

# New River Policy



<b>POLICY NAME</b>	Performance Improvement Procedure	<b>POLICY NO.</b>	NR 3.5
<b>RESPONSIBLE OFFICE</b>	Human Resources	<b>EFFECTIVE DATE</b>	<b>DATE APPROVED</b>
<b>DATE OF LAST REVISION</b>		<b>DATE OF NEXT REVIEW</b>	

## SCOPE

This process will apply to all employees of New River Community and Technical College.

## Compliance – Legislative Rule

West Virginia Code § 18B-1B-6, § 18B-4-2a, § 18B-7, § 18B-8, § 18B-9A and § 18B-9B.  
Title 133, Series 55 Human Resources Administration § 133-55

## POLICY STATEMENT

Employees of New River Community and Technical College are expected to support and enact the values of the college in their daily work. Employees will also be accountable to the conduct and performance standards outlined by their immediate supervisor.

## PURPOSE

The purpose of this procedure is to encourage and maintain standards of conduct and ensure consistent and fair treatment for all. Allowing the College to seek an informal resolution, where appropriate, but allow for more formal proceedings should the circumstances justify disciplinary action.

## GENERAL PROVISIONS

Disciplinary action shall be reasonable, commensurate with the seriousness of the violations, and consistent with accumulated practice under this policy. No employee shall be subject to any disciplinary action except for just cause. The cause for disciplinary action shall be in writing and particularly state the reason(s) for which that disciplinary action is necessary.

## TERMS AND DEFINITIONS

TERM	DEFINITION
Counseling	Counseling is not discipline. Counseling makes the employee aware of the concern and provides the employee with information regarding expectations, basis and measures. The supervisor must listen to the employee's explanation for the behavior in question, consider management options, explain what is unsatisfactory, what is expected and how to avoid recurrence and/or improve performance. The Counseling will be documented and submitted to the employee's personnel file. The Counseling should confirm the concern, the operational expectation, and the time line for attainment of objectives.

## SECTION 1: PROCEDURE

### CONDUCT AND PERFORMANCE

The employee's immediate supervisor will outline standards of performance and conduct for each employee. Our goal is to develop our employee's talents by providing job-related education,

demonstrating proper techniques and modeling behaviors consistent with the Mission and Values of the College.

Employees whose conduct or performance fails to meet expectations will be given an opportunity to work with their supervisor to develop an action plan to improve performance. This process will typically follow four steps:

Step 1 – Counseling

Step 2 – Written Warning

Step 3 – Final Written Warning

Step 4 - Termination

At each step the problems identified by the supervisor will be discussed with the employee. An action plan will be developed to correct the performance issue and a timeline for follow up on the employee's progress will be determined. **The College reserves the right to determine the appropriate level of discipline based upon the particular circumstances of the matter, and may based upon the severity of the matter, move to any level in the counseling process as it is deemed appropriate.**

**All disciplinary actions will be reviewed by the Executive Director of Human Resources to ensure that the action taken is fair, consistent and in accordance with policy, before any action is taken.** The supervisor may also recommend suspension without pay for a period varying from one to fifteen days, depending on the gravity of the offense and the employee's previous records. Suspension may be applied in cases of first serious offenses or repeated minor ones when, in the supervisor's judgment, proper conduct can be attained without resorting to dismissal.

**In situations of dismissal**, the employee will meet with the immediate supervisor and the Executive Director of Human Resources, a copy of the termination form will be given to the employee and a copy will be included in the employee's personnel file.

Failure to meet the expectations established in the action plan will result to moving to the next step in the process. The college will use a 12-month "look back" in determining the next level of performance improvement. If an employee has not received any warnings in the previous 12 months he/she will return to the beginning of the four-step process. If he/she has received a warning in the previous 12-months, he/she will progress to the next step in the process. Each step in the process will be documented and will become part of the employee's personnel file.

The Performance Improvement Process will deal with:

- Unsatisfactory Performance and/or Misconduct;
- Attendance concerns; and
- Serious infractions which can result in immediate dismissal

**Immediate dismissal** may be appropriate in cases of flagrant or willful violations of rules, regulations, standards of accepted behavior or performance, or for actions where an investigation proves the employee was in clear violation of policy. Supervisors have the right of dismissal for "just cause". In cases of immediate dismissal, the immediate supervisor and Executive Director of Human Resources will meet with the employee, a copy of the termination form will be given to the employee and a copy will be included in the employee's personnel file. "Just cause" includes, but is not limited to, the following:

1. Reporting to work under the influence of alcohol or illegal drugs or partaking of these substances while at work;
2. Malicious destruction or theft of property of the institution, or its visitors, patrons, or employees;
3. Wrongful injury to an employee, student or visitor of the institution; verbal or physical assault.;
4. Failure or refusal to comply with institutional rules;
5. Leaving work site without authorization;

6. Neglect of duty; dereliction in the performance of assigned duties;
7. Dishonesty;
8. Falsification of records;
9. Sleeping on duty;
10. Failure to maintain established performance standards; incompetency, a pattern of inefficiency;
11. Habitual absence from work without permission or proper explanation;
12. Tardiness;
13. Failure to properly report off work; (Three (3) consecutive days)
14. Insubordination;
15. Failure to adhere to repeated warnings.

### APPEAL

Every employee receiving a disciplinary action has the right to appeal that decision and may do so in writing to the Office of the President within five (5) business days of the disciplinary sanction. The notice may be hand delivered or emailed and must particularly state the reason for appeal.

The President will determine if the appeal request meets the limited grounds as outlined below and is timely. The original recommendations and sanctions will stand if the appeal is not timely or does not fall within the grounds for appeal and the decision is final. The original recommendations and sanctions will also remain in effect pending the outcome of any appeal. If the appeal has standing, the President will consider the appeal. The party requesting the appeal has the burden of proving the error, as the original recommendations and sanctions are presumed to have been decided reasonably and appropriately.

Grounds for appeal include:

1. A procedural or substantive error occurred that significantly impacted the outcome of the investigation, such as substantiated bias or material deviation from established procedures.
2. To consider new evidence, unavailable during the original investigation, that could substantially impact the original recommendations or sanctions (a detailed description of this new evidence and its potential impact must be included); or
3. The sanctions imposed are substantially disproportionate to the severity of the violation.

Once the investigation into the appeal is complete, the President will issue a written final determination, a copy will be sent to the employee and a copy will be placed in the personnel file.

### EXCEPTIONS/EXCLUSIONS

N/A

### REVIEW

This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President's designee. Upon such review, the President or President's designee may recommend that the policy be amended or repealed.

### APPROVAL SIGNATURES

DocuSigned by:  
*Bonny B. Copenhagen*  
President

Date

**RELATED POLICIES, OTHER REFERENCES AND ADDITIONAL NOTES**

Employee Handbook

**ASSOCIATED FORMS**

Performance Improvement Form

HISTORY		
REVISION DATE	DESCRIPTION OF CHANGE	VICE PRESIDENT APPROVAL
	New Procedure	

New River Community and Technical College expects all faculty, staff and students to be familiar with and adhere to all applicable college policies.