



COLLIN COUNTY

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- Elected in 2016
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26 years experience in criminal, civil, and family law including General Counsel and Risk Manager positions for large companies.



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Document, Document, Document!

How to Handle Employee Issues

Focus on the Behavior

Focus on the Employee's Behavior or the Facts of the Incident

- Consider all the facts of the incident or scenario
- Don't include opinions about the employee
- Don't comment on employee's personality traits

You don't want to say "John doesn't pay attention to details" or "It's clear John doesn't care about his job". Use specifics and facts that led to the incident.

Example:

On 1/10/20 John Deer failed to read Judge Who's docket entry that instructed him to recall a warrant. Warrant was never recalled, and the defendant was arrested on 1/12/20. Because of John's actions he violated the High Impact Policy and will receive a (1) Day Suspension Without Pay.



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Don't Exaggerate

Be careful not to embellish the facts

When Describing the problem, don't exaggerate. Avoid words such as "always" and "never", unless you can substantiate them.

Example:

Don't say an employee "never arrives to work on time" or "is always late", if in fact she has only been tardy to work (3) times in a calendar year. Exaggerating even innocently, can cloud your credibility if you're called to testify.



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Don't Contradict Previous Documentation

When describing the misconduct, it is important that your documents match previous records. If an employee's annual review indicates that he is "above average" or "meeting expectations" in every category, it would be difficult to justify a disciplinary action a month later stating that the employee didn't meet performance standards.

Policies and Procedures

- Examples of Policies and Procedures that are enforced at the Collin County District Clerk's office.
- Time off Employees with Less than 6 Months of Service
- Time and Attendance
- Cash Handling
- Records and Email Retention Requirements
- Computer and Internet Use Policy
- Collin County District Clerk Standards
- Collin County District Clerk Confidentiality Policy
- High Impact Errors
- Email Etiquette
- District Clerk's Office Travel Policy



Identify the Rule or Policy Violated

- When an employee has violated a rule, policy, or performance standard and specify what it is. It is easier to justify your actions if the workplace requirement is in writing and communicated to your staff. This can be done by creating an employee handbook or written policies. If there is a written policy, you can include a copy of it with your new hire paperwork. Have the employee sign and date that they have received the policy and place in their personnel file. Any written correspondence with an employee, including emails are also acceptable means of communication.
- Always document! It may seem like a small issue at the time, but those little issues add up. If you documented consistently, you will have solid reasoning for the disciplinary action you will be giving to that employee.
- If you ever have a question on how to handle an employee issue, contact your HR department. They are a good resource to utilize.



Determining Consequences

When creating your policies, add what your intended disciplinary actions will be. Review with staff and have them sign and date a copy to put in their personnel file.

Example:

Tardy Policy for a Calendar Year

- (5) You will receive a Verbal Warning
- (15) You will receive a Written Warning
- (25) You will receive a (1) Day Suspension Without Pay
- (26) A recommendation for Termination will be made to HR

****This way the employee knows exactly what is expected from him/her, and what the consequences will be if they violate the Tardy Policy****

Disciplinary Statement

Creating a type of Disciplinary Statement ensures your management staff doesn't leave out important details.

- **Name of Employee**
- **Date**
- **Date of Incident/Occurrence**
- **Action(s) Taken** = Coaching, Verbal Warning, Written Warning, Termination, Other
- **Description of Incident, Issue, or Occurrence** = Absence/Tardiness, Safety Violation, Conduct, Performance Issue, Policy Violation, Other
- **Explanation of Incident, Issue, or Occurrence or Policy Violation**
- **Corrective Action Plan**
- **Employee Comments**
- **Employee and Management Signatures and Date**

It is good to add the statement "Further incidences may lead to additional disciplinary action up to and including termination of you employment" on your disciplinary documents.

Present Your Disciplinary Action in Person



- Meet with your employee to review their disciplinary document.
- Have them read the document, especially the “Description of the Incident”.
- Once the employee has read it, explain to them what you expect from them moving forward.
- Ask them if they have any comments. If they do, have them write their comments on the disciplinary document.
- When your discussion is done, you will have the employee sign and date the document.

If the employee refuses to sign, ask another manager/supervisor to witness the fact that the employee received the disciplinary document and refused to sign it.





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References

Comply Right (www.complyright.com)

Collin County Employee Handbook

Collin County District Clerk Handbook





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QUESTIONS?

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