



# ADMINISTRATIVE PROCEDURES

Procedure Number: 23-13

Effective Date: 08/11/1997

Revision Date: 05/29/2013

*C. Dubeck*  
County Administrator

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SUBJECT: **DOCUMENTATION OF DISCIPLINARY AND OTHER PERSONNEL ACTIONS**

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DEPARTMENT RESPONSIBLE: **All County Departments**

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## I. STATEMENT

The purpose of this procedure is to promote uniformity in developing and processing the following types of documentation in accordance with the Pima County Merit System Rules (MSR), specifically MSR 12:

- Letter of Counseling (Sample- **Attachment 1**)
- Notice of Right to Representation – Letter of Reprimand (Sample- **Attachment 2**)
- Letter of Reprimand (Sample- **Attachment 3**)
- Notice of Intent and Pre-action Meeting (Sample- **Attachment 4**)
- Disciplinary actions that require pre-action meetings (Sample- **Attachment 5**)
- Administrative Suspension (Sample available by request)
- Notice of Special Observation Period (Sample- **Attachment 6**)

## II. PROCEDURE

Disciplinary and other specified non-disciplinary personnel actions shall cite specific directives (Merit System Rules, Personnel Policies, Administrative Procedures, Board of Supervisors Policies, Department Procedures, etc.) that have been violated. In all instances the employee receives original document(s) and copies are distributed as indicated in attachments.

- A. The required Notice of Right to Representation given prior to issuance of a Letter of Reprimand (LOR) shall contain the following elements, as illustrated in Attachment 2:
1. The affected employee must be given written notice of any meeting where an LOR will be issued to the employee at least three (3) full work days prior to the date of the meeting.
  2. A statement informing the employee of his/her right to representation at the meeting.
  3. The employee shall sign the written notice acknowledging receipt. If the employee refuses to sign, a witness (typically a department personnel representative, manager, or supervisor) shall sign a statement indicating the employee's refusal.

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4. Copy notations indicating distribution. The original document shall be given to the employee with a copy placed in the employee's department personnel file, as illustrated in the attachment.
- B. Disciplinary actions (other than verbal counseling), Notices of Intent and Pre-Action Meeting, and Administrative Suspensions shall be in writing and contain the following elements (1-12), unless otherwise specified and/or illustrated in Attachments 1, 3, 4 and 5:
1. A date of issue on or before the effective date of the action. For disciplinary Notices of Intent and Pre-Action Meeting (but not to include Administrative Suspension Notices of Intent and Pre-action Meeting), the date of issue must be at least three (3) full work days prior to the meeting date.
  2. The employee's name, classification title and department. Do not include home addresses, home telephone numbers or cell phone numbers on this document or in any related notes or logs.
  3. A reference line citing the type of action (e.g., Letter of Reprimand) or intended action (e.g., Notice of Intent to Suspend and Pre-Action Meeting) in full view at the top of the document.
  4. For suspensions, demotions, dismissals or administrative suspensions, cite the effective date of the action and the date the pre-action meeting was held (see Item B.13 below).
  5. Statement(s) summarizing the reasons for the action and specific violation citations (e.g., Merit System Rules, Personnel Policies, Administrative Procedures, Board of Supervisors Policies, Department Procedures, etc.). Cite the number/letter of each rule, policy and/or procedure violated, and quote its entire content.
  6. Statement(s) providing a chronological history of the precipitating reasons leading to the action, including related offenses and previous action(s) taken against the employee (if applicable) and the facts and evidence to support the charge. Indicate if the department has received verbal or written reports from witnesses and identify any logs, records, or documents, etc. used to support the charges.
  7. Resources available to the employee including training, coaching and other assistance from management (if applicable).
  8. Statement(s) outlining the specific job expectations and, if applicable, a time frame for change(s) to occur.
  9. For disciplinary actions other than dismissals (but not to include Notices of Intent and Pre-Action Meeting), a statement advising the employee that further disciplinary action may be taken, up to and including dismissal, if the problem is not corrected.

For Administrative Suspensions, a statement advising the employee that disciplinary action may be taken, up to and including dismissal, at the conclusion of an inquiry/investigation.

10. For a Letter of Counseling (LOC) only, a statement advising the employee that an LOC is neither grievable nor appealable, but that he/she may respond in writing to the LOC within five (5) calendar days of issuance and that the response may be up to one (1) typed or legibly handwritten page. Also include a statement advising that an LOC response (that meets the aforementioned criteria) will be attached to the LOC and purged from the employee's department personnel file on the same schedule as the LOC.

For actions other than Letters of Counseling and Notices of Intent and Pre-Action Meeting, a statement advising the employee of due process rights, if applicable (i.e., grievance/appeal time frames).

11. A signature line for the employee to acknowledge receipt of the document. If the employee refuses to sign, a witness shall sign a statement indicating the employee's refusal.
12. Copy notations indicating distribution. The original document shall be given to the employee with copies placed in the appropriate personnel files once the grievance/appeal process is completed or the time frame for filing a grievance/appeal has expired. In addition, a copy of any formal disciplinary or administrative suspension documentation (to include Notices of Intent) shall be submitted to Human Resources-Employment Rights for compliance review prior to issuance to the employee.

For a Letter of Counseling (LOC) only, the department personnel file copy notation must indicate that the LOC will be purged from the Department Personnel File within one (1) year of the date of issuance.

For suspension, demotion, dismissal or administrative suspension, copies must be sent to the Clerk of the Board and the County Attorney's Office (Civil Division) once the appeal process is completed or the time frame for filing a grievance/appeal has expired.

13. **Notices of Intent and Pre-Action Meetings**  
According to MSR 12, a pre-action meeting shall be held before a permanent employee is suspended, demoted, dismissed, placed on administrative suspension, or involuntarily terminated under MSR 11.5 B through D.

For Notices of Intent for potential disciplinary suspensions, demotions, dismissals and administrative suspensions only, include the following elements in addition to elements 1-3, 5-8 and 11-12 listed above as applicable and illustrated in Attachment 4:

- a. State the action the department intends to take. If issuing a suspension, indicate the length of time in number of days and hours (e.g., 1 day/8 hours). Exempt permanent employees may be placed on disciplinary suspension in one-day increments only and only without pay (not with reduced pay).

- b. Except for Administrative Suspension Notices of Intent, the affected employee must be notified that he/she is entitled to be assisted by a person of his/her choosing who may participate in the discussions with the employee during such meetings. The employee must be given written notification at least three (3) full work days prior to the meeting. If the employee has not obtained an assistant within that period of time, management will proceed without further delay.
- c. Inform the employee that this is his/her opportunity to address the charges.
- d. Indicate date, time and place of the pre-action meeting.

C. **Notice of Special Observation Period**

Per MSR 12, the Notice of Special Observation Period must be presented to the affected employee upon the effective date and must contain the following elements as illustrated in Attachment 6:

1. The date of issue/effective date of the Special Observation Period (SOP).
2. The employee's name, classification title and department. Do not include home addresses, home telephone numbers or cell phone numbers on this document or in any related notes or logs.
3. Notice of Special Observation Period in full view at the top of the document.
4. Statement(s) summarizing the purpose of the SOP (i.e., the conduct involved).
5. Statement(s) specifying the length of the SOP, to include start and end dates.
6. A statement advising the employee that he/she will receive a written performance appraisal at the end of the SOP.
7. Statement(s) outlining the specific expectations and a time frame for evaluation during the SOP.
8. Statements(s) outlining consequences for unsuccessful performance or conduct during the SOP and for unsuccessful completion of the SOP.
9. A statement advising the employee that the SOP is a non-disciplinary action and therefore neither grievable nor appealable.
10. A signature line for the employee to acknowledge receipt of the Notice of SOP. If the employee refuses to sign, a witness shall sign a statement indicating the employee's refusal.
11. Copy notations indicating distribution. The original document shall be given to the employee with copies placed in the appropriate personnel files as illustrated in the attachment.

ATTACHMENT 1 – Page 1 of 2  
Sample: Letter of Counseling (LOC)

*On Department Letterhead*

June 3, 2013

Jane Doe  
Classification Title  
Department

B2

B1

**LETTER OF COUNSELING**

B3

Dear Ms. Doe:

This Letter of Counseling is being issued for your continued, repeated tardiness. Merit System Rule (MSR) 12.1.C reads, in part, as follows:

- MSR 12.1.C. Any of the Following Constitute Cause for Discipline:
  - Violation of the Rules of Conduct, Personnel Policy 8-119

B5

Your actions are in violation of the following Pima County Personnel Policies (PP):

- PP 8-104 B. Tardiness & Absence
  - All employees are required to be at work on time. If an employee is unavoidably detained or unable to report to work, notification shall be made to the immediate supervisor or authorized department representative. This notification shall be provided at least one (1) hour before starting time unless otherwise specified by the Appointing Authority. Failure to notify without good reason shall constitute an unauthorized absence without pay.
- PP 8-119 Rules of Conduct - All County employees must observe the following basic work rule principles:
  - Report to work on scheduled work days at the proper starting time and remain at assigned work station for the scheduled periods, unless permission to leave has been granted by the supervisor or Appointing Authority.

B6

On May 1, 2013, you received Verbal Counseling for seven (7) instances of tardiness in a three (3) week period and were informed that three (3) additional instances of tardiness during this anniversary year would result in further progressive disciplinary action.

During the verbal counseling meeting you confirmed having difficulty arriving at work on time, citing personal situations such as an unreliable babysitter, car problems, a faulty alarm clock, and a missing puppy as the reasons for your tardiness. At that time you were informed that although we empathize with your situation at home it is, nevertheless, your responsibility to be at work when you are scheduled as outlined in the rules and policies. You were also offered a flex work schedule in an effort to curtail the problem, which you declined, stating that your current schedule was best for you.

**ATTACHMENT 1 – Page 2 of 2  
Sample: Letter of Counseling (LOC)**

Letter of Counseling  
Jane Doe, Classification Title  
June 3, 2013  
Page 2

Your repeated late arrivals have continued, with additional instances of tardiness occurring on May 29, 2013, and June 1 and 2, 2013. Our previous offer of a flex work schedule as a means of reducing or eliminating your tardiness is still available should you wish to accept it.

B7

B8

I cannot stress enough the seriousness of this situation. It is your responsibility to arrive at work as scheduled and on time. Three (3) instances of tardiness within this anniversary year, in addition to the ten (10) instances documented to date, will result in further progressive disciplinary action up to and including dismissal.

B9

Letters of Counseling are neither grievable nor appealable, however you have the option of submitting a written response within five (5) calendar days of issuance. Written responses may be up to one page, typed or legibly written, and will be attached to the LOC and placed in your department personnel file until both are purged.

B10

↗ Appointing Authority or Designee Signature

↗ Date Issued

B11

↗ Employee Signature  
*(Acknowledging Receipt of Letter Only)*

↗ Date Received

Original: Employee

B12

Copy: Department Personnel File (purged within 1 year)

**ATTACHMENT 2**

**Sample: Notice of Right to Representation for Letters of Reprimand**

***On Department Letterhead***

Jane Doe  
Classification Title  
Department

July 1, 2013

**A1**

**NOTICE OF RIGHT TO REPRESENTATION**

**A2**

This notice is to inform you that we will be issuing you a Letter of Reprimand on Friday, July 8, 2013, at 9:00 a.m. in the central conference room. You are entitled to representation during this meeting. Please advise us if you would like to proceed with this meeting prior to the scheduled date, otherwise the meeting is scheduled for the date and time stated in this notice.

\_\_\_\_\_ I waive my right to representation and wish to proceed.

\_\_\_\_\_ I acknowledge my right to representation and wish to proceed on the date proposed above.

**A3**

\_\_\_\_\_  
↗ Employee Signature  
(Acknowledging Receipt of Notice Only)

\_\_\_\_\_  
↗ Date Received

**A4**

Original: Employee

Copy: Department Personnel File

**ATTACHMENT 3 – Page 1 of 2**  
**Sample: Letter of Reprimand (LOR)**

***On Department Letterhead***

July 8, 2013

Jane Doe ←  
Classification Title ← **B2**  
Department ←

**B1** →

**LETTER OF REPRIMAND** ← **B3**

Dear Ms. Doe:

This Letter of Reprimand is being issued for your continued, repeated tardiness. Merit System Rule (MSR) 12.1.C reads, in part, as follows:

- MSR 12.1.C. Any of the Following Constitute Cause for Discipline:
  16. Violation of the Rules of Conduct, Personnel Policy 8-119

**B5**

Your actions are in violation of the following Pima County Personnel Policies (PP):

- PP 8-104 B. Tardiness & Absence
  1. All employees are required to be at work on time. If an employee is unavoidably detained or unable to report to work, notification shall be made to the immediate supervisor or authorized department representative. This notification shall be provided at least one (1) hour before starting time unless otherwise specified by the Appointing Authority. Failure to notify without good reason shall constitute an unauthorized absence without pay.
- PP 8-119 Rules of Conduct - All County employees must observe the following basic work rule principles:
  - B. Report to work on scheduled work days at the proper starting time and remain at assigned work station for the scheduled periods, unless permission to leave has been granted by the supervisor or Appointing Authority.

**B6**

On May 1, 2013, you received Verbal Counseling for seven (7) instances of tardiness in a three (3) week period and were informed that three (3) additional instances of tardiness during this anniversary year would result in further progressive disciplinary action.

On June 3, 2013, you received a Letter of Counseling for three (3) additional instances of tardiness between May 29 and June 2, 2013 and were informed that three (3) more instances during this anniversary year would result in further progressive disciplinary action.

Your late arrivals continue to occur, with additional documented instances on June 8, June 15 and July 6, 2013. At your Verbal Counseling and Letter of Counseling meetings, we offered a flex schedule as a means of mitigating your chronic tardiness which you attribute to various personal reasons. Although you refused both previous offers, we are once again proposing this option as a means of aiding you in arriving at work in a timely manner.

**B7** →

**ATTACHMENT 3 – Page 2 of 2**  
**Sample: Letter of Reprimand (LOR)**

Letter of Reprimand  
Jane Doe, Classification Title  
July 8, 2013  
Page 2

Once again, I cannot stress enough the magnitude of this situation. Immediate improvement is required. It is your responsibility to arrive at work as scheduled and on time. Three (3) more instances of tardiness within this anniversary year, in addition to the thirteen (13) instances documented to date, will result in further disciplinary action, up to and including dismissal.

**B8**

**B9**

Pursuant to Merit System Rule 13, you have the right to grieve this action within 10 business days of receipt.

**B10**

↗ Appointing Authority or Designee	<b>B11</b>	↗ Date Issued
↗ Employee (Acknowledging Receipt of Letter Only)		↗ Date Received

Original: Employee

**B12**

Copies: Department Personnel File  
Human Resources, Employment Rights  
Human Resources, Records Center (Official Personnel File)

ATTACHMENT 4 - Page 1 of 2
Sample: Notice of Intent and Pre-Action Meeting

On Department Letterhead

Jane Doe
Classification Title
Department

B2

B1

August 3, 2013

B3

B13.a

NOTICE OF INTENT TO SUSPEND and PRE-ACTION MEETING

Dear Ms. Doe:

Pursuant to Merit System Rule 12.2.B.2, it is my intent to suspend you for one (1) work day (8 hours) without pay for your repeated and chronic tardiness. Merit System Rule (MSR) 12.1.C reads, in part, as follows:

- MSR 12.1.C. Any of the Following Constitute Cause for Discipline:
16. Violation of the Rules of Conduct, Personnel Policy 8-119

B5

Your actions are in violation of the following Pima County Personnel Policies (PP):

- PP 8-104 B. Tardiness & Absence
1. All employees are required to be at work on time. If an employee is unavoidably detained or unable to report to work, notification shall be made to the immediate supervisor or authorized department representative. This notification shall be provided at least one (1) hour before starting time unless otherwise specified by the Appointing Authority. Failure to notify without good reason shall constitute an unauthorized absence without pay.
PP 8-119 Rules of Conduct - All County employees must observe the following basic work rule principles:
B. Report to work on scheduled work days at the proper starting time and remain at assigned work station for the scheduled periods, unless permission to leave has been granted by the supervisor or Appointing Authority.

B6

On May 1, 2013, you received Verbal Counseling for seven (7) instances of tardiness, on June 3, 2013, you received a Letter of Counseling for three (3) additional instances of tardiness and on July 8, 2013, you were issued a Letter of Reprimand for three (3) more instances of tardiness for a total of thirteen (13) instances of tardiness in your current anniversary year. At each disciplinary action meeting you were informed that three (3) additional instances of tardiness within the current anniversary year would result in further disciplinary action up to and including dismissal.

Since July 13, 2013, you have arrived at work between 45 and 65 minutes late on three (3) occasions (July 13, 16, and 31). The daily employee attendance log maintained at the front desk also indicates an additional five (5) instances (on July 15, 17, 22, 24, and 30) of your arrival at work between 10 and 15 minutes late. On each of these eight (8) occasions of tardiness over a three-week period, you failed to notify your supervisor or anyone in the department (per Personnel Policy 8-104 B.1. noted above) prior to or following each late arrival. Upon arriving at work, you went directly to your workstation and commenced working without speaking to anyone regarding your late arrival.

**ATTACHMENT 4 - Page 2 of 2**  
**Sample: Notice of Intent and Pre-Action Meeting**

Notice of Intent to Suspend and Pre-Action Meeting  
Jane Doe, Classification Title  
August 3, 2013  
Page 2

Although we empathize with your home situation, which you indicated to be the cause of most of your late arrivals at work, it is your responsibility to be at work when you are scheduled as outlined in rules and policies. I cannot stress enough the seriousness of this situation. Your repeated failure to be at your workstation on time is adversely affecting your coworkers that have to cover your duties in your absence. You previously rejected a flex work schedule offered in an effort to minimize home/work time conflicts, however it is still an adjustment we are willing to make in an effort to eliminate or substantially reduce your instances of tardiness.

B8

B7

This is official notice, pursuant to Merit System Rule 12.1.B., that your attendance is requested at a Pre-Action Meeting. Pre-Action Meetings are required prior to suspensions. You are entitled to representation during this meeting. Please advise us if you would like to proceed with this meeting prior to the scheduled date, otherwise the meeting is scheduled for the date and time stated below.

B13.b

The purpose of the Pre-Action Meeting is to allow you the opportunity to respond to these charges. Your input may refute these charges. If you have any questions regarding this meeting, please feel free to contact me.

B13.c

Pre-Action Meeting Date & Time: Friday, August 7, 2013, at 10:15 am  
Pre-Action Meeting Location: Conference Room B, Second Floor – 145 W. Congress

B13.d

➤ Appointing Authority or Designee

➤ Date Issued

B11

➤ Employee (*Acknowledging Receipt of Notice Only*)

➤ Date Received

Original: Employee

B12

Copies: Department Personnel File  
Human Resources, Employment Rights  
County Attorney, Civil Division

**ATTACHMENT 5 - Page 1 of 2**  
**Sample: Disciplinary actions that require a pre-action meeting**

***On Department Letterhead***

Jane Doe  
 Classification Title  
 Department

← [ B2 ]

[ B1 ]

August 10, 2013

**NOTICE OF SUSPENSION**

[ B3 ]

Dear Ms. Doe:

[ B4 ]

This Notice of Suspension for one (1) work day (8 hours) without pay effective August 11, 2013, is being issued pursuant to Merit System Rule 12.2.B.2. for your repeated and chronic tardiness. Merit System Rule (MSR) 12.1.C reads, in part, as follows:

- MSR 12.1.C. Any of the Following Constitute Cause for Discipline:
  16. Violation of the Rules of Conduct, Personnel Policy 8-119

[ B5 ]

Your actions are in violation of the following Pima County Personnel Policies (PP):

- PP 8-104 B. Tardiness & Absence
  1. All employees are required to be at work on time. If an employee is unavoidably detained or unable to report to work, notification shall be made to the immediate supervisor or authorized department representative. This notification shall be provided at least one (1) hour before starting time unless otherwise specified by the Appointing Authority. Failure to notify without good reason shall constitute an unauthorized absence without pay.
- PP 8-119 Rules of Conduct - All County employees must observe the following basic work rule principles:
  - B. Report to work on scheduled workdays at the proper starting time and remain at assigned work station for the scheduled periods, unless permission to leave has been granted by the supervisor or Appointing Authority.

[ B6 ]

On May 1, 2013, you received Verbal Counseling for seven (7) instances of tardiness, on June 3, 2013, you received a Letter of Counseling for three (3) additional instances of tardiness and on July 8, 2013, you were issued a Letter of Reprimand for three (3) more instances of tardiness for a total of thirteen (13) instances of tardiness in your current anniversary year. At each disciplinary action meeting you were informed that three (3) additional instances of tardiness within the current anniversary year would result in further disciplinary action up to and including dismissal.

Since July 13, 2013, you have arrived at work between 45 and 65 minutes late on three (3) occasions (July 13, 16, and 31). The daily employee attendance log maintained at the front desk also indicates an additional five (5) instances (on July 15, 17, 22, 24, and 30) of your arrival at work between 10 and 15 minutes late. On each of these eight (8) occasions of tardiness over a three-week period, you failed to notify your supervisor or anyone in the department (per Personnel Policy 8-104 B.1. noted above) prior to or following each late arrival. Upon arriving at work, you went directly to your workstation and commenced working without speaking to anyone regarding your late arrival.

**ATTACHMENT 5 - Page 2 of 2**  
**Sample: Disciplinary actions that require a pre-action meeting**

Notice of Suspension  
Jane Doe, Classification Title  
August 10, 2013  
Page 2

Although we empathize with your home situation, which you indicated to be the cause of most of your late arrivals at work, it is your responsibility to be at work when you are scheduled as outlined in rules and policies. Your repeated failure to be at your workstation on time is adversely affecting your coworkers that have to cover your duties in your absence. You previously rejected a flex work schedule offered in an effort to minimize home/work time conflicts, however it is still an adjustment we are willing to make in an effort to eliminate or substantially reduce your instances of tardiness.

**B8** Pursuant to Merit System Rule 12.1.B. a Pre-Action Meeting was conducted on August 7, 2013, to allow you the opportunity to respond to these charges. You did not provide any information during this meeting to refute the charges or mitigate the intended discipline. **B7**  
**B4**

I cannot stress enough the seriousness of this situation. If your repeated tardiness is not corrected immediately, further disciplinary action may be taken against you, up to and including dismissal.

Pursuant to Merit System Rule 14, you have the right to appeal this action within ten (10) calendar days of receipt of this notice. For information on the appeal process, you may contact Human Resources Employment Rights at 724-2728.

**B9**  
**B10**

↗ Appointing Authority or Designee

↗ Date Issued

**B11**

↗ Employee (Acknowledging Receipt of Notice Only)

↗ Date Received

Original: Employee

**B12**

- Copies: Human Resources, Employment Rights  
Human Resources, Records Center (Official Personnel File)  
County Attorney, Civil Division  
Clerk of the Board of Supervisors  
Department Personnel File

ATTACHMENT 6

Sample: Notice of Special Observation Period (SOP)

On Department Letterhead

July 8, 2013

Jane Doe  
Classification Title  
Department

C2

C1

C3

**NOTICE OF SPECIAL OBSERVATION PERIOD**

C4

Dear Ms. Doe:

C5

In accordance with Merit System Rule 12.4, this notice is to inform you that you are being placed on a Special Observation Period for six (6) months effective July 8, 2013. The purpose of this Special Observation Period is to closely monitor your attendance, particularly your excessive absences and repeated tardiness. The Special Observation Period will end on January 8, 2013, at which time you will be issued a special performance appraisal specific to the performance issues being monitored.

During this Special Observation Period, you will be evaluated monthly on your ability to comply with the following expectations:

C6

1. You are not to be tardy.
2. You are not to have any unscheduled absences.
3. You are to submit all requests for leave following the departmental procedure and must obtain approval by the close of business on the day preceding the absence.

C7

Successful completion of this Special Observation Period will depend on your ability to meet the above expectations. Unsuccessful performance or conduct during the Special Observation Period may result in disciplinary action taken during the Special Observation Period. Unsuccessful completion of the Special Observation Period may result in disciplinary action up to and including dismissal, taken at the end of the Special Observation Period.

A Special Observation Period is a non-disciplinary action and, therefore, neither grievable nor appealable.

C8

C9

Appointing Authority or Designee

C10

Date Issued

Employee  
(Acknowledging Receipt of Notice Only)

Date Received

Original: Employee

C11

Copies: Department Personnel File  
Human Resources, Records Center (Official Personnel File)