

Counseling, Discipline and Termination

POLICY

NCBA's Progressive Disciplinary Procedures will provide a fair and equitable means for EPA Monitors to guide and improve enrollee performance. Following these progressive disciplinary procedures, which provides for informal verbal warnings and formal written warnings is a means of correcting unsatisfactory performance, Improving unsatisfactory attendance. and resolving attitude problems. It is also an effective method of enhancing enrollee productivity and on-the-job SEE position satisfaction.

The enrollee is encouraged to initiate contact with the EPA Monitor at any time regarding the conditions of his/her assignment or the requirements of the position. Frequent communication between the enrollee, NCBA, and the EPA Monitor will help prevent misunderstandings and is essential to developing a successful relationship.

PROCEDURES

The following corrective measures are established regarding the NCBA/SEE Program enrollees:

If an enrollee is not performing in a satisfactory manner or is not meeting basic position requirements as outlined in the position description, the EPA Monitor should discuss these problems with the enrollee in an informal and confidential meeting. A memorandum of these informal discussions is prepared within ten (10) working days of the meeting; copies will be forwarded to the enrollee and to the NCBA/SEE Program office.

The enrollee is to be made aware of specific deficiencies and told the corrective action, and the appropriate time frame for completion of the cited corrective action must be given. A realistic written timetable for evaluation and review of progress should be established and agreed upon by the EPA Monitor and the SEE enrollee. Copies of the agreement are to be forwarded to the NCBA/SEE Program office.

If the enrollee fails to improve performance deficiencies by bringing the deficiency to a satisfactory level; after informal discussion and counseling

by the EPA Monitor, the EPA Monitor should then formally document the problem by preparing a second memorandum and submit the memo to the NCBA Program office. The memorandum should contain:

Reference to all previous informal discussions and the timetable agreed upon for progress and evaluation.

Identification of the enrollee's deficiencies in performance, attendance, and/or attitude, mentioning specific incidents whenever possible.

A listing of specific recommendations and suggestions on how performance can be improved to a satisfactory level and what supervisory guidance and assistance will be given to the enrollee.

The memorandum should be forwarded to the NCBA Management Analyst and a copy immediately provided to the enrollee.

The EPA Monitor should then discuss the situation jointly with the NCBA/SEE Program Director or appropriate staff member and the enrollee. A realistic probationary period (30 - 90 days) should be established at this time and should include specific dates for review and evaluation of progress.

All discussions, appraisals, and agreed upon terms for corrective measures should be documented and forwarded to the NCBA/SEE Program Director to schedule a joint meeting consisting of the NCBA/SEE enrollee, NCBA/SEE Program Director, and the EPA Monitor completing the report.

At the joint meeting, the enrollee should be made aware of specific deficiencies and told what action must be taken to correct those deficiencies. A realistic timetable for evaluation and review of progress should be established and agreed upon by the NCBA Representative, the EPA Monitor, and the enrollee.

During the prescribed appraisal period, the EPA Monitor and the NCBA representative should carry out assessment activities with the enrollee. If the enrollee improves to the satisfaction of the EPA Monitor, a memorandum to the file will indicate that no further action will be taken. However, if there is no significant improvement by the end of the probationary period, the enrollee will be given a two-week notice of termination in writing by the NCBA National Director of Employment Services. If at any time the enrollee's continued presence in the assignment area is disruptive or causes other problems, the NCBA Program Director should be notified immediately by telephone.

All formal disciplinary action must be carried out in person, by an NCBA representative, unless prohibited by time, the urgency of the situation, or other unavoidable circumstances.

Although these steps may initially appear to be complex and time consuming, they are not as daunting to implement as they may appear. Remember each SEE Enrollee represents a large investment by EPA. EPA and NCBA have both spent considerable time and money in the processes that led to the SEE Enrollee's appointment and on-the- job training. Jointly, we must make every effort to help each Enrollee become and remain an efficient, productive and satisfying supplement to your office team.

DISCIPLINARY ACTION

The NCBA/SEE Program policy emphasizes sound, honest, direct, and effective communication with the enrollees by EPA Monitors. The best course of action for a SEE enrollee is to achieve a positive, cooperative attitude. A supportive assignment environment will also contribute tremendously to an enrollee's success at a position.

These progressive disciplinary measures are provided to bring about a change in behavior and attitude, they are intended to let the enrollee know the seriousness of the situation and the possible consequences resulting from refusal to change.

Types of Actions:

Disciplinary measures should be used only after informal counseling by the EPA Monitor and/or the NCBA Representative.

1) The Warning

The warning is an oral or written communication, expressing specific dissatisfaction with the enrollee's performance and attitude, and details the action necessary to satisfactorily improve the situation. If the warning is oral, a record should be made of the warning by the EPA Monitor.

The record should include the date and time of the warning as well as a summary of the discussion with the enrollee. Such a written record becomes a formal part of the enrollee's personnel record and the enrollee should receive a copy.

2) Letter of Reprimand

A letter of reprimand is to be written only by the EPA Monitor and in consultation with the NCBA/SEE Program Director. This letter is to be a strong and final warning to the enrollee that unless there is immediate compliance, the enrollee will be terminated from the NCBA/SEE Program. The letter should review and summarize the EPA Monitor's and NCBA's dissatisfaction with the enrollee's performance, behavior, attitude, and failure to respond. A copy of the letter of reprimand should be placed in the enrollee personnel file.

3) Rebuttals

"Letters of Reprimand" and/or "Warnings" may be rebutted by the enrollee to the person who signed the letter within ten (10) working days. A copy is to be placed in the enrollee's personnel file. This action preserves the enrollee's right of appeal and/or request for a formal review through established NCBA/SEE Program grievance procedures.

An enrollee wishing to review his/her personnel records should arrange an appointment with the NCBA/SEE Program office at a mutually convenient time and place. No material within the personnel file may be altered, changed, or removed at any time. The enrollee has the right to file a written rebuttal to any material in the personnel records. At all times, the enrollee's right to privacy should be respected.

TERMINATION

Only the National Director of Employment Services have the authority to terminate a NCBA/SEE Enrollee. EPA Monitors may recommend termination for just cause at any time during enrollment **BASED ON DOCUMENTED FACTS** as described in previous sections of this "Procedures Guide". In all cases, the EPA Monitor and the NCBA Program Director should work together to provide guidance and assistance to the enrollee. If the progressive disciplinary measures do not bring about the desired change within a prescribed period of time, the enrollee should be discharged.

Just Cause

Reasons for discharge of an enrollee for just cause, if properly documented, may include but are not limited to the following:

- 1) Conviction of a criminal violation.
- 2) Disobeying an EPA Monitor's instructions relating to the position, after repeated warnings.
- 3) Drinking alcohol or using intoxicating/illegal drugs while at an EPA assignment.
- 4) Reporting to EPA assignment under the influence of alcohol or intoxicating/illegal drugs.
- 5) Displaying physical violence, disorderly conduct, or disruptive behavior.
- 6) Theft of property.
- 7) Falsifying records.
- 8) Negligence in the performance of duty.
- 9) Negligence in complying with procedures, laws, regulations, and agreements.
- 10) Position abandonment may be considered as a cause for termination of enrollment if an enrollee arbitrarily leaves the position for three working days without explanation or without contacting the EPA Monitor or the NCBA Program Director.
- 11) Repeated tardiness and absenteeism.
- 12) Repeated violations of established safety rules and practices.
- 13) Intentional destruction, abuse, and defacement of property.
- 14) Sleeping at the assignment site.
- 15) Any actions to discredit, including libel, slander, or bribery.
- 16) Any other anti-social, uncooperative, unprofessional job-related behavior.

- 17) Any falsification of proof of United States citizenship or authorization for employment in the United States.

NOTE: Depending on the circumstances, these causes may result in immediate dismissal. No termination for any cause may take place without review of the circumstances, documentation, and approval of the NCBA/SEE Program Director and NCBA Executive Vice President.

Reduction in Force

NCBA has a number of cooperative agreements with EPA which are funded by many of their offices, divisions, and legislative authorities, however, reductions in force are done by cooperative agreement and are not program-wide. When a specific cooperative agreement loses funding, or when EPA makes a decision to abolish a particular position or class of positions due to budgetary considerations or reorganization, only enrollees on that specific cooperative agreement will be affected by that decision. Layoffs will be based on the following criteria:

Enrollees with documented proof of poor or marginal performance will be laid off first.

In the absence of valid performance documentation, enrollees with the least seniority in that specific cooperative agreement will be laid off first,

No less than two (2) weeks-notice with pay, will be given to enrollees under reduction-in-force circumstances.

Enrollees who are laid off will be called back to their assignment upon reinstatement of funding, for any positions for which they are qualified. If other positions are available within the same geographical location in other cooperative agreements, persons affected by a reduction in force will be offered the opportunity to interview for a position for which they are qualified; however, there are no guarantees that an interview will result in employment.

NCBA/SEE Program staff will offer assistance in finding other assignments and thus will attempt to minimize the personal financial hardship of those enrollees affected by reductions in force.

GRIEVANCE PROCEDURES

Enrollees who feel their SEE Participant's rights have been infringed upon, or who feel they have a valid grievance, are encouraged to present their complaints or grievances to management of NCBA without fear of reprisal. It is understood that no enrollee will be penalized for having submitted a legitimate grievance or complaint.

The **first step** the enrollee pursues in the grievance process should be to discuss the problem with his/her EPA Monitor. Every reasonable effort should be made to resolve the matter at the supervisory level. If the enrollee feels that the grievance or complaint has not been resolved at the supervisory level, the problem may then be addressed in writing to:

**SEE Management Analyst
NCBA/SEE Program
1220 L Street, NW, Suite 800
Washington, DC 20005**

It is suggested that the written grievance be clear and to the point. Included in the report should be the enrollee's name and assignment address, the grievance, dates of occurrence, including names of individuals involved and names and titles of witnesses, if any. If the complaint is not resolved to the satisfaction of the enrollee, then an appeal can be made to the:

U.S. Environmental Protection Agency

**Senior Environmental Employment Program (MC- 3650AJ Ariel Rios Building North
1200 Pennsylvania Ave. NW Washington, DC 20460**