



CITY OF HOUSTON

Administrative Procedure

Subject: **POSITIVE CORRECTIVE ACTION PROGRAM**

A.P. No: 3-7

Effective Date: 60 days after approval

1. AUTHORITY

- 1.1. The Chapter 14 of the Code of Ordinances serves as the governing authority for employee discipline and rights associated with civil service protection.

2. PURPOSE

- 2.1. To establish a uniform Positive Corrective Action Program for City departments to promote a working environment that focuses on mutual respect, employee development, high performance, and recognition of positive performance.

3. OBJECTIVE

- 3.1. The Positive Corrective Action Program, patterned after *Discipline Without Punishment* by Dick Grote, is a performance management program that formally introduces positive reinforcement into the employee relations equation, seeks employee commitment for improved performance, and eliminates punitive discipline options from the discipline/corrective action paradigm. It uses a positive and corrective coaching process to guide employees to personal performance choices.
- 3.2. Positive corrective action also offers tools to communicate needed corrective measures in a personal, respectful, and non-threatening atmosphere to:
 - 3.2.1. Clearly establish, articulate, and guide employees toward improved attendance, behavior, performance, and safety practices through performance improvement discussions and well-defined steps of progression.
 - 3.2.2. Provide appropriate and accurate documentation of positive and negative factors in the employee's personnel records.
 - 3.2.3. Encourage each employee's responsibility and commitment for his or her performance.

4. SCOPE

- 4.1. This policy applies to all civilian civil service protected employees, with the exception of civilian civil service employees of the Houston Police Department. This policy does not apply to civil service protected employees of the Houston Police Department or Houston Fire Department who are classified pursuant to Chapter 143 of the Texas Local Government Code.
- 4.2. Employees classified as probationary, part-time, temporary, contract, and executive level City employees are not included in the positive corrective action program and may have their employment terminated at any time without prior warning if they are unwilling or unable to give satisfactory service or for any violation of policy or procedure. While the use of positive contact and informal corrective actions are encouraged for probationary, part-time, temporary, contract, and executive level City employees, it is not required prior to termination.

Approved:

Handwritten signature of Denise D. Parker in black ink.

Date Approved:
03/11/2015

Page 1 of 13

4.3. Violations of Executive Order 1-12 Controlled Substance & Alcohol Abuse that are not expressly identified in the Minimum Discipline Guidelines shall be governed by this policy.

5. DEFINITIONS

Active Period – Specified time for which a level of the Positive Corrective Action Program will remain active. The active period shall remain in effect even if an employee transfers to another department or changes classification.

Coaching – Informal discussion between a supervisor and an employee that provides positive guidance to the employee.

Commission – Municipal Employees' Civil Service Commission.

Corrective Action – Any action administered to an employee pursuant to this policy to address violations, infractions, acts of misconduct, or performance deficiencies. The action may be formal or informal.

Decision Making Leave (DML) – Third and the most serious level of the formal corrective action process. It is a one-day mandatory leave with pay where the employee is required to use this day of leave to make a decision to correct the violation(s) that resulted in the DML or elect to resign.

Department File – Personnel file maintained by the employee's department.

Director – Head of the department.

Employee – Any civilian civil service protected employee with the exceptions of civilian employees in the Houston Police Department and those employees of the Houston Police Department and Houston Fire Department classified by and governed by the Texas Local Government Code, Chapter 143.

Employee Assistance Program (EAP) – Program for employees and their family members to assist them in managing both work-related and family concerns.

Indefinite Suspension – Removal of a civil service protected employee from employment with the City.

Involuntary Demotion – Involuntary change in the employment status of an employee to a lower classification or pay grade.

Loudermill Meeting – Meeting in which the affected civil service protected employee is informed of the violation(s) alleged and is given an opportunity to respond to the violation(s) before employment action is taken by the director.

Performance Improvement Discussion (PID) – Documented communication between a supervisor and an employee to encourage the employee to improve in any area of attendance, behavior, performance, and/or safety practices.

Permanent File – Official personnel file maintained by the Human Resources Department (HRD) director in the HRD Records Division.

Positive Contact – Communication between a supervisor and an employee for the purpose of acknowledging good performance.

Positive Corrective Action Level I – First level of the formal corrective action process.

Positive Corrective Action Level II – Second level of the formal corrective action process.

Probationary Employee – Employee who has not completed twelve (12) consecutive months of service with the City.

Promotional Probationary Employee – An employee who has completed twelve (12) consecutive months of service with the City, but has not completed the necessary six (6) months in the new classification to which he has been promoted.

Status Change – Documented communication to the employee to officially deactivate a Positive Corrective Action.

Supervisory File – File maintained by the employee’s immediate supervisor.

Termination – Cessation of employment with the City of a probationary or non-civil service protected employee.

6. RESPONSIBILITIES

6.1. The director’s responsibilities include:

6.1.1. Applying this policy consistently to all employees of the department.

6.1.2. Ensuring a fair and consistent administration of all rules and procedures established by this policy.

6.1.3. Ensuring all employees managed in the department are aware of this policy including any changes.

6.1.4. Ensuring managers and supervisors receive training regarding this policy.

6.2. Manager’s/supervisor’s responsibilities include:

6.2.1. Providing employee(s) with access to this policy upon request.

6.2.2. Seeking guidance from their HRD liaison about the administration of this policy.

6.2.3. Timely, fair, firm and consistent administration of rules, policies and procedures.

6.3. Employee’s responsibilities include actively participating in the Positive Corrective Action Program process, as necessary.

7. PROCEDURE

The chart below reflects a positive corrective action summary. A more complete summary of the program’s elements is contained in the Positive Corrective Action Program and Procedure Matrix (Attachment A).

POSITIVE CORRECTIVE ACTION SUMMARY

ACTION	TYPE	FORMAT	ACTIVE PERIOD
Informal	Coaching	Verbal	N/A
	PID	Verbal (documented)	N/A
Formal	Level I	Verbal (documented)	6 months
	Level II	Written	12 months
	DML	Written	18 months

7.1. Investigations/Fact Finding Process

- 7.1.1. When necessary, the department may conduct a fact-finding investigation prior to determining the need for corrective action.
- 7.1.2. Fact-finding investigations shall be conducted with confidentiality to the maximum extent feasible.
- 7.1.3. Any complaints of employee misconduct that may be criminal or administrative or any complaints of discrimination or harassment as described in Executive Order 1-50 Workplace Discrimination and Harassment shall be promptly referred to the Office of the Inspector General (OIG) for review and possible investigation.
- 7.1.4. The director may administer corrective action to an employee prior to the conclusion of an OIG investigation.

7.2. Determining the Appropriate Level of Seriousness

- 7.2.1. The seriousness of the violation and/or history of corrective action shall determine the appropriate action. The Seriousness Level Chart (Attachment B) provides guidelines for appropriate corrective action.
- 7.2.2. If prior to the effective date of this policy, a director believes the guidelines set forth in the Seriousness Level Chart are not consistent with their department's operational needs, the director must submit an alternative to the Seriousness Level Chart in the same format, along with a memo to the Civil Service Commission seeking written approval. Prior to using the alternative Seriousness Level Chart, the department must have written approval from the Civil Service Commission.
- 7.2.3. If after the effective date, the director believes the guidelines set forth in the Seriousness Level Chart or the approved alternative to the Seriousness Level Chart no longer meets the operational needs of the department, the director must submit an alternative or revisions to the approved alternative Seriousness Level Chart in the same format, along with a memo to the Civil Service Commission seeking written approval. Prior to using the alternative or revisions to the Seriousness Level Chart, the department must have written approval from the Civil Service Commission.

7.3. Positive Contacts

- 7.3.1. Positive Contacts: A method to encourage continued good attendance, behavior, performance, and safety practices. Positive contacts take place:
 - 7.3.1.1. When an employee significantly improved his or her performance;
 - 7.3.1.2. When an individual performed in an exceptional way; and/or
 - 7.3.1.3. When an employee maintained an ongoing record of competent, proficient and sustained attendance, behavior, performance, or safety practices over time.
- 7.3.2. Recognition may be expressed informally in a conversation or more formally with a written commendation. The original of any written commendation will be given to the employee. A copy of the written commendation will be retained in the permanent file.
- 7.3.3. Supervisors and managers are encouraged to give employees unlimited positive contacts.

7.4. Informal Corrective Action

- 7.4.1. Informal Discussion: Frequent, open communication between a supervisor and an employee, which is necessary and encouraged. Informal discussions, such as coaching or performance improvement discussions, should take place as soon as an employee has demonstrated the need to improve his or her attendance, behavior, performance, or safety practices.
- 7.4.2. Coaching: Informal discussions between a supervisor and an employee that provide guidance. Coaching contacts do not have to be documented, although the supervisor may want to make a notation in their daily journal or elsewhere.
- 7.4.3. Performance Improvement Discussion (PID): The method used by a supervisor to inform an employee about a need for improvement in the areas of attendance, behavior, performance, or safety practices. A PID is normally conducted with an employee whenever the coaching approach has not been successful in correcting the infraction(s). The objective of the PID is to help the employee identify and recognize the need for corrective action, to develop an effective way to address it, and to avoid further corrective actions pursuant to this policy. The following process should be used when conducting a PID:
 - 7.4.3.1. The Positive Corrective Action Supervisor's Pre-Meeting Worksheet (Attachment C) must be completed by the supervisor prior to the meeting with the employee to discuss the corrective action. This worksheet is for the supervisor's use only.
 - 7.4.3.2. The Performance Improvement Discussion Worksheet (Attachment D) must be completed by the supervisor and the employee during their meeting to develop an effective way to address the infraction(s).
 - 7.4.3.3. A copy of the Performance Improvement Discussion Worksheet, along with any applicable policies violated, must be given to the employee.
 - 7.4.3.4. The Positive Corrective Action Supervisor's Pre-Meeting Worksheet and the Performance Improvement Discussion Worksheet are maintained in the department file.

7.5. Formal Corrective Action

- 7.5.1. When an employee fails to respond to any of the informal corrective alternatives listed above or when a single violation occurs which is serious enough to warrant formal corrective action, the department has three (3) formal options:
 - 7.5.1.1. Positive Corrective Action Level I (Level I)
 - 7.5.1.2. Positive Corrective Action Level II (Level II)
 - 7.5.1.3. Decision Making Leave (DML)
- 7.5.2. Level I: A formal discussion between a supervisor and employee, which is memorialized by the Level I worksheet. During this problem solving discussion, the supervisor concentrates on articulating the issue of concern and gaining the employee's agreement to change his or her attendance, behavior, performance, or safety practices in accordance with the City and/or department standards. The following process should be used when administering a Level I:
 - 7.5.2.1. Approval by a division manager or an employee who is a Pay Grade 29 or higher in the employee's chain of command is required to authorize a Level I, and the employee relations human resources (HR) manager must be consulted.

- 7.5.2.2. The Positive Corrective Action Supervisor's Pre-Meeting Worksheet must be completed by the supervisor prior to the meeting with the employee to discuss the corrective action.
 - 7.5.2.3. A meeting is scheduled to include the supervisor and employee to discuss the infraction(s) and solution(s) to correct the infraction(s).
 - 7.5.2.4. The Positive Corrective Action Level I Worksheet (Attachment E) must be completed by the supervisor, and receipt acknowledged by the employee during their meeting to develop an effective way to address the infraction(s).
 - 7.5.2.5. A copy of the Positive Corrective Action Level I Worksheet, along with any policies violated, must be given to the employee and employee relations HR manager.
 - 7.5.2.6. The Positive Corrective Action Supervisor's Pre-Meeting Worksheet and the Positive Corrective Action Level I Worksheet shall be maintained in the department file. Supervisors are encouraged to retain reference copies in their supervisory file.
 - 7.5.2.7. A Level I is active for a period of six (6) months from the date presented to the employee.
 - 7.5.2.8. If the employee commits an infraction requiring corrective action during the six (6) month active period of the Level I, a PID or another level of formal corrective action shall be considered by the department.
 - 7.5.2.9. Only one (1) Level I shall be issued to an employee within the active period by the department.
- 7.5.3. Level II: A formal discussion between a supervisor and the employee, which is memorialized by the Level II memo. During this problem solving discussion, the supervisor concentrates on articulating the issue of concern and gaining the employee's agreement to change his or her attendance, behavior, performance, or safety practices in accordance with City and/or department standards. The following process is used when conducting a Level II:
- 7.5.3.1. Prior approval by an assistant director or higher in the employee's chain of command is required to authorize a Level II, and the employee relations HR manager must be consulted.
 - 7.5.3.2. The Positive Corrective Action Supervisor's Pre-Meeting Worksheet must be completed by the supervisor prior to the meeting with the employee to discuss the corrective action.
 - 7.5.3.3. A meeting is scheduled to include the employee and the supervisor, with an appropriate member of management serving as a witness to the discussion.
 - 7.5.3.4. The Positive Corrective Action Level II Memo (Attachment F), that identifies the issue(s) of concern and any applicable policies violated, shall be presented to the employee as a follow-up to the meeting and the employee should acknowledge receipt of the memo.
 - 7.5.3.5. A copy of the Positive Corrective Action Level II Memo must be given to the employee and the employee relations HR manager.
 - 7.5.3.6. The Positive Corrective Action Supervisor's Pre-Meeting Worksheet shall be

maintained in the department file and the Positive Corrective Action Level II Memo shall be maintained in the permanent file. Supervisors are encouraged to retain reference copies in their supervisory file.

- 7.5.3.7. The Level II will be active for a period of twelve (12) months from the date presented to the employee.
 - 7.5.3.8. If an employee commits a violation(s) requiring formal corrective action during the twelve (12) month active period of the Level II, the next appropriate corrective action shall be considered by the department.
 - 7.5.3.9. Only one (1) Level II shall be issued to an employee within the active period by the department.
- 7.5.4. Decision Making Leave (DML): A one-day mandatory leave with pay. The employee is required to use this day of paid leave to make the decision to correct the violation(s) that resulted in the DML or elect to resign. It consists of a discussion between the supervisor, an appropriate member of management, and the employee about the violation(s) in accordance with the City and/or department standards. The following process is used when administering a DML:
- 7.5.4.1. Prior approval by the director and consultation with the employee relations HR manager is required to authorize a DML.
 - 7.5.4.2. A meeting is scheduled between the employee, the supervisor, and the appropriate member of management to discuss the violation(s).
 - 7.5.4.3. At the conclusion of the meeting, the employee must receive the DML Memo (Attachment G) that identifies the issue(s) of concern and any applicable policies violated. The employee must be placed on the one-day mandatory leave with pay. The employee relations HR manager must receive a copy of the DML Memo.
 - 7.5.4.4. Prior to beginning work on the day the employee returns from the DML, the employee completes the Return from Decision Making Leave Employee Decision Form (Attachment H) and decides to either agree to make a total commitment to acceptable performance in every area of his or her position or immediately resign from the City. If neither option is chosen, an indefinite suspension shall be recommended.
 - 7.5.4.5. A copy of the Return from Decision Making Leave Employee Decision Form will be provided to the employee and employee relations HR manager regardless of the decision indicated on the Return from Decision Making Leave Employee Decision Form.
 - 7.5.4.6. The DML is active for a period of eighteen (18) months from the date presented to the employee and shall be maintained in the permanent file by submitting the appropriate personnel action to HRD for processing.
 - 7.5.4.7. Employees with an active DML are not eligible for promotional opportunities.
 - 7.5.4.8. If an employee commits any violation requiring formal corrective action during the 18-month active period of the DML, an indefinite suspension shall be recommended.
 - 7.5.4.9. Only one DML shall be issued to an employee within the active period by the department.

7.6. Indefinite Suspension

7.6.1. Indefinite Suspension: An Indefinite Suspension is the removal of a civil service protected employee from employment with the City. This occurs when the employee failed to bring about a substantive change in his or her attendance, behavior, performance, or safety practices despite the use of the positive corrective action process; or when a single offense is so severe that the application of the positive corrective action process is unwarranted or inappropriate. If the employee's commitment resulting from the DML is violated by another violation requiring formal corrective action or the employee fails to resign after refusing to make a total commitment to acceptable performance in every area of his or her position as indicated on the Return from Decision Making Leave Employee Decision Form, the employee shall be recommended for an indefinite suspension.

The process for an indefinite suspension is governed by Article V-a of the City Charter and Chapter 14 of the Code of Ordinances. The following describes the process used when recommending an employee for an indefinite suspension:

- 7.6.1.1. The appropriate member of management in the employee's chain of command forwards a Written Request for Termination/Indefinite Suspension (Attachment I) with all supporting documentation to the employee relations HR manager.
- 7.6.1.2. The employee relations HR manager reviews the request and supporting documentation, seeking the Legal Department's review and assistance as needed.
- 7.6.1.3. If the request is supported and is considered appropriate, the employee relations HR manager will coordinate the preparation of a formal Recommendation for Indefinite Suspension (Attachment J) to the director. The requesting party and any other appropriate member of management in the employee's chain of command shall sign the recommendation and return the original signed recommendation to the employee relations (HR) manager. A copy of the recommendation shall be maintained in the department file.
- 7.6.1.4. Employees recommended for an indefinite suspension may be placed on relief of duty with pay upon approval by the director or designee. A copy of the Relief of Duty Memo will be maintained in the employee's permanent file by submitting the appropriate personnel action to HRD for processing.
- 7.6.1.5. The employee relations (HR) manager shall coordinate the Loudermill meeting to include at least the employee, HR representative, Legal Department representative, and the director or designee of at least assistant director level. The employee may have representation at the meeting. However, the meeting shall not be scheduled or rescheduled based on the unavailability of the employee's representative. Members of the employee's chain of command may attend the meeting as requested by the director or designee. The director or designee has the discretion to limit the number of attendees.
- 7.6.1.6. The employee shall be provided the written Loudermill Meeting Notice (Attachment K) and at the same time shall be provided with a copy of the written Recommendation for Indefinite Suspension. A copy of the Loudermill notice and written recommendation shall be maintained in the department file.
- 7.6.1.7. The Loudermill meeting may be transcribed or digitally recorded at the department's discretion, but no other digital recording devices may be used.
- 7.6.1.8. The director shall make the final decision regarding the recommendation for an

indefinite suspension.

- 7.6.1.9. Upon direction of the director, the Legal Department prepares the Indefinite Suspension Letter including a notice of right to appeal the decision within ten (10) calendar days from the date of receipt of the letter. Legal Department submits the letter to the employee relations (HR) manager to coordinate the director's review, approval, and signature.
- 7.6.1.10. The employee relations (HR) manager will provide to the employee's chain of command the original Indefinite Suspension Letter, signed by the director. The chain of command will be responsible for ensuring the effective date is added and the indefinite suspension is presented to the employee. The effective date is typically the day the letter is presented to the employee. The original Indefinite Suspension Letter should be signed by the employee and a witness. A copy of the Indefinite Suspension Letter is given to the employee. The original signed Indefinite Suspension Letter shall be forwarded to the employee relations HR manager.
- 7.6.1.11. If the Indefinite Suspension Letter cannot be physically served to the employee in person, a copy of the Indefinite Suspension Letter shall be sent to the employee's last known address by certified mail return receipt requested and regular mail, or via courier.
- 7.6.1.12. If the provisions for service outlined above are used, then verification of service must be sent to the employee relations HR manager.
- 7.6.1.13. The employee relations HR manager shall forward the original letter of indefinite suspension to the Commission. A copy of the Indefinite Suspension Letter shall be provided to the Legal Department and maintained in the employee's permanent file by submitting the appropriate personnel action to HRD for processing.
- 7.6.1.14. If the employee does not appeal the indefinite suspension within ten (10) calendar days, the appropriate personnel action shall be submitted to HRD for processing the removal of the employee from City employment.
- 7.6.1.15. If the employee appeals the indefinite suspension, the Commission shall hold a hearing within thirty (30) calendar days from the date of appeal. The Commission will sustain, modify, or reverse the action of the director.
- 7.6.1.16. The appropriate personnel action(s) indicating the Commission's final decision shall be submitted to HRD for processing.

7.7. Change of Formal Corrective Action Status (Status Change)

- 7.7.1. Status Change is another important element of the Positive Corrective Action Program. The purpose of a Status Change is to recognize and encourage sustained acceptable performance by officially deactivating a Positive Corrective Action Level I, Positive Corrective Action Level II, or DML.
- 7.7.2. The immediate supervisor will monitor the employee's attendance, behavior, performance, and safety practices during the active period.
- 7.7.3. If the employee has maintained a satisfactory performance record during the entire active period, the immediate supervisor will meet with the employee once deactivation is appropriate to formally recognize the employee for sustained overall acceptable performance.

- 7.7.4. The immediate supervisor will prepare a Status Change Memo (Attachment L). A copy of the Status Change Memo is given to the employee, the original filed with the original formal corrective action, and a copy provided to the employee relations HR manager.
- 7.7.5. When a Status Change Memo is prepared, the corrective action should not be removed from either a department file or the permanent file.

8. MISCELLANEOUS

8.1. Involuntary Demotion

- 8.1.1. Involuntary Demotion: An involuntary change in the employment status of an employee to a lower classification or pay grade.
- 8.1.2. An Involuntary Demotion shall be approved by the director and occurs without consent of the employee.
- 8.1.3. This action typically occurs after observed and documented behavior, performance, or safety practice deficiencies or the employee's unwillingness or inability to adequately perform the assigned tasks of a job.
- 8.1.4. This action may occur in lieu of an indefinite suspension, if warranted, based on the seriousness of the violation(s), the employment history of the employee, and other mitigating circumstances.
- 8.1.5. The process for administering an involuntary demotion shall be consistent with the process outlined in Section 7.6 Indefinite Suspension.

8.2. Extension of Active Period

- 8.2.1. The active periods described in this policy shall be extended if an employee is absent for more than 14 consecutive calendar days for any reason. The extension will be equal to the number of days absent.
- 8.2.2. The employee shall be given notice of any extension of the active period in memo form (Attachment M).
- 8.2.3. A copy of the Extension of Active Period Memo must be maintained with the original corrective action and a copy must be given to the employee relations HR manager.

8.3. Transferring Employees with Formal Corrective Action History

- 8.3.1. Employees with formal corrective action of either an active Positive Corrective Action Level I or an active Positive Corrective Action Level II may transfer within a department or to another department and are eligible for promotional opportunities. Employees with an active DML may transfer within a department or to another department, but are not eligible for promotional opportunities until the expiration of the active period.
- 8.3.2. When an employee transfers within the department, the receiving supervisor is provided copies of the employee's active formal corrective action history.
- 8.3.3. If an employee transfers to another department, the receiving department may request copies of the employee's formal corrective action history.

8.4. Transitioning

8.4.1. When this Positive Corrective Action Program policy becomes effective, there may be employees at various levels of active progressive and positive discipline. In order to provide a fair starting point in the new Positive Corrective Action Program for all progressive discipline or positive discipline issued before the effective date of the Positive Corrective Action Program, the employees shall be treated as shown below.

8.4.1.1. Suspensions issued before the effective date of this policy pursuant to a progressive discipline program (Mayor's Policy 504.00) shall be served in full.

8.4.1.2. Positive discipline issued before the effective date of this policy will retain the active period associated with the applicable then-current positive discipline policy.

8.4.2. Employees with pending recommended progressive or positive discipline on the effective date of this policy will receive positive corrective action in accordance with this policy.

8.4.3. When determining the next appropriate positive corrective action in light of a prior history of infraction(s) or violation(s), a prior progressive or positive discipline may be considered only for the active period identified below:

PROGRESSIVE DISCIPLINE

Progressive Discipline	Active Period	Corrective Action Equivalent
Verbal counseling or written warning	30 days	Coaching
Written reprimand	6 months	Level I
Temporary suspension up to 15 calendar days	12 months	Level II
Temporary suspension of more than 15 calendar days	18 months	DML

POSITIVE DISCIPLINE

Positive Discipline	Active Period	Corrective Action Equivalent
Coaching	N/A	Coaching
PID	N/A	PID
Reminder I	Active period per department policy	Level I
Reminder II	12 months	Level II
DML	18 months	DML

8.5. Employee's Right to Grieve or Appeal Corrective Action

8.5.1. A civil service protected employee has the right to have a certain corrective action reviewed as provided in the City of Houston Code of Ordinances, including Sections 14-50 through 14-55, 14-182, 14-183 and 14-188 or provided by any valid labor agreement. The review process for each action is as follows, unless a valid labor agreement mandates otherwise:

CIVIL SERVICE PROTECTED EMPLOYEES

Action	Grievance/Appeal
Level I	Not appealable*
Level II	Grievance**
Decision Making Leave	Grievance**
Indefinite Suspension	Appeal to Commission
Involuntary Demotion	Appeal to Commission
* Level I actions may be addressed through the issuing department's employee concerns program. ** In accordance with the City Code of Ordinances, Sections 14-50 through 14-55, a civil service employee has the right to challenge a written reprimand.	

9. ADMINISTRATIVE GUIDELINES

9.1. Exceptions to Progression

- 9.1.1. Under normal circumstances, supervisors and managers are expected to follow the progression of corrective action as outlined above. However, there are circumstances in which the seriousness of the violation justifies the omission of one or more levels within the procedure as outlined in the Seriousness Level Chart or the department's Civil Service Commission approved Seriousness Level Chart.
- 9.1.2. Employees who repeat the same violation after the end of corrective action active period are not exempted from their total commitment towards continued acceptable performance. In such cases, progressing to a more serious level of the program may be warranted.
- 9.1.3. There may be circumstances where an employee's violation is so serious that a recommendation for an indefinite suspension is appropriate even though no formal corrective action has been taken. An employee committing any of the actions listed below, or a similar action, may be indefinitely suspended or terminated without any prior formal corrective action being taken. This listing is not all-inclusive:
- 9.1.3.1. Sexual harassment
 - 9.1.3.2. Workplace violence, including assault/fighting
 - 9.1.3.3. Flagrant insubordination
 - 9.1.3.4. Falsifying City documents
 - 9.1.3.5. Theft of time, money or property
 - 9.1.3.6. Deliberate destruction of city property
 - 9.1.3.7. Violation of City Ordinance, specifically Rule 15 of Division 15 in Chapter 14

10. COMPLIANCE

- 10.1. Supervisors and managers are expected to enforce this policy continuously and consistently with all employees. A supervisor's or manager's failure to do so will be reflected in his or her performance evaluation and may result in corrective action up to and including a recommendation for an indefinite suspension or termination.

10.2. The attachments provided herein are to be used exclusively. No other formal documentation may be used to memorialize positive corrective action occurrences. However, related email communications, personal notes and journal entries are permitted.

11. CONFLICT AND REPEAL

11.1. This administrative procedure supersedes Mayor's Policy No. 504.00 Conduct: Employee Discipline effective February 14, 1985, which shall be of no further force or effect.

11.2. This policy supersedes all other executive orders, administrative procedures, Mayor's policies, or department policies governing progressive discipline or positive corrective discipline of municipal employees, except for those that govern municipal employees of the Houston Police Department or those parts of this policy, if any, that are otherwise superseded by law.

12. ATTACHMENTS

- Attachment A – Positive Corrective Action Program and Procedure Matrix
- Attachment B – Seriousness Level Chart
- Attachment C – Positive Corrective Action Supervisor's Pre-Meeting Worksheet
- Attachment D – Performance Improvement Discussion Worksheet
- Attachment E – Positive Corrective Action Level I Worksheet
- Attachment F – Positive Corrective Action Level II Memo
- Attachment G – Decision Making Leave Memo
- Attachment H – Return from Decision Making Leave Employee Decision Form
- Attachment I – Written Request for Termination/Indefinite Suspension
- Attachment J – Recommendation for Indefinite Suspension
- Attachment K – Loudermill Meeting Notice
- Attachment L – Status Change Memo
- Attachment M – Notice of Extension of Active Period

CITY OF HOUSTON

Positive Corrective Action Program and Procedure Matrix

Action	Initiator	Prior Approval	Location	Management Witness Required	Documentation Required	Employee Signature Required	Documentation Distribution†	Maximum Number Allowed	Length of Time Active	Responsibility for Notification	Appeal Rights	Eligible for Lateral Transfer	Eligible for Promotional Opportunities
POSITIVE ACKNOWLEDGEMENTS													
Positive Contacts	Immediate Supervisor and Above	None	Anywhere	No	Optional	No	Permanent File	Unlimited	N/A	N/A	N/A	Yes	Yes
INFORMAL DISCUSSIONS													
Coaching	Immediate Supervisor	None	Private Location	No	Optional	No	Supervisory File	As Needed	N/A	N/A	No	Yes	Yes
Performance Improvement Discussion	Immediate Supervisor	None	Private Location	No	Yes* (C,D)	Yes	Dept. File Employee	As Needed	N/A	N/A	No	Yes	Yes
FORMAL CORRECTIVE ACTION LEVELS													
Positive Corrective Action Level I	Immediate Supervisor	Div. Mgr. Equivalent or Higher	Private Location	No	Yes* (C,E,L,M)	Yes	Dept. File Employee ER HR Mgr.	1	6 Months	Immediate Supervisor	ECRP**	Yes	Yes
Positive Corrective Action Level II	Immediate Supervisor	Assistant Director or Higher	Private location	Yes	Yes* (C,F,L,M)	Yes	Permanent File Employee ER HR Mgr.	1	12 Months	Immediate Supervisor	Grievance***	Yes	Yes
Decision Making Leave	Immediate Supervisor	Director	Private Location	Yes	Yes* (G,H,L,M)	Yes	Permanent File Employee ER HR Mgr.	1	18 Months	Immediate Supervisor	Grievance***	Yes	No
INDEFINITE SUSPENSION													
Indefinite Suspension	Immediate Supervisor	Director	Private Location	Yes	Yes* (I,J,K)	Yes	Permanent File Employee ER HR Mgr.	N/A	N/A	N/A	Civil Service Commission	N/A	N/A

* References the attachments from AP 3-7 Positive Corrective Action Program

** A civil service protected employee may have the right to have a Level I reviewed via the issuing department's employee concerns program.

*** In accordance with Code of Ordinances, Sections 14-50 through 14-55, a civil service protected employee has the right to challenge a written reprimand.

† Any time a document is sent to the permanent file, it is recommended a copy is kept in the department file.

Seriousness Level Chart

These guidelines are not intended to be all-inclusive or comprehensive. The examples presented convey the concept of corrective action based on the severity of any given infraction/violation and should be used as a guideline.

Departments are expected to exercise good judgment in ensuring corrective action is taken fairly and consistently.

Category	Level I	Level II	DML/Indefinite Suspension (IS)
	<p>For incidents which:</p> <ul style="list-style-type: none"> • Pose a low risk to safety, health, environment, security or well-being of employee or others • Pose minimal threat to the operation of business • Pose no issue of honesty or trust <p>In most cases, the appropriate corrective action for an employee with no prior corrective action, described in this section, could be an informal discussion, performance improvement discussion, or a Positive Corrective Action Level I, depending on the specific circumstances.</p>	<p>For incidents which:</p> <ul style="list-style-type: none"> • Pose a moderate risk to safety, health, environment, security or well-being of employee or others • Involves risks to the ongoing operation of the business • May pose issues of honesty or trust <p>In most cases, the appropriate corrective action for an employee with no prior corrective action, described in this section, could be a Positive Corrective Action Level II, depending on the specific circumstances.</p>	<p>For incidents which:</p> <ul style="list-style-type: none"> • Pose a high risk to safety, health, environment, security or well-being of employee or others • Seriously threatens the ability of the organization to fulfill its mission • Involves an issue of honesty or trust <p>Regardless of an employee's prior corrective action, the incidents in this section would typically be handled with a DML or recommendation for an indefinite suspension.</p>
Attendance	<ul style="list-style-type: none"> • Excessive tardiness/absenteeism • Failure to timely provide healthcare statement following 64 hours of sick leave usage in a benefit year • Failure to notify supervisor of tardiness or absence in accordance with department guidelines 		

Seriousness Level Chart

Category	Level I	Level II	DML/Indefinite Suspension (IS)
Behavior	<ul style="list-style-type: none"> • Discourteous language or profanity • Minor horseplay not resulting in injury • Misuse of City property • Unauthorized overtime or compensatory time • Absence from assigned work location • Unauthorized rescheduling of work hours • Unauthorized absence from work 	<ul style="list-style-type: none"> • Abusive language, profanity or offensive gestures • Failure to comply with or follow established policies/procedures • Disrespect or threats towards fellow employees or citizens • Unauthorized use or removal of city property or equipment • Tampering with government documents • Insubordination (non-flagrant) • "Riding" the clock • Negligent handling of confidential information • Scuffling, shoving or pushing • Sleeping on the job 	<ul style="list-style-type: none"> • Altering, falsifying or destroying government documents (IS) • Assault/fighting (IS) • Creating a hostile working environment • Use of racial, ethnic, gender or sexual slurs, jokes or epithets • Unauthorized release or use of confidential information • Discrimination/harassment based on a protected characteristic • Flagrant Insubordination (IS) • Immoral or indecent conduct on duty or on City premises • Possession of weapons, ammunition, explosives, drugs, or alcohol on City premises (IS) • Retaliation for reporting a violation of law or discrimination • Sexual harassment • Theft or destruction of City or employee property • Altering, concealing or falsifying vehicle markings or identification badges • Workplace violence • Obtaining employee compensation or benefits under false pretense/documentation

Seriousness Level Chart

Category	Level I	Level II	DML/Indefinite Suspension (IS)
Performance	<ul style="list-style-type: none"> • Failure to cooperate or follow directives • Unsatisfactory work performance • Failure to attend required or mandatory training • Failure to adhere to the City's employee performance evaluation policy 	<ul style="list-style-type: none"> • Continued sub-standard work performance • Carelessness resulting in financial loss to the City • Dereliction of duty that does not endanger public health and/or safety 	<ul style="list-style-type: none"> • Two consecutive employee performance evaluations with an overall rating of 2.99 or below • Dereliction of duty that does endanger public health and/or safety (IS)
Safety Practices	<ul style="list-style-type: none"> • Failure to complete an accident report or report a safety incident or "near miss" • Minor safety violation(s) with no injuries such as failure to: <ul style="list-style-type: none"> * Wear personal protective equipment * Perform daily operator checks * Report on-the-job injury 	<ul style="list-style-type: none"> • Failure to properly use restraints for driver, passenger, load or cargo • Moving violation(s) or negligence resulting in property damage or injury 	<ul style="list-style-type: none"> • Driving on city business while disqualified from driving • Use of city equipment or vehicle for personal gain (IS) • Carelessness resulting in major injury or damage to city or employee property • Violation of Code of Ordinances, specifically Rule 15 of Division 15 in Chapter 14*

*Local, state, or federal law may supersede the Code of Ordinances

City of Houston

Positive Corrective Action Supervisor's Pre-Meeting Worksheet

Name: _____ Employee No. _____ Date: _____

Classification: _____ Department: _____ Division: _____

ISSUE: _____ ATTENDANCE _____ BEHAVIOR _____ PERFORMANCE _____ SAFETY

POSITIVE CORRECTIVE DISCUSSION QUESTIONS

- | | |
|---|------------------|
| 1. Is corrective action necessary? | ____ Yes ____ No |
| 2. Did the employee know in advance that such conduct would be subject to corrective action? | ____ Yes ____ No |
| 3. Is there substantial evidence to support the corrective action being recommended? | ____ Yes ____ No |
| 4. Is the action planned reasonable in light of the seriousness of the offense, the employee's record with the City of Houston and to the action taken with other employees who have committed a similar offense within the department? | ____ Yes ____ No |

DATES OF ISSUE/CONCERN: _____

DATES OF PREVIOUS DISCUSSIONS ABOUT THE ISSUE/CONCERN _____

ISSUE/CONCERN (use additional sheets if necessary): _____

IMPACT (Why the infraction must be resolved [use additional sheets if necessary]): _____

PROPOSED ACTION PLAN (use additional sheets if necessary): _____

CONSEQUENCES (use additional sheets if necessary): _____

THIS POSITIVE CORRECTIVE ACTION IS INTENDED TO BE:

Performance Improvement Discussion (PID)
 Positive Corrective Action Level I (Level I)
 Positive Corrective Action Level II (Level II)

Supervisor's Signature Employee No.

Division Manager Equivalent or Higher Employee No.
(Only for Positive Corrective Action Level I)

cc: Department File

*THIS FORM IS FOR
THE SUPERVISOR'S
USE ONLY*

City of Houston
PERFORMANCE IMPROVEMENT DISCUSSION
Worksheet

Name: _____ Employee No. _____ Date: _____

Classification: _____ Department: _____ Division: _____

ISSUE: _____ **ATTENDANCE** _____ **BEHAVIOR** _____ **PERFORMANCE** _____ **SAFETY**

SUMMARY OF DISCUSSION (use additional sheets if necessary): _____

EMPLOYEE'S SOLUTION (use additional sheets if necessary): _____

ACTION TO BE TAKEN BY MANAGEMENT (use additional sheets if necessary): _____

EMPLOYEE'S COMMENTS (use additional sheets if necessary): _____

SUPERVISOR'S COMMENTS (use additional sheets if necessary): _____

The City of Houston provides a service to its employees called the Employee Assistance Program (EAP). This program enables employees to identify problems that are interfering with their job performance and directs them to sources of help. We strongly recommend that you contact them at (832) 393-6510 for an appointment. Your first visit to their office may be scheduled during your regular working business hours. All information that you provide to them is kept strictly confidential.

Supervisor's Signature Employee No.

Employee Signature/Acknowledgement Employee No.

Original: Department File

cc: Employee

City of Houston
POSITIVE CORRECTIVE ACTION LEVEL I
Worksheet

Name: _____ Employee No. _____ Date: _____

Classification: _____ Department: _____ Division: _____

ISSUE: _____ **ATTENDANCE** _____ **BEHAVIOR** _____ **PERFORMANCE** _____ **SAFETY**

SUMMARY OF DISCUSSION (use additional sheets if necessary): _____

EMPLOYEE'S SOLUTION (use additional sheets if necessary): _____

ACTION TO BE TAKEN BY MANAGEMENT (use additional sheets if necessary): _____

EMPLOYEE'S COMMENTS (use additional sheets if necessary): _____

SUPERVISOR'S COMMENTS (use additional sheets if necessary): _____

A Positive Corrective Action Level I is active for a period of six (6) months. During this six (6) month period, I will monitor all aspects of your attendance, behavior, performance, and safety practices. Any further violations will result in the recommendation for further corrective action up to and including an indefinite suspension.

The City of Houston provides a service to its employees called the Employee Assistance Program (EAP). This program enables employees to identify problems that are interfering with their job performance and directs them to sources of help. We strongly recommend that you contact them at (832) 393-6510 for an appointment. Your first visit to their office may be scheduled during your regular working business hours. All information that you provide to them is kept strictly confidential.

In accordance with established procedures, a civil service protected employee has the right to have formal corrective action reviewed as stipulated in any recognized labor union agreement or in the City of Houston Code of Ordinances, Sections 14-50 through 14-55. For more information, please contact your human resources liaison _____.

Supervisor's Signature Employee No.

Employee Signature/Acknowledgement Employee No.

Original: Department File

cc: Employee
Employee Relations Human Resources Manager



CITY OF HOUSTON

[Insert Department Name]
Department

Interoffice

Correspondence

To: Employee Name
Employee #

From: Immediate Supervisor

Date:

Subject: Positive Corrective Action Level II

This memo is to confirm our discussion on **[date of formal discussion with employee]** concerning your **[attendance, behavior, performance, or safety practices described in detail, including any/all policies violated]**.

We previously discussed this situation **[state dates]** and/or through a Positive Corrective Action Level I presented on **[insert date]**. Each time, we discussed what was expected of you, and you agreed to correct the situation. Since then, **[state situation]** has continued to be unacceptable.

[Describe violations(s) in detail citing written policies where applicable].

Because this **[continued poor performance or issue/violation]** has a major effect on **[safety or our business or your fellow workers]**, you must correct the situation immediately. I expect you to make the following changes in your **[state situation]** without delay: **[describe desired performance]**. In addition, I expect you to follow all of our rules and procedures and perform every aspect of your job in a fully acceptable manner.

[Due to the seriousness of the violation(s) listed above and/or your history of corrective action, it has been determined the appropriate level of corrective action for the violation(s) listed above is a Positive Corrective Action Level II.]

A Positive Corrective Action Level II has an active period of twelve (12) months. I will monitor all aspects of your attendance, behavior, performance, and safety practices, but I am counting on you to immediately correct **[state situation]**. Any further violation(s) requiring formal corrective action during the twelve (12) month active period of the Level II shall result in the next appropriate corrective action to be considered by the department.

The City of Houston provides a service to its employees called the Employee Assistance Program (EAP). This program enables employees to identify problems that are interfering with their job performance and directs them to sources of help. We strongly recommend that you contact them at (832) 393-6510 for an appointment. Your first visit to their office may be scheduled during your regular working business hours. All information that you provide to them is kept strictly confidential.

You have fifteen (15) calendar days from receipt of this letter to file a grievance should you choose to do so. You may contact **[grievance coordinator name]** at **[grievance coordinator phone number]** to obtain the appropriate forms, procedures and timelines.

Supervisor's Signature

Recommended Approval:

Concur:

Division Manager Date

Assistant Director Date

Read and receipt acknowledged:

Employee's Signature

Date

Original: Permanent File

cc: Employee
Employee Relations Human Resources Manager



CITY OF HOUSTON

[Insert Department Name]
Department

Interoffice

Correspondence

To: Employee Name
Employee #

From: Immediate Supervisor

Date:

Subject: Decision Making Leave

This memo is to confirm our discussion on **[date of formal discussion with employee]** concerning your **[attendance, behavior, performance, or safety practices described in detail, including any/all policies violated]**.

[This issue or your overall performance] was previously discussed with you on **[dates of previous informal discussions and/or Positive Corrective Action Level I or Positive Corrective Action Level II]**. You received a Positive Corrective Action Level II on **[date]**. **[At that time or each time]** we discussed what was expected of you and you agreed to correct the issue. Since then, **[describe issue(s) citing applicable written policies]**.

Because this **[issue or violation]** has a major effect on **[safety or our business or your fellow workers]**, you will be placed on Decision Making Leave on **[date]**.

[Due to the seriousness of the violation(s) listed above and/or your history of corrective action, it has been determined the appropriate level of corrective action for the violation(s) listed above is a Decision Making Leave, in accordance with Administrative Procedure 3-7 Positive Corrective Action Program and the department's approved Seriousness Level Chart.]

This Decision Making Leave is a one day mandatory leave with pay to allow you the opportunity to make a decision to correct the violation(s) as outlined in this memo. This is the most serious action of our formal corrective action process. Since you will be paid for this day, you are required to use this day to make a final decision to address the immediate situation and commit to maintaining fully acceptable performance in every area of your job or to immediately resign.

When you return to work at your next regularly scheduled shift following this Decision Making Leave, and if you have decided not to resign, you will agree to maintain your employment here with the City of Houston at a fully acceptable performance level in every area of your job whether related to this issue or not. Any further violations requiring formal corrective action shall result in a recommendation for indefinite suspension.

This Decision Making Leave will remain active for a period of eighteen (18) months.

The City of Houston provides a service to its employees called the Employee Assistance Program (EAP). This program enables employees to identify problems that are interfering with their job performance and directs them to sources of help. We strongly recommend that you contact them at (832) 393-6510 for an appointment.

Your first visit to their office may be scheduled during your regular working business hours. All information that you provide them is kept strictly confidential.

You have fifteen (15) calendar days from receipt of this letter to file a grievance should you choose to do so. You may contact **[grievance coordinator name]** at **[grievance coordinator phone number]** to obtain the appropriate forms, procedures and timelines.

Supervisor/Manager Signature

Recommended Approval:

Concur:

Division Manager

Assistant Director

Concur:

Deputy Director

Approved:

Director

Read & Receipt Acknowledged:

Employee Signature

Date

Original: Permanent File

cc: Employee
Employee Relations Human Resources Manager



CITY OF HOUSTON

[Insert Department Name]
Department

Interoffice

Correspondence

To: **[Insert Department Director's Name]** From: Employee Name
Director Employee #

Date:

Subject: **RETURN FROM
DECISION MAKING LEAVE
EMPLOYEE DECISION**

A. I have decided to remain in my employment with the **[insert department]** Department. In doing so, I commit to correct the violation(s) or issue(s) and make a total commitment to fully acceptable performance in every area of my job. I understand that any further violation(s) requiring formal corrective action shall result in a recommendation for indefinite suspension regardless of whether or not the violation(s) is/are the same or similar to the violation(s) for which I am receiving this Decision Making Leave. I also understand the Decision Making Leave has an active period of eighteen (18) months.

Employee Signature: _____

Date: _____

Supervisor's Signature: _____

Date: _____

B. I have decided not to remain in my employment and hereby resign my position with the **[insert department]** Department.

Employee Signature: _____

Date: _____

I understand and acknowledge that these are the only two options I have at this time. If I elect to do nothing and choose neither option, a recommendation will be made to indefinitely suspend my employment with the City.

Employee Signature: _____

Date: _____

Original: Permanent File

cc: Employee
Employee Relations Human Resources Manager



CITY OF HOUSTON

[Insert Department Name]
Department

Interoffice

Correspondence

To: **[Insert Name]**
Employee Relations HR Manager

From: Immediate Supervisor

Date:

Subject: **Written Request for
Termination/Indefinite Suspension**

I am hereby requesting that:

Employee Name: _____

Employee Number: _____

Job Classification: _____

- Be given a:
- termination (probationary, part-time, temporary, contract, or executive level)
 - indefinite suspension (civil service)

Reason(s): _____

The following documents are attached:

- Documentation of previous informal discussions or coachings
- Documentation of previous PID(s)
- Documentation of previous formal corrective action
- Performance evaluations noting relevant performance deficiencies
- Work progress meeting reports noting relevant performance deficiencies
- Attendance records
- All relevant written responses, notes, emails, statements of witnesses, etc.
- All other relevant documentation

Approved:

Supervisor/Manager Employee No. Date

Assistant Director Employee No. Date

Deputy Director Employee No. Date

Original: Department File



CITY OF HOUSTON

[Insert Department Name]
Department

Interoffice

Correspondence

To: Department Director

From: Assistant/Deputy Director

Date:

Subject: Recommendation for
Indefinite Suspension
Employee Name
Employee No
Classification
C.D. Date

[Describe the violation(s) in detail]

These actions are in violation of the following policies:

- [list policies violated, including specific sections]

[This or these] violation(s) were previously discussed with the employee on [list dates of informal discussions or formal corrective action date].

The employee attended training programs relevant to these violations on [list training classes (dates training attended)]. These classes familiarized the employee with City of Houston and [insert department name] standards, expectations and consequences for failure to adhere to policies and procedures.

The investigation has concluded the employee [summarize investigation conclusion]. Therefore, in accordance with Administrative Procedure 3-7 Positive Corrective Action Program and the Department's approved Seriousness Level Chart, we are recommending (employee name) be indefinitely suspended from the City of Houston.

Page 2
Recommendation for Indefinite Suspension
[Employee Name]

Supervisor/Manager Signature

Concur:

Concur:

Division Manager

Assistant Director

Concur:

Deputy Director

Original: Department File

cc: Employee



CITY OF HOUSTON

[Insert Department Name]
Department

Interoffice

Correspondence

To: Employee Name
Employee #
Classification:
C.D. Date:

From: Assistant/Deputy Director

Date:

Subject: Loudermill Meeting Notice

You have been recommended for indefinite suspension from your employment with the City of Houston (see attached recommendation for indefinite suspension).

You have been scheduled to meet with the Director or designee of the **[insert department name]** to discuss this recommended action on _____ at _____ am/pm at **(insert address and room location)**. Should you desire, you may have representation at this meeting. The meeting will not be rescheduled due to the unavailability of your representative. The Director or designee has the discretion to limit the number of attendees at this meeting. It is your responsibility to notify your representative of this meeting.

Assistant/Deputy Director's signature

READ AND ACKNOWLEDGED:

(insert Employee Name)

Date

Original:
Department File

cc: Employee
Employee Relations Human Resources Manager



CITY OF HOUSTON

[Insert Department Name]
Department

Interoffice

Correspondence

To: Employee Name
Employee #

From: Immediate Supervisor

Date:

Subject: **Status Change**

This is to advise that the (Positive Corrective Action Level I, Positive Corrective Action Level II or Decision Making Leave) status for you has been deactivated effective [**date**].

You maintained acceptable work performance in all areas of your job including attendance, behavior, performance, and safety practices during the active period.

[Explain any exceptional improvements or special performances if applicable].

This Status Change memo to the [**Positive Corrective Action Level I, Positive Corrective Action Level II or Decision Making Leave**] memo will be maintained with the original formal corrective action.

Supervisor's Signature

Original: Filed with original formal corrective action

cc: Employee
Employee Relations Human Resources Manager



CITY OF HOUSTON

[Insert Department Name]
Department

Interoffice

Correspondence

To: Employee Name
Employee #

From: Immediate Supervisor

Date:

Subject: **Extension of Active Period**

This is to advise that your recent absence of more than fourteen (14) consecutive calendar days from **[start date]** to **[end date]** requires the Department to extend the active period of your **[insert formal corrective action]** received by you on **[insert date received]**. The active period will be extended by the number of days equal to the number of days absent (see Administrative Procedure 3-7 Positive Corrective Action Program, Section 8.2).

Therefore, your active period will be extended until **[insert new deactivation date]**.

Supervisor's Signature

Original: Filed with original formal corrective action

cc: Employee
Employee Relations Human Resources Manager