



State Records Center and Archives

New Mexico Commission of Public Records

SERIES: Human Resources (SRCA 400)

NUMBER: SRCA-407

TITLE: Progressive Discipline

PURPOSE: The purpose of this policy is to provide direction for supervisors to carry out disciplinary actions in a consistent, equitable and timely manner.

SCOPE: This policy applies to all SRCA employees.

DEFINITIONS:

“Demotion” means an involuntary downward change in position for disciplinary reasons with a reduction of pay and/or removal of supervisory responsibilities and pay for disciplinary reasons.

‘Disciplinary Action’ means an action taken by a supervisor against an employee due to inadequate performance or unacceptable behavior or both.

“Dismissal” means the involuntary separation from employment for disciplinary reasons.

“Oral Reprimand” means a private face-to-face meeting with an employee when a work-related performance or behavior problem is identified and a proposed solution to the problem is discussed and documented.

“Progressive Discipline” means a range of discipline from a reminder to an oral or written reprimand, to a suspension, demotion or dismissal.

“Suspension” means an involuntary leave of absence without pay for disciplinary reasons for a period not to exceed thirty (30) calendar days.

“Written Reprimand” means written correspondence to an employee from a supervisor, which identifies a work-related performance or behavior problem and which may identify specific actions to correct the problem.

“SRCA” means the New Mexico Commission of Public Records - State Records Center and Archives.

A. GENERAL PROVISIONS: It is the policy of the SRCA to correct performance or behavior that is below acceptable standards, or contrary to the agency's legitimate interests, in a constructive manner that promotes employee responsibility. The agency will implement progressive discipline whenever appropriate; *depending on the severity of the infraction progressive discipline may not be followed.* Disciplinary action shall be taken in a fair, timely and equitable manner for job-related reasons. Previous disciplinary and counseling actions shall be considered, particularly when the previous disciplinary or counseling actions are of a similar nature. Prior to meeting with an employee to impose disciplinary action, the supervisor and/or division director shall contact the SRCA Human Resource Manager. Failure

to follow the proper disciplinary procedures may result in disciplinary action against the supervisor and chain of command involved.

Employees on permanent status have the right to request and exhaust grievance and appeals procedures, including an open and formal hearing, prior to their termination or demotion. All disciplinary action must comply with applicable State Personnel Board Rules when applicable.

B. VERBAL WARNING: This is the least severe disciplinary action. In cases where an employee has committed acts that violate job expectations, commonly accepted professional conduct, or other performance standards, the supervisor may discuss the issue directly with the employee. The incident should be documented by the supervisor and shared with the employee to ensure mutual understanding of the conversation. At a minimum, the supervisor should describe the incident, explain why the conduct or performance is unacceptable or substandard, specify how the employee can correct the conduct or improve performance and the consequences for failure to correct conduct or improve performance. The employee should clearly understand the gravity of the action and that the warning is disciplinary in nature. Either party may request that another person be present at an oral reprimand meeting. Presentation of a verbal warning should be conducted in a private location and will not be part of the employee's official personnel file.

C. WRITTEN WARNING: If the inappropriate conduct or substandard performance continues the division director may proceed to a written warning in memorandum or letter form. A written warning to the employee must describe the incident, explain why the conduct or performance is unacceptable, specify how the employee can correct the conduct or improve performance and the consequences for failure to correct conduct or improve performance. The employee may issue a rebuttal to the appropriate division director. Presentation of a written warning should be conducted in a private location and will not be part of the employee's official personnel file.

D. WRITTEN REPRIMAND: If the inappropriate conduct or substandard performance continues a written reprimand may be issued as the next step of the progressive discipline. The written reprimand must describe the incident, explain why the conduct or performance is unacceptable, specify how the employee can correct the conduct or improve performance and the consequences for failure to correct the conduct or improve performance. The Administrative Services Division shall assist the division director with a written reprimand.

A signed copy of the issued reprimand is forwarded to the Human Resource Manager after issuance for inclusion in the employee's official personnel file. Presentation of a written warning should be conducted in a private location. The employee may issue a rebuttal which will be attached and placed in the employee's official personnel file.

Employees may request that a written reprimand, other than a reprimand related to sexual harassment, discrimination, retaliation, or other action which could subject the SRCA to third party liability, be removed from the employee's personnel file after one year. The State Records Administrator, in consultation with the Division Director, decides whether to remove the written reprimand based on: the seriousness of the infraction, the employee's record, and the circumstances surrounding the matter. The State Records Administrator will inform the employee of the decision and if approved, take action to insure the written reprimand is removed.

E. SUSPENSION, DEMOTION AND TERMINATION: Disciplinary action resulting in suspension, demotion or termination shall adhere to State Personnel Board Rules 1.7.1 through 1.7.13 NMAC.

The Division Director or designee and the State Records Administrator shall determine the level of disciplinary action for suspensions, demotions and terminations. When determining the appropriate action, the Division Director and State Records Administrator will consider the seriousness of the infraction, the employee's record and the circumstances surrounding the matter.

The Human Resource Manager prepares Notices of Contemplated Action and Notices of Final Action and the Division Director or designee and State Records Administrator approve and sign the Notices of Contemplated Action and Notices of Final Action. All documentation related to a suspension, demotion or termination becomes a permanent part of the official personnel file.

F. ADMINISTRATIVE LEAVE PENDING DISCIPLINARY ACTION: An employee may be placed on administrative leave while the SRCA investigates and/or prepares a possible disciplinary action.

G. CONFIDENTIALITY: Throughout the disciplinary process all parties involved should maintain confidentiality and information should only be shared on a need to know basis.

H. PROBATIONARY AND TEMPORARY EMPLOYEES: A probationary employee may have their appointment expired for non-disciplinary reasons with a minimum of twenty-four (24) hours written notice without right of appeal to the State Personnel Board. Likewise, temporary appointments may be expired with a least twenty-four (24) hours written notice without right to appeal to the State Personnel Board.

[2.3.20.012, 7/01/95; renumbered 3/15/02; renumbered and amended 3/7/2014]

APPROVED:



John Hyrum Martinez
State Records Administrator

EFFECTIVE DATE:

March 7, 2014