



American Federation of State, County and Municipal Employees Local 59 AFL-CIO  
Raymundo Valdez, President

ITEM 4

**September 1, 2016**

**To:** Civil Service Commission

**From:** David Guzman, Field Representative, AFSCME Local 59

**Subject:** Revision of Rule 8, Section 8 Formal Counseling

Concerning Regular Agenda item 3.B., to be considered at your meeting of September 8, 2016, AFSCME Local 59 requests that you considered the attached suggested revisions to Rule 8, Section 8 Formal Counseling. These revisions include changing the time period that the counseling remains in an employee's personnel file from 24-months to six months.

## Section 8. Formal Counseling.

Formal Counseling is not within the type of disciplinary action specified in Section 6.13-2 of the Charter which may be appealed to the Civil Service Commission. A formal counseling is issued by the Department Head and considered a written counseling to address employee workplace conduct.

Employees receiving a formal counseling shall have the right to place responses to the formal counseling into their personnel files which shall remain in the file so long as the formal counseling to which the response relates remains in the file. Employees receiving a formal counseling are entitled to have a representative present

Formal counseling will not become effective until the Department Head has first served upon such employee a written notice to address the issue against the employee. The notice must contain one or more statutory reasons for the formal counseling, together with such specifications of act as will enable the employee to make an explanation and place him fairly upon his defense. Formal counseling shall be removed from an employee's personnel file after a six (6) month period.

Upon an employee's request, formal counseling shall be removed from the employees personnel file after the expiration of a six (6) month period from the date of the last formal counseling, provided the employee has not received any disciplinary action during the six (6) month time period. Between the request and the last-received formal counseling. Formal counseling meeting the criteria above shall not be considered against the employee for purposes of determining progressive discipline or performance evaluations, regardless of whether or not the employee requested removal of the formal counseling.

~~after the expiration of twenty four (24) months from the date of the last formal counseling, provided the employee has not received any disciplinary action during the twenty four (24) month time period between the request and the last received formal counseling. Formal counselings meeting the criteria above shall not be considered against the employee for purposes of determining progressive discipline or performance evaluations, regardless of whether or not the employee requested removal of the formal counselings. If a department specific policy contains a look back period for formal counselings that conflicts with this Rule's twenty four (24) month look back period, the department specific policy supersedes this provision of the Rule for purposes of progressive discipline and performance evaluations.~~  
(Added 8/25/09)(Amended 11/2/10, 3/6/12, 1/20/15)