



FAMILY COURT OF THE STATE OF DELAWARE

CHANDLEE JOHNSON KUHN
CHIEF JUDGE

NEW CASTLE COUNTY COURTHOUSE
500 N. KING STREET, SUITE 9450
WILMINGTON, DELAWARE 19801-3736

INTERNAL POLICY MEMORANDUM NO. 13-003

TO: Family Court Judges
Family Court Commissioners
Family Court Administrative Team
Family Court Administrative Support Staff

FROM: Chandlee Johnson Kuhn
Chief Judge

DATE: October 15, 2013

RE: Corrective Actions

This Internal Policy Memorandum supersedes Internal Policy Memorandum No. 11-001, and this Internal Policy Memorandum becomes effective on November 4, 2013 to allow for distribution and training.

1.0 BACKGROUND

The Family Court of the State of Delaware's strategic plan demands "respect, intellectual honesty, integrity, and accountability from ourselves as well as those we serve." To support these demands, Family Court has established this progressive discipline policy based on just cause and consistent with the due process protections afforded to employees covered by the State of Delaware Merit Rules ("Merit employees") and the Collective Bargaining Agreement between the State of Delaware Family Court, and the United Food and Commercial Workers Union, Local 27.

2.0 PURPOSE

This policy establishes consistent and fair practices for the issuance of corrective action to employees. It is the intent of Family Court to support the success and development of our employees. Progressive discipline enables Family Court management to identify, communicate, and measure actions and behavior that are not acceptable in our workforce, and to identify corrective action to support the success of our employees.

3.0 SCOPE

This policy applies to all regular full-time Merit Employees of Family Court.

4.0 REFERENCES

- 4.1 State of Delaware Merit Rules
- 4.2 Collective Bargaining Agreement between the State of Delaware Family Court, and the United Food and Commercial Workers Union, Local 27

5.0 DEFINITIONS

- 5.1 Work Performance is defined as the action(s), behavior, or activity demonstrated or executed to carry out the duties assigned in your position.
- 5.2 Conduct or Policy Violation is defined as the action, behavior, or activity demonstrated or exhibited that is in direct violation of a policy to include, but not limited to, Internal Policy Memorandums, Administrative Directives, Administrator's Directives, Judicial Branch Code of Conduct, and State of Delaware policies.
- 5.3 Coaching is not discipline. Coaching is a discussion between a supervisor and an employee that takes place to specifically address unacceptable actions, performance, or behavior by an employee that could lead to discipline if not corrected.
- 5.4 Progressive discipline is an incremental formal approach to correcting unacceptable work performance, conduct or policy infractions, or behavior in the workplace.
- 5.5 Written Notice of Unsatisfactory Work Performance is not discipline and is the written communication from a member of management to an employee prior to discipline to communicate a deficiency in an employee's work performance.
- 5.6 Written Reprimand is discipline and is the communication and issuance of a formal document from a member of management to an employee to specifically address correcting unacceptable work performance, conduct or policy infractions, or behavior in the workplace by the employee.
- 5.7 Suspension is discipline and is the communication and issuance of a formal document from a member of management to an employee to specifically address correcting unacceptable work performance, conduct or policy infractions, or behavior in the workplace by the employee.
- 5.8 Termination is discipline and is the communication and issuance of a formal document from a member of management to an employee to specifically address correcting unacceptable work performance, conduct or policy infractions, or behavior in the workplace by the employee.
- 5.9 Member of Management in this policy is defined as any member of the Administrative Management Team, Judicial Officer, Manager or Supervisor.
- 5.10 Court is defined as "Family Court".

6.0 RESPONSIBILITIES

- 6.1 Employees must follow the provisions of this policy.
- 6.2 Managers and supervisors must ensure that this policy is applied in a consistent manner by all employees.
- 6.3 Human Resources must ensure managers, supervisors, and employees are trained on this policy. Human Resources will coach and counsel managers and supervisors as required on interpretation of the policy, and serve as a liaison between the supervisor and employee when necessary to ensure compliance. Human Resources must ensure consistency in the application of this policy across all of the Court.

7.0 POLICY

- 7.1 Progressive discipline has three (3) levels that may be utilized to correct work performance of an employee, or to address conduct or policy violations by an employee. These include: (1) Written Reprimand; (2) Suspension; and (3) Termination.
- 7.2 The member of management issuing the corrective action is to investigate and document the work performance, conduct or policy violation that is unacceptable and to include in the documentation appropriate reference to Family Court of the State of Delaware rules, policies, procedures, code of conduct, etc. so that just cause is clear and evident.
- 7.3 The type of progressive discipline issued will be determined by the egregious nature of the offense.
- 7.4 All discipline must be reviewed with the Human Resources Specialist III in each respective county prior to issuance to the employee. All discipline submitted for review must include a Corrective Action Cover Page.
 - 7.4.1 If the employee is a member of an active union at the Court, a copy of the issued discipline must be provided to the employee's Union Representative.
- 7.5 Human Resources Department will track all issued discipline in the Human Resources Information Management System – PHRST.
- 7.6 Employees are not required to sign or initial the discipline they are issued. An employee may follow appropriate due process afforded to them to challenge the discipline.
- 7.7 Discipline is to remain confidential.



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CORRECTIVE ACTION COVER PAGE

Name of Employee Receiving Corrective Action:

Name of Member of Management recommending the discipline:

Title of Member of Management recommending the discipline:

Type of Infraction: Work Performance Conduct or Policy Violation

Date of Infraction:

Please list all policies, procedures, rules, directives, etc. that the employee violated or is in non-compliance.

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Please explain the failure in work performance and/or the conduct or policy violation:

Corrective Action: Written Reprimand Suspension Termination

Member of Management Signature

Date