

## **BROOMFIELD EMPLOYEE RELATIONS PROGRAM**

Employee relations deals with the role of the supervisor and manager in ensuring employees are performing at acceptable levels and are adhering to Broomfield's policies and regulations and any actions that follow due to non-compliance. These policies and regulations are found in the Personnel Merit System at Chapter 2-14 of the Broomfield Municipal Code and the Employee Handbook. (*Soon to come once Chapter 2-14 is updated as part of the Municipal Code on the website – you will be able to click on the topics below for quick access to the Personnel Merit System.*)

- *Appointment of immediate family members of City and County employees and elected officials*
- *Receipt of gifts*
- *Outside employment*
- *Private Gain*
- *Privileged information*
- *Outside Interest*
- *Political activity*
- *Drugs and Alcohol*
- *Causes for Corrective or Disciplinary Action*

Supervisors/ managers must ensure that they have knowledge of additional Broomfield policies/procedures as covered in the Employee Handbook.

### **Supervisor/Manager Responsibilities:**

All supervisors and managers are responsible for:

1. Understanding and enforcing the various rules, regulations and policies as outlined in the Personnel Merit System and the Employee Handbook.
2. Assuring that all employees understand and adhere to the rules, regulations and policies.
3. Taking appropriate action, whether it is verbal counseling, corrective action or recommending disciplinary action, in those cases where employees have violated the rules, regulations or policies.

### **Process:**

When an employee's conduct or performance does not meet expectations, the supervisor/manager must take action to resolve the issue as quickly as possible. There

are no set numbers of steps, and the action taken by the supervisor/manager may depend on the severity of the situation or the actions taken previously.

1. Ask and obtain answers to the following questions:
  - What actually happened?
  - When did it happen?
  - Where did it happen?
  - Who witnessed the event?
    - Interview all witnesses
    - Interview the employee
    - Document, in writing, all statements
  - How did the situation occur?
  - Why did it happen?
  - Who is responsible for the incident?
2. Once the supervisor/manager is satisfied that the employee violated a rule, regulation or policy, or the employee has failed to meet performance expectations, there are more questions which must be answered in order to determine appropriate corrective or disciplinary action:
  - Was the rule, regulation, policy or performance expectation communicated to the employee (or, if not, is the offense so obvious that is it expected the employee would know without being told)?
  - Has the supervisor/manager consistently enforced said rules, regulations, policies and performance expectations?
3. In determining appropriate corrective or disciplinary action, the supervisor/manager applies the concept of **appropriate action** rather than progressive action. The process may vary depending on the circumstances and mitigating factors, if any. The supervisor/manager should consider:
  - The severity of the situation
  - Employee's prior corrective or disciplinary action record
  - Any mitigating factors
4. Options available to the supervisor/manager depending on the nature of the offense:
  - *Verbal counseling*

- The supervisor/manager will meet with the employee as soon as possible and determine the nature of the problem. See number 1 above.
  - State the facts
  - Allow the employee to respond (listen)
- The supervisor/manager will re-set expectations (Be concise).
- The supervisor/manager will follow-up with the employee to ensure compliance. Schedule a meeting to provide feedback to the employee.
- Express confidence in the employee's ability to meet expectations.
- Discuss the availability of the Employee Assistance Program, if appropriate.
- *Corrective Action* through a Letter of Reprimand (May include a Performance Improvement plan).
  - The supervisor/manager will follow the outline above for the verbal counseling and will issue the corrective action following review by Human Resources, City and County Attorney and the Division Head. The Human Resources representative is available to assist the supervisor or manager in writing the Corrective Action.
  - Employees have the right to file a grievance upon receipt of a corrective action – See Personnel Merit System at Chapter 2-14 of the Broomfield Municipal Code.
- *Disciplinary Action* which may include suspension without pay, demotion, reduction in step, or termination. Special rules apply to when and how long an exempt employees can be subject to suspension without pay. Supervisors/managers shall consult with their Human Resources representative in these circumstances.
  - The employee is entitled to a pre-disciplinary administrative hearing before the disciplinary action is finalized. The pre-disciplinary administrative hearing affords the employee the opportunity to tell his/her side of the issue. The employee must have at least three days to prepare his or her response. The Department may, at his or her discretion, revoke the employee's access to Broomfield information technology systems including but not limited to Internet, E-Mail, voice mail, etc. He or she may also revoke the employee's purchasing card and access to any Broomfield facility.

- The Department Head (Appointing Authority) will issue a notice (following review by Human Resources and the City and County Attorney's office) to the employee of a pre-disciplinary administrative hearing. This notice will include information detailing what the employee did and will list the alleged violations. The Human Resources representative is available to assist the Department Head or designee in writing the Notice of Proposed Disciplinary Action.
- The Department Head will preside as the hearing officer at the meeting. A representative from Human Resources must be at the hearing. If the employee brings an attorney, a representative from the City and County Attorney's office must be at the hearing. The purpose of this hearing is to allow the employee the opportunity to tell his or her side of the situation.
- The Department Head will examine the information and will render a decision to affirm, deny or modify the recommendation.
- The Department Head with assistance from Human Resources will prepare the decision letter and it will be signed by the Department Head. The letter must be reviewed by a representative from the City and County Attorney's office prior to the letter's distribution to the employee.
- Employees have the right to file an appeal to the Personnel Merit Commission upon receipt of disciplinary action – See Personnel Merit System at Chapter 2-14 of the Broomfield Municipal Code.

Less severe actions should generally be used in cases of minor violations. The selection of a particular action is within the discretion of the person taking the corrective or disciplinary action but it must be documented within the corrective or disciplinary action letter.

5. The supervisor/manager will continue to monitor performance/conduct to ensure compliance with expectations.
6. Administrative Leave – There may be times when an employee is placed on paid administrative leave. This could include a) the time in which an employee is being investigated for an alleged violation; b) the time between being given notice of the hearing and the hearing date; or c) the time it takes the Appointing Authority to render a decision. Administrative leave can only be granted by the City and County Manager. The department will draft a memorandum requesting administrative leave including the reasons for the request. The memorandum is sent to Human Resources for review. Once the content is approved by Human Resources, the memorandum is signed by the Appointing Authority and the

Director of Human Resources and forwarded to the City and County Manager for approval. The original memorandum is filed with the employee's timesheet.

Please note: if personal issues are contributing to the employee's non-performance or misconduct, the supervisor/manager may advise the employee of the Employee Assistance Program (EAP). Conflict within a work unit or with employees outside the work unit may also be referred to the EAP. A representative from the EAP is available to facilitate any conflicts between employees.

**Points to Remember:**

- Stick to the facts
- Provide timely feedback
- Listen to the employee's side
- Set clear expectations
- Explain consequences of non-compliance
- Be consistent
- Follow-up
- Document behavior or performance