



## OFFICE OF HUMAN RESOURCES

### Generating the Conference Memorandum

The Conference Memorandum and preceding conference is a required step in the Progressive Intervention (Discipline) Process for Performance-Related Causes and an option for Misconduct-Related Causes depending on the nature and severity. The Conference Memorandum is generated to summarize the discussion that took place during the conference between you (supervisor) and the employee. A draft of the Conference Memorandum should be generated prior to the conference with the employee so that you (supervisor) have the necessary talking points and are able to maintain the focus of the conference. The Office of Human Resources MUST review this draft prior to scheduling your conference with the employee. The Conference Memorandum will be finalized and a copy provided to the employee within 10 workdays of the conference. The employee will have 10 workdays from receipt of the Conference Memorandum to submit a written response to the Conference Memorandum. The Conference Memorandum is not placed in the personnel file unless there is a subsequent written Letter of Reprimand issued within 12 months relating to the subject matter of the Conference Memorandum.

#### STEP ONE – Draft Conference Memorandum

##### Bullet 1 – Concerns Related to Performance or Misconduct

This section will document specific concerns that the supervisor has had related to Performance (i.e. attendance) or Misconduct (i.e. insubordination). The first paragraph will note the specific issue and the negative impact this has on students, staff, the department, and/or the campus. The second paragraph will document specific examples to support your concerns. The third paragraph will document the verbal warnings this employee received related to the concern(s).

- **EXAMPLES BELOW**

##### Bullet 2 – Employee Response

This section will be completed in *STEP FOUR* following the conference with the employee.

##### Bullet 3 - Assistance and Guidance

This section will document clear expectations you have for the employee related to the concerns addressed, and will provide information related to assistance and guidance available to the employee to improve the performance and/or conduct. The first paragraph will document the standard expectation for the issue being addressed (i.e. you should arrive to work on time every day) and why this standard is necessary (i.e. to serve the needs of District students).

- **EXAMPLES BELOW**

##### Bullet 4 - Directives

This section documents the directives the employee must follow in order to avoid further steps in the progressive intervention (discipline) process.

- **EXAMPLES BELOW**

## **STEP TWO – Send Draft Conference Memorandum to HR for Review and Input**

The Office of Human Resources will review your draft Conference Memorandum and provide input to ensure documentation is complete and that progressive intervention (discipline) has occurred timely. In addition, this will provide you with the opportunity to discuss any questions or concerns you have prior to scheduling your conference with the employee.

## **STEP THREE – Schedule and Conduct the Conference**

You will want to provide the employee with adequate time to request representation in the conference (5 working days). The District has a practice of allowing representation as it builds labor relations and promotes transparency in the process.

Prior to the conference, you will utilize your draft Conference Memorandum as a guide to develop talking points for the meeting. The conference should be a conversation between you (supervisor) and the employee addressing the concerns with the performance and/or conduct. You will make note of the employees' responses and any items that may need to be revised in the Conference Memorandum based on the conversation. Confirm the employees understanding of the concerns addressed in the conference.

## **DO NOT PROVIDE THE DRAFT CONFERENCE MEMORANDUM TO THE EMPLOYEE**

Close the conference by letting the employee know that you will be providing them with a copy of the finalized Conference Memorandum within 10 working days and they will then have 10 working days to submit to you their comments to the Conference Memorandum. Let the employee know that the Conference Memorandum will NOT be placed in their Personnel File and that the expectation is that the concerns will be resolved without the need for progressive intervention (discipline).

## **STEP FOUR – Finalize the Conference Memorandum**

Contact the HR representative that assisted you with your draft Conference Memorandum and provide an update on the conference and the employee's response. Finalize your Conference Memorandum by completing Bullet 2 and making any necessary edits following the conference with the employee. Obtain the employee's signature on the Conference Memorandum, and provide the employee with their copy. Immediately forward, via email, the signed copy of Conference Memorandum to your HR representative. Any written comments received during the 10 workday period will also need to be forward to the HR representative assisting you with this Conference Memorandum.

### **Bullet 2 – Employee Response**

In this section, you will document the employees understanding to the concerns that were addressed and any issues raised by the employee during the conference.

## **EXAMPLES**

### **Bullet 1 – Concerns Related to Performance or Misconduct**

In your performance evaluation for the period [INSERT DATE RANGE], signed [INSERT EMPLOYEE SIGNATURE

[DATE], you were rated as Below Standards in the area of [INSERT REVIEW AREA].

This conference was held to discuss the continued [INSERT ISSUE] during the period of [INSERT DOCUMENTED DATE RANGE].

This level of [INSERT ISSUE] is unacceptable in that it poses an undue hardship on your co-workers and the [INSERT DEPARTMENT]. This [INSERT ISSUE] has a direct negative impact on SMC student success.

**Bullet 3 - Assistance and Guidance**

**Tardiness and/or Absence**

I reminded you that repeated unexcused absence or tardiness after a verbal warning is a basis for discipline under District-CSEA Collective Bargaining Agreement - Article 13.2.1(b) and Merit Rule 14.1.4(B)(2).

I advised you to consult with your healthcare provider to obtain certification for any absences you feel should be protected by FMLA or CFRA. The District will assist you by designating FMLA related absences as protected once the proper documentation has been submitted to the Office of Human Resources.

**Insubordination**

I reminded you that this conduct is a basis for discipline under District-CSEA Collective Bargaining Agreement - Article 13.2.2(c) "Insubordination, including, but not limited to refusal to do reasonably assigned work or any other serious breach of discipline. (The refusal to follow an unlawful order or directive does not constitute insubordination.)," and under Merit Rule 14.1.4(A)(1): "Insubordination, including, but not limited to refusal to do reasonably assigned work or any other serious breach of discipline."

**Abusive Conduct**

I reminded you that offensive or abusive conduct toward other employees is a basis for discipline under District-CSEA Collective Bargaining Agreement - Article 13.2.2(a): "Offensive or abusive conduct toward other employees, students, or the public," and under Merit Rule 14.1.4(A)(2): "Discourteous, offensive or abusive conduct toward other employees, students or the public."

I also informed you that your conduct violated SMC Board Policy 3050 – Institutional Code of Ethics, which states in part, "Members of the college community will show concern for others and their ideas and will create an environment of trust, care, and respect that is sensitive to the individuality and ideas of others."

**Bullet 4 – Directives**

**Tardiness and/or Absence**

Take the necessary steps to eliminate your unexcused tardiness.

Take the necessary steps to eliminate your unexcused absences.

Take the necessary steps to eliminate your unexcused tardiness and absences.

You must immediately attain and maintain an acceptable level of attendance.

You are directed to submit a Report of Absence form and verification immediately upon your return from each absence as required by District policy and the **[INSERT APPLICABLE CBA]**.

When you arrive late to work, you are directed to submit a Report of Absence form documenting the amount of time you are late.

In instances where you become aware that you will be absent, you are directed to notify your supervisor as soon as you are aware of the impending/future absence so that the Department may prepare for your absence.

### **Insubordination**

When given directions or an assignment, you are directed to follow the directions or engage in the assignment provided to you as directed.

### **Abusive Conduct**

Avoid situations that may lead to unnecessary confrontation.