

**SAMPLE - WRITTEN REPRIMAND
(Poor Behavior & Leave Use)**

October 15, 2020

Ms. Lily Rice
(Address)

**Re: Written Reprimand
Hand Delivered**

Dear Ms. Rice:

In accordance with the New Mexico Judicial Branch Personnel Rules (NMJBPR), specifically Rule 9.04B Non-Grievable Disciplinary Action for Employees, this letter serves as a Written Reprimand. Examples under Just Cause definition in NMJBPR that apply to your situation include: "(8) threatening or abusing another person in the workplace" and "(23) acting in a manner that reflects poorly upon the integrity of the Judicial Branch."

The basis for this written reprimand is as follows:

Arguing in Front of a Customer

On Tuesday, May 1, 2020, you and another employee, Ashley Jones, started an argument in front of a customer at the front window. Apparently, you were at the window, and Ms. Jones came to the area to file documents. The space is very tight there, and the two of you began arguing that the other was in her way and who should move. You were loud in front of the customer. You then continued to yell at each other in the back, and then you both came into my office and continued arguing in front of me. I thought you would come to blows with Ms. Jones. Ms. Jones then left my office, and you followed. When you met up with Ms. Jones in the clerks' area, you exchanged more angry words with her. I was so appalled by your behavior that I was speechless.

Misuse of Leave

On Sunday, May 13, 2020, you called me at my home to request sick leave for Monday, May 14, 2020, and you said that you were going to Las Vegas. I needed you in the court on that Monday, and did not feel that a trip to Las Vegas was appropriate use of sick leave so I did not approve your request.

Unless you had given me advance notice of your need to see a doctor in Nevada, a trip to Las Vegas is not appropriate use of your sick leave. Although it would be different if it had been an emergency, one day of notice for a leave request is generally not enough. Operations of the court need to be considered and covered.

Expectations

I realize that the area by the customer window for the employee servicing customers is small and if another employee needs to file documents there, the space became extremely tight. We have since moved furniture around and remedied the situation so there is room for more than one employee in that space.

Tight space is no reason to argue with a coworker in front of a customer. Your behavior created an embarrassing situation for the court. Loud arguing with a coworker in front of a customer is extremely unprofessional. This behavior is abusive towards your coworker and not appropriate for the workplace.

In the future, if you have an issue with a coworker I expect for you to discuss it with the coworker in a regular tone of voice in private, or conduct the conversation in my office with me overseeing it. I expect for you to find a solution without raising your voice and creating a scene.

In addition, if you need sick time off, unless there is an emergency, I expect for you to request the leave with as much notice as possible – and it must be an appropriate request. I do not believe using sick leave to go to Las Vegas is correct.

If you fail to take corrective action immediately, or if you violate any of the New Mexico Judicial Branch Personnel Rules, you will be subjected to further disciplinary action up to and including termination.

This written reprimand will be placed in your personnel file. You have the right to respond to this reprimand, and if a response is written, it will become a part of your personnel file. Pursuant to NMJBPR 9.07A, “(1)After two (2) years from date of reprimand, an employee may request in writing that the reprimand be removed from the employee’s personnel file. After consultation with the person issuing the reprimand, the Administrative Authority may remove the reprimand provided there has been no subsequent documented discipline and the employee’s performance evaluations are at least “meets requirements.” “(2) After three (3) years from date of reprimand, an employee may request in writing that the reprimand be removed. The Administrative Authority shall remove the reprimand provided there has been no subsequent documented discipline and the employee’s performance evaluations are at least “meets requirements.”

You are requested to sign this letter. Your signature does not necessarily indicate agreement with the written reprimand.

If you have any questions regarding this process, please call Geri Budenholzer in Human Resources at 827-4938.

Sincerely,

Ms. Boss, Court Manager

I acknowledge that I have received this Written Reprimand.

Lily Rice

Date

cc: AOC Employee Personnel File
Ms. Karen Janes, Magistrate Division Director
Ms. Smith, Judicial Manager

**SAMPLE - WRITTEN REPRIMAND
(Doc Mishandling & Unsuitable Behavior)**

November, 15, 2020

Ms. DeDe Snow
Address

Re: Written Reprimand - Hand Delivered

Dear Ms. Snow:

On the recommendation of Judge Braveheart, Magistrate Judge at the Blackwell County Magistrate Court in Blackwell and in accordance with the New Mexico Judicial Branch Personnel Rules (NMJBPR), specifically Rule 9.04B Non-Grievable Disciplinary Action for Employees, this letter serves as a Written Reprimand.

Examples under Just Cause definition in NMJBPR that apply to your situation include: "(3) performing assigned duties in an inefficient, incompetent or negligent manner" and "(14) falsifying or mishandling official records or documents."

The basis for this written reprimand is as follows:

Mishandling Court Documents

On Monday, October 16, 2020, an arrest warrant was issued for defendant Robert Redford for disorderly conduct and resisting an officer. A short time later Mr. Redford turned himself in and was in custody.

On Thursday, October 19, 2020, you issued a release order for Mr. Redford, and stamped that order with Judge Braveheart's signature. You did not follow normal procedure and talk to or call Judge Braveheart to get his approval before stamping that release order with his signature.

Judge Braveheart did not know that a release order had been issued for Mr. Redford. Mr. Redford's mother was at the court on another issue and Judge Braveheart commented to her regarding the arrest warrant for Mr. Redford. The mother told Judge Braveheart that a release order had been issued.

You eventually did tell Judge Braveheart about the release order, but you did not request his approval in advance as you should have and has been the practice in your court. Stamping the judge's signature on a document without his knowledge is mishandling of a court document and an abuse of power. Without advance approval this action was inappropriate and not in the purview of the responsibilities and limit of authority of a Judicial Specialist.

Unsuitable Behavior

On Thursday, October 19, 2020, Judge Braveheart saw a police officer emerge from the court's record and file room. You came out of the file room shortly after the officer. It is entirely inappropriate for you to allow an individual who is not an employee of the court to be in the court's record room. This could potentially open the court to questions of integrity in regard to the court's files and records.

On May 20, 2020, Karen Janes, Magistrate Court Division Director, issued a memo suggesting the courts limit the clerks' area to clerks only and suggested that access be restricted to areas beyond the waiting room

and the courtrooms. Your actions are in conflict with Ms. Janes' memo.

In respect to Ms. Janes' memo and in response to this incident, Judge Braveheart is going to issue an order for the Blackwell County Magistrate Court in Blackwell stating that non-court employees are restricted from the clerks' area and will be allowed only in waiting rooms and courtrooms.

Expectations

Ms. Snow, you must remember it is mandatory to receive the Judge's permission in advance before you stamp any document with his signature. You do not have the authority to affix his signature to court documents.

Additionally, it is expected that you will not allow a non-employee of the court into the court's record room.

If you fail to take corrective action on the above items, or if you violate any of the New Mexico Judicial Branch Personnel Rules, you will be subjected to further disciplinary action up to and including termination.

Your Response

We must sign this letter. Your signature does not necessarily indicate agreement with the written reprimand. This written reprimand will be placed in your personnel file. You have the right to respond to this reprimand, and if a response is written, it will become a part of your personnel file.

Pursuant to NMJBPR 9.07A, "(1) After two (2) years from date of reprimand, an employee may request in writing that the reprimand be removed from the employee's personnel file. After consultation with the person issuing the reprimand, the Administrative Authority may remove the reprimand provided there has been no subsequent documented discipline and the employee's performance evaluations are at least "meets requirements." "(2) After three (3) years from date of reprimand, an employee may request in writing that the reprimand be removed. The Administrative Authority shall remove the reprimand provided there has been no subsequent documented discipline and the employee's performance evaluations are at least "meets requirements."

If you have any questions regarding this process, please call Geri Budenholzer in Human Resources at 827-4938.

Sincerely,

Boss Jones, Court Clerk Manager

Attachment; NMJBPR - Section 9 Discipline

I acknowledge that I have received this Written Reprimand.

DeDe Snow, Judicial Specialist

Date

cc: AOC Employee Personnel File - Ms. Snow