

## DOCUMENTED COUNSELING POLICY

### **Purpose**

The Urbana Free Library's (TUFL's) documented counseling policy and procedures are designed to provide a structured progressive disciplinary action process to improve employee performance or prevent a recurrence of undesirable behavior. It has been designed to be consistent with TUFL's organizational values, human resources best practices, and employment laws.

There are four levels of counseling action: Initial meeting and verbal counseling, written warning and verbal counseling, suspension and final written warning, and recommendation for termination of employment. TUFL reserves the right to modify, combine and skip levels depending on factors such as severity, frequency, degree of deviation from expectations, and length of time involved. The Executive Director should be notified before counseling action with an employee begins.

Civil Service employees are governed by relevant sections of the Civil Service Rules of the City of Urbana.

### **Procedure**

#### Level 1: Initial Meeting and Verbal Counseling

Verbal counseling takes place between the employee and supervisor in situations that are deemed less serious in nature. It represents an opportunity to bring attention to the undesirable behavior, misconduct, or attendance issue. The supervisor should describe the nature of the problem or violation of TUFL policy or procedures and allow the employee a chance to offer his or her perspective or explanation of the conduct. During the meeting, every effort to determine and resolve the cause of the problem should be made. At the conclusion of the counseling session, the employee should have a clear understanding of the actions needed to improve performance and resolve the problem.

Within five business days of the meeting, the supervisor will provide a written summary of the meeting for the employee.

#### Level 2: Written Warning and Verbal Counseling

A written warning and verbal counseling session is used for a more serious offense, repeated offenses, or when response to verbal counseling has not produced the desired results. The Level 2 written warning includes formal documentation of the performance, conduct, or attendance deficiencies; the summary of Level 1 discussion, if applicable; a specific action plan for performance improvement; and a statement of the consequences, including possible termination, for uncorrected behavior.

Prior to the issuance of the Level 2 written warning, the supervisor will conduct a thorough investigation of the specific violations and document the findings. Once the supervisor has gathered the relevant information, the supervisor will meet with the employee, present the findings, and give the employee an opportunity to respond. The supervisor, in conjunction with the Executive Director, will determine whether a Level 2 written warning is to be issued.

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### Level 3: Suspension and Final Written Warning

Suspension, the temporary removal of an employee from the workplace, may be required for severe performance, misconduct, or safety violations. When immediate action is necessary to ensure the safety of the employee or others, the Executive Director may suspend an employee pending the results of an investigation.

Depending on the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state, and local wage-and-hour employment laws. Nonexempt/hourly employees may not substitute or use accrued paid vacation, personal, comp, sick or any other paid leave time in lieu of the unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or gross misconduct issues and such suspension shall follow all applicable State and Federal laws. Pay may be restored to the employee if the Executive Director finds that the employee did not commit the alleged violation.

Whether or not a suspension has been given, a final written warning will be given to an employee who has not successfully maintained sustained corrected action as dictated in a Level 2 written warning. The final written warning will provide the employee a last opportunity to correct his or her behavior before termination.

### Level 4: Recommendation for Termination of Employment

The last and most serious level in the documented counseling process is a recommendation to terminate employment. Generally, TUFL will try to exercise the progressive nature of this policy by first providing warnings, a final written warning or suspension from the workplace before proceeding to a recommendation to terminate employment. However, TUFL reserves the right to combine and skip levels depending on the circumstances of each situation and the nature of the offense. Employees may be terminated without prior notice or disciplinary action. A supervisor's recommendation to terminate employment must be approved by the Executive Director.

### **Performance and Conduct Issues Not Subject to Documented Counseling**

Illegal behavior, theft, substance abuse, intoxication, fighting, and other acts of violence at work are not necessarily subject to documented counseling and may be grounds for immediate termination.

### **Documentation**

Employees will be provided copies of all documents. The employee will be asked to sign copies of the Level 2 and Level 3 documents attesting to his or her receipt and understanding of the corrective action outlined. Copies of the documents will be placed in the employee's official personnel file.

ADOPTED: March 10, 2015