

## 141 – CORRECTIVE ACTION

- A. When it becomes necessary to address a regular employee's conduct in the workplace, general guidelines of acceptable business conduct will govern. The corrective action process is a guideline – it is not intended to change non-classified employee's at will employment status.
- B. Corrective Action For Classified and Non-Classified Employees
1. Depending on the nature and seriousness of an employee's conduct, corrective action may be any type of corrective action listed below.
    - a. Preliminary Notice
      - (1) The supervisor of the employee must meet with the employee and inform the employee of the specific conduct that is unacceptable.
      - (2) The conduct must be clearly identified and a time set by which the situation must be rectified.
      - (3) Preliminary notices must be documented on a preliminary notice memo and forwarded to the employee, appointing authority, and the Human Resource Director.
      - (4) If further issues of a similar nature occur, a more severe action will be taken and any previous preliminary notice(s) must be attached.
    - b. Written Reprimand
      - (1) Written reprimands must be approved by the appointing authority and notice must be given to the Human Resource Director as soon as practicable. Written reprimands must be documented on a [written reprimand memo](#).
      - (2) The supervisor of the employee must meet with the employee and inform the employee of the specific conduct that is unacceptable.
      - (3) The conduct must be clearly identified and a time set by which the situation must be rectified.
      - (4) The employee's signature indicates the employee has reviewed and discussed the corrective action memo with the employee's supervisor.
      - (5) The employee will have the option to reply to a written reprimand within five working days of receiving the reprimand. Such written reply must be placed in the employee's file with the written reprimand.
      - (6) Written reprimands must be filed in the employee's personnel file in the State Court Administrator's Office.

- (7) An employee may appeal the written reprimand through the Conflict Resolution policy.

c. Dismissal

- (1) All dismissals must be in writing and approved by the appointing authority and reviewed by the Human Resource Director before the action is taken.

- (2) Non-Classified Employees and Employees in the Introductory Period

- (a) A non-classified employee or an employee in the introductory period may be dismissed at will - employment may be terminated by the Court System or an employee at any time, without cause and without notice.

- (b) A non-classified employee or an employee in the introductory period is not subject to the Conflict Resolution policy's dismissal or reduction in force appeal review by the Personnel Policy Board.

- (3) Classified Employees

- (a) For a classified employee who has successfully completed the introductory period a dismissal from employment must follow a written notice.

- (b) An employee must be notified in writing of the contemplated dismissal, the reasons constituting cause for the dismissal, and the time and place where the employee will have an opportunity for a meeting with the supervisor and appointing authority to present evidence and argument in support of the employee's position. The employee must be given adequate time to prepare for the meeting, however the meeting must be held no later than the end of the next business day after receipt of the notice of contemplated dismissal.

- (c) After the employee has been given an opportunity for a meeting, the supervisor must notify the employee, in writing, of the decision. If the decision is to dismiss the employee, notice of the decision must include a copy of the employee's right to the Conflict Resolution policy's dismissal or reduction in force appeal review by the Personnel Policy Board.

- (d) Exception: An employee who engages in violence or threats of violence against a judicial officer or another employee, or against a member of the public while on work premises may be dismissed without prior written notice. At the discretion

of the appointing authority, the employee's right to a meeting under section (3)(b) may be conducted on the premises with security present or by telephone or other remote means.

C. Corrective Action For Judicial Referees

1. Judicial referees serve at the pleasure of the presiding judge in the district they serve, and are subject to corrective action under N.D.Admin.R.13. The corrective action process below is an optional method of addressing a judicial referee's conduct.
2. Imposition of corrective action against a judicial referee may commence with a written recommendation for corrective action and the reasons justifying it from a district court judge in the judicial district. The recommendation will be sent to the presiding judge of the judicial district.
  - a. Within ten days of receiving the written recommendation for corrective action, the presiding judge shall notify the referee and all district court judges in the judicial district of the recommendation and set a time and place for review of the recommendation by all district court judges in the judicial district.
  - b. At the review meeting the referee shall have a reasonable opportunity to present evidence and argument in support of the referee's position.
  - c. The presiding judge shall notify the referee in writing of any corrective action imposed by the review panel and the reasons for it.
  - d. The decision of the majority of the review panel is final and not subject to the Conflict Resolution policy's grievance procedure or dismissal or reduction in force appeal review by the Personnel Policy Board.

D. EAP Referrals

A supervisor may refer a regular employee to the Employee Assistance Program (EAP) when addressing employee job performance or conduct in the workplace.

E. Suspension

1. Suspension may take place at any time during the corrective action process. A suspension must be approved by the appointing authority and prior notice must be given to the Human Resource Director if practicable.
2. An employee may appeal a suspension through the Conflict Resolution policy.

Approved by the Supreme Court 4/1/12; amended 1/8/14 effective 2/1/14/ amended 7/21/21; amended 9/21/22