

Rule # 3-60

Corrective Action

§§:

[§ 3-60-010 Purpose](#)

[§ 3-60-020 Policy](#)

[§ 3-60-030 Authority for Corrective Action](#)

[§ 3-60-040 Causes for Corrective Action](#)

[§ 3-60-050 Forms of Corrective Action](#)

[§ 3-60-060 Notification Procedures](#)

[§ 3-60-070 Format and Procedures for Corrective Action](#)

[§ 3-60-080 Volunteers and Interns \(Paid and Unpaid\)](#)

[§ 3-60-090 Executive Employees](#)

[§ 3-60-100 Management Employees](#)

[§ 3-60-110 Management Employee Corrective Action Notice](#)

§ 3-60-010 Purpose

This rule provides managers with an orderly administrative procedure for imposing corrective action that incorporates the requirements of collective bargaining agreements, [MCC Chapter 9](#) and other applicable law. This rule does not amend or supersede the corrective action or grievance procedures set out in [MCC Chapter 9](#) or collective bargaining agreements. This rule applies only to classified employees except as otherwise specified. See § 3-60-080 for volunteers and interns (paid and unpaid).

§ 3-60-020 Policy

Directors and managers must fairly administer provisions governing corrective action for violations of work and conduct rules. They are also responsible for dismissing employees who do not maintain acceptable standards of performance or conduct. Corrective action must recognize the dignity of employees and is intended to encourage and correct behaviors, rather than demean or embarrass employees.

§ 3-60-030 Authority for Corrective Action

Managers are authorized to impose corrective action, as listed below, unless a Director has specifically removed that authority in writing. Delegation of authority for corrective actions is as follows:

- A. Oral and Written Reprimands: Immediate manager
- B. Demotions, Suspensions, and Reductions in Pay: Reviewing manager

C. Dismissals: Manager who is an Executive employee.

This authority may be delegated in writing. Copies of delegations must be distributed to executive employees, and Multnomah County's Chief Human Resources Officer (CHRO). This authority may be amended in writing at any time.

§ 3-60-040 Causes for Corrective Action

County employees are subject to corrective action for cause and any violation of County rules.

§ 3-60-050 Forms of Corrective Action

Unless prohibited by a collective bargaining agreement, any of the following corrective actions may be imposed. Other forms of corrective action may be imposed subject to the approval of Central Human Resources. No FLSA exempt employee may be subject to a reduction in pay, nor to suspension without pay for increments of less than a full workweek, unless the corrective action is the result of a major safety violation which may be for less than a full workweek.

- A. Oral Reprimand
- B. Written Reprimand
- C. Suspension Without Pay
- D. Demotion
- E. Reduction in Pay
- F. Dismissal
- G. Any combination of the above

§ 3-60-060 Notification Procedures

A. Notice of Proposed Corrective Action

Except in the instance of oral or written reprimands, employees must be notified of specific charges, the key elements of the evidence that support such charges, and the specific corrective action proposed before such action may be imposed by the manager. The notice of proposed corrective action must also include the employee's right to respond to the charges orally and in writing, and must provide the date, time and place for the oral response. This notification will be given in writing, except that employees may be immediately suspended without written notice of proposed action when the supervisor deems that the employee's continued presence in the workplace presents a safety or security hazard to the employee, coworkers, or the employer.

B. Corrective Action

Except for oral reprimands, notice of corrective action must be sent to the appropriate collective bargaining agent and hand delivered to the affected employee or mailed to their last known mailing address by the date the corrective action is to be imposed. If the corrective action is a suspension, reduction in pay, demotion, or discharge, the notice to the employee will be either sent by certified mail/return receipt requested, by email, or hand delivered with a dated written receipt.

§ 3-60-070 Format and Procedures for Corrective Action

A. Letter Content: Letters of corrective action will include sufficient information to inform the employee of the nature of the action, the grounds for the action, and the specific facts upon which the action is based. Generally, letters should contain the following information, as appropriate:

1. Action: The nature of the corrective action imposed, e.g., suspension without pay.
2. Effective Date of Action: e.g., date a suspension begins, or an employee is dismissed.
3. Grounds: The charge against the employee, e.g., just cause.
4. Background: Includes such matters as length of service, prior warnings, prior corrective action, other notice given to the employee of management's expectations or standards, training relevant to the charges, relevant policies or rules, and other pertinent information.
5. Supporting Facts, e.g., "You were witnessed leaving the work site," etc.
6. For pre-dismissal hearings, the pre-dismissal process.
7. Conclusion, including:
 - a. A description of future behavioral expectations including the consequence of further misconduct or non-performance.
 - b. A statement of the employee's appeal rights.
 - c. A statement of the right to respond in writing within ten (10) working days and to have that response placed in the personnel file. (Non-represented employees only.)
8. The signature of the manager with authorization to impose corrective action, or of the Director.
9. A notation of all copies furnished, including:

- a. Employee's department personnel file
- b. Collective bargaining representative
- c. Department HR Manager
- d. Central HR Manager

B. Privacy: Every reasonable effort will be made to impose corrective action in a manner that will not embarrass the employee before other employees or the public.

C. Appeals:

- 1. Any represented employee has the right to appeal any corrective action other than an oral reprimand in accordance with the terms of the applicable collective bargaining agreement.
- 2. Management employees may send a written response to corrective action to their department Human Resources Manager. If the response is received within ten (10) working days of the corrective action, it will be placed in the employee's personnel file.

D. Imposition of a Lesser Corrective Action: Where there is a decision to impose a lesser corrective action, two (2) letters will be prepared:

- 1. The first will state that the earlier corrective action is withdrawn and a lesser form of corrective action is anticipated;
- 2. The second will impose the lesser corrective action without reference to the withdrawn corrective action. After it is issued, the employee has the right to appeal the lesser corrective action unless it was imposed as part of a written settlement agreement involving the employee, Central HR and, if appropriate, the collective bargaining representative.

E. Withdrawal of Charges: Managers may withdraw or modify any of the above corrective actions by notifying, in writing, all those originally notified. When charges are withdrawn, the copy of the notice of corrective action in the personnel file will be destroyed. Central HR will retain a notated copy in case of litigation.

F. Imposition of More Serious Corrective Action Based on New Information: If new facts are discovered during the corrective action process that would result in the imposition of a more serious corrective action than that originally proposed, a new notice must be sent to the employee incorporating the new facts as an additional basis for corrective action, and giving the employee the opportunity to refute the new facts and charges.

§ 3-60-080 Volunteers and Interns (Paid and Unpaid)

Volunteers or interns (paid or unpaid) found to have violated County rules and/or department policies and procedures will be coached, or depending on the severity and/or frequency of the violations, may be dismissed from their volunteer assignment or internship.

§ 3-60-090 Executive Employees

Executive employees, as well as temporary and on-call employees, serve at the pleasure of the Director and may be dismissed at any time. These employees have no appeal rights within the County. Consultation with Central Human Resources is required before dismissing Executive employees.

§ 3-60-100 Classified Management Employees

A. Cause for Corrective Action

1. Misconduct, indolence, malfeasance;
2. Inefficiency, incompetence, insubordination; and/or
3. Other unfitness to render effective service.

B. The following corrective action may be imposed:

1. Oral Reprimand: The reprimand will state the basis for the reprimand.
2. Written Reprimand: The reprimand will state the basis for the reprimand and the potential for further corrective action if the behavior is not corrected.
3. Demotion: Reassignment of an employee to a job profile with a lower pay range. Pay for demoted employees may not be less than the first step or minimum of the pay range for the lower classification.
4. Suspension Without Pay: For FLSA-exempt management employees, a suspension without pay must be issued in increments of full workweeks. Unpaid suspensions for major safety violations may be issued for one or more full days.
5. Reduction in Pay: FLSA-exempt employees are not subject to pay reductions. For FLSA non-exempt employees, the pay reduction will be specified in the corrective action notice. Reductions in pay may be made for a period necessary to improve performance or behavior.
6. Any combination of the above corrective actions.
7. Dismissal.
8. Other corrective action following consultation with Central Human Resources.

§ 3-60-110 Classified Management Employee Corrective Action Notice

A. Notice of Proposed Corrective Action

1. Except for oral and written reprimands, Classified Management employees must be notified of specific proposed corrective action and relevant facts and be provided an opportunity to respond before imposition of corrective action. This notice will be in writing except that employees may be suspended without written notice of proposed action when the manager determines that a delay would be disruptive to the workplace.
2. If dismissal is proposed, management employees will be given notice at least seven (7) calendar days before any required due process meetings. Due process meetings will be held no sooner than seven (7) calendar days after postmark dates on notification letters to employees.

REFERENCE

[Multnomah County Charter Chapter 9](#)