizing the verbal counseling form) of all verbal counseling will be maintained by the Supervisor in the employee's informal file.

7.3.2 Written Counseling

A written counseling (utilizing the Written Counseling Form) may be issued by an employee's Supervisor if the Supervisor deems such discipline appropriate. The warning will state the reason it is issued, the actions the employee must take, if any, the date of the warning, and must identify the consequences that will occur if the corrections are not made.

A copy of the Written Counseling Form will be given to the employee by the Supervisor and the original copy will be maintained in the employee's personnel file. Documents from the employee's informal file that document or support the reasons for the written warning should also be attached.

7.3.3 Disciplinary Probation

An employee placed on disciplinary probation will be issued a written notice. The written notice shall explain the reasons for the disciplinary probation, identify the duration of the probationary period, set forth an action plan for the employee, a Supervisor's reviewing plan, and outline the standards to be used in judging the employee's improvement.

- a. Disciplinary Probation is a severe warning to the employee that she/he must immediately improve his/her performance or face termination of employment. The notice of Disciplinary Probation will be issued in writing by the immediate Supervisor after being approved by the Executive Director. The Head Start Policy Council must review and approve the decision to place a Head Start employee on disciplinary probation.

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- b. Disciplinary probation may be for a period of up to three months, at which time the Department Director may reinstate the employee to regular status, extend probation, or terminate the employee. Under no circumstances, will an employee be permitted to remain on disciplinary probation for a cumulative total of more than six months.
- c. If the employee does not take the necessary corrective action, continues to violate rules or regulations or displays additional performance deficiencies, while on Disciplinary Probation, the Executive Director may terminate the employee prior to the end of the disciplinary probation period specified in the written notice.
- d. Employees on disciplinary probation do not accrue vacation or sick leave. The time served while on disciplinary probation will not count as time in service for salary increases.
- e. An employee is not permitted to take time off while on disciplinary probation. If permitted to take time off during disciplinary probation, the employee's period of probation will be extended by a period of time equal to that time off specifically approved in advance by the Executive Director.

7.3.4 Suspension without Pay

A Supervisor may recommend to the Executive Director and Head Start Policy Council (when it is a Head Start employee), that an employee be suspended without pay for a specified period of time. An employee suspended without pay will receive written notice of this action, which states the reasons, and duration of the suspension, and the date the employee may return to work. The Supervisor is responsible for providing the employee with written notice and the Human Resource Office with a copy.

7.3.5 Demotion

An employee may be demoted under various circumstances, including, but not limited to, the following:

- a. When, in the opinion of the employee's Supervisor and the Executive Director and Head Start Policy Council (when it is a Head Start employee), the employee is not performing the duties defined in his/her job description in a satisfactory manner;
- b. When the employee voluntarily requests a demotion;
- c. When the employee's position is eliminated.

7.3.6 Termination

If other methods of correction have failed, or if the Executive Director, in his/her sole discretion, deems it warranted an employee may be terminated without any prior notice or corrective action. The Head Start policy Council must review and approve a decision to terminate a Head Start employee.