



AC40

## RESTORING PERFORMANCE STANDARDS

AC40

Effective Date: 12 December 2012

Revised Date: **NEW**

Last Reviewed Date: 21 June 2017

### POLICY

1. The Delta Police Department (“Department”) expects the highest standards of performance from all employees in line with our core values of Honour, Integrity, Courage and Trust. All our employees, both sworn members and police staff, represent the Department when on and off duty, and the public places trust and confidence in everyone associated with the Department through employment and volunteering.
2. This policy addresses measures to restore performance to acceptable levels when performance issues exist with police staff. A progressive policy empowers managers and supervisors to work with employees to achieve the highest levels of performance and to decide the employment consequences if the work performance does not meet required standards.
3. Policy for sworn members is contained in **AC41 Complaints Against Police Personnel** and **AC42 Internal Discipline Rules**.

### REASON FOR POLICY

4. To assign accountability to employees for maintaining the highest standards of performance in line with our core values of Honour, Integrity, Courage and Trust.
5. To indicate the manner in which performance issues with police staff are to be approached and resolved.
6. To inform managers, supervisors and employees about the progressive measures to restore performance standards with police staff within the Department.

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Restoring Performance Standards

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## DEFINITIONS

**Culpable Conduct** - is conduct that is in some way blameworthy. Examples include any form of dishonest behaviour (such as theft, insubordination, tardiness, substance abuse in the workplace, assault).

**Non-Culpable Conduct** - means conduct where an employee, through no fault of his or her own, is unable to fulfill employment responsibilities in a satisfactory manner. Examples include excessive absenteeism (legitimate but nevertheless excessive), physical incapacity or inability to perform to the requirements of the job. Policy for the management of non-culpable excessive absenteeism for all employees is found in **Policy AB42 - Attendance Management**.

## PROCEDURES

7. The 3 stages of restoring performance standards are:
  - a) **Coaching:** The Manager and/or Supervisor will coach the employee and clearly define expectations of satisfactory performance, as well as the consequences of not correcting unsatisfactory performance. Coaching is an informal process which does not usually require written confirmation. In the first instance of issues such as lateness, minor breach of policy, poor work performance or minor insubordination, a discussion between the supervisor and employee should be immediate and direct. The Supervisor records the coaching session in their log for future reference in case the undesirable behaviour continues.
  - b) **Counselling:** Counselling is the next step from coaching where a letter of expectations is provided to the employee in order to improve work performance and conduct. A face-to-face session is held to explain the issue, the desired outcome and the measures to be followed to achieve the desired outcome. A letter (Letter of Expectation) clearly outlining these items is written by the Manager and given to the employee, with copies to the Union and to the personnel file.



- c) **Formal Measures:** Before the initiation of formal measures, Manager and/or Supervisor, together with a representative from Human Resources and the Union will meet to review all previous actions, performance issues, disciplinary records, performance appraisals, agreements, and documentation. In this meeting, logs of coaching, written confirmation of counselling, training reviews, performance appraisals, interviews with the employee and coworkers may be used to agree the appropriate level of disciplinary action. Following the review meeting and agreement on formal measures to be taken, the measures are to be put in place within 5 working days. If measures are to be implemented outside this time, the employee and Union are to be informed.

### **Levels of Formal Measures**

#### **Verbal Warning**

8. To be delivered by the Manager in person, and confirmed by a written note on personnel file. The verbal warning is to clearly state the unacceptable behaviour or conduct and the action to be taken by the employee to correct the behaviour or conduct.

#### **Written Warning**

9. May or may not be preceded by one or more verbal warnings depending on the seriousness of the misconduct or if one or more verbal warnings have been ineffective in correcting conduct or behaviour. The written warning will be delivered by the Manager and copies placed on the personal file and provided to the Union.

#### **Written Notice of Unsatisfactory Service (non-culpable only)**

10. Written notice of unsatisfactory service, usually preceded by verbal warning and written warning notifies the employee that the employer considers his/her services conditional and that if performance does not improve, during a specified period, the employer may terminate or demote the employee. The "specified" period in this case is a period during which an employee is expected to improve.

#### **Short-Term Suspension**



11. Short-term Suspension is usually from one to three days. The employer may impose suspension for more serious offences such as deliberate damage to Department property, violations of safety regulations, or where an oral or written reprimand has not been successful in correcting conduct or behaviour. The purpose of a short-term suspension is to notify to the employee that Delta Police Department has a serious concern about their behaviour or performance and that failure to address the behaviour or performance may result in further, more serious disciplinary action, including termination.

### **Long-Term Suspension**

12. Long-term Suspension is one week or more, and is normally issued when lesser forms of discipline have failed to bring about a change in the employee's conduct or where the misconduct is so serious as to justify a very serious suspension. Long-term suspension may be appropriate for a first time offence of fighting, intoxication, gross negligence or gross insubordination. The intent is to convince the employee that his/her job with Delta Police Department is in serious jeopardy and that employment will likely be terminated if conduct is not immediately corrected.
13. Suspension may be paid or unpaid depending on the circumstances leading to the suspension and prior action taken. Short term paid suspension is authorized by the Deputy Chief of Administration. Authority to impose unpaid or long term suspension lies with the Chief Constable.

### **Dismissal**

14. Where formal measures have not had a positive effect on the employee's performance and conduct, discharge may follow the suspension.

### **Removal from the Workplace Pending Investigation**

15. At times, it is appropriate to immediately remove the employee from the workplace (e.g. when the employee is suspected of being under the influence of alcohol or drugs, or where an immediate investigation is required). This break will provide the manager the opportunity to conduct an investigation and make an informed decision regarding next steps.



**Note that measures to restore performance standards may not follow in this exact order. Issues of gross misconduct may lead to more severe discipline being imposed, bypassing lower levels of discipline.**



### **Right to Appeal**

16. The Union representing the employee retains authority for the filing and conduct of any grievance brought against any stage of the process, in accordance with the procedure laid down in the Collective Agreement. Non Union employees may appeal any stage of the process directly to the Chief Constable, and all appeals will be governed by the appropriate provisions of the *Labour Relations Code* of British Columbia.