

1. Sample Progressive Discipline Policy

Purpose. To establish rules pertaining to employee conduct, performance, and responsibilities so that all personnel can conduct themselves according to certain rules of good behavior and good conduct.

The purpose of these rules is not to restrict the rights of anyone, but rather to help people work together harmoniously according to the standards we have established for efficient and courteous service for our customers.

Reasonable rules concerning personal conduct of employees are necessary if the facility is to function safely and effectively. You will be kept informed of department rules and changes to those rules by your supervisor or department head.

The company believes that you want to, and will, do a good job if you know what is required to perform your job properly. Your supervisor is responsible for ensuring that you know what is expected of you in your job. Further, it is company policy that employees be given ample opportunity to improve in their job performance.

Policy. Degrees of discipline are generally progressive and are used to ensure that the employee has the opportunity to correct his or her performance. There is no set standard of how many oral warnings must be given prior to a written warning or how many written warnings must precede termination. Factors to be considered are:

- how many different offenses are involved
- the seriousness of the offense
- the time interval and employee response to prior disciplinary action(s)
- previous work history of the employee

Exceptions. For serious offenses, such as fighting, theft, insubordination, threats of violence, the sale or possession of drugs or abuse of alcohol on company property, etc., termination may be the first and only disciplinary step taken. Any step or steps of the disciplinary process may be skipped at the discretion of [company name] after investigation and analysis of the total situation, past practice, and circumstances.

In general, several oral warnings should, at the next infraction, be followed by a written warning, followed at the next infraction by discharge. This is especially true in those cases where the time interval between offenses is short and the employee demonstrates a poor desire to improve his/her performance.

Penalties for Specific Offenses

Penalties for group 1:

- First offense: Oral or written reprimand
- Second offense: Suspension or termination

Penalties for group 2:

- First offense: Suspension or termination

Group 1: Offenses include:

- knowingly filling out time sheet of another employee
- having one's sheet filled out by another employee, or unauthorized altering of a time sheet
- being tardy habitually without reasonable cause
- being absent without notification or excuse
- leaving your job or your regular working place during working hours for any reason without authorization from your supervisor, except for lunch, rest periods and going to the restrooms
- disorderly conduct on company property
- immoral conduct or indecency on company property
- leaving work before end of shift or not being ready to go to work at the start of shift
- interfering with the work of other employees
- inefficiency or lack of application of effort on the job
- violations of company policies outlined in sections of this policy manual
- contributing to unsanitary conditions or poor housekeeping
- imperiling the safety of other employees
- malicious gossip and/or the spreading of rumors

Group 2: Offenses include:

- gambling on company property
- possession of narcotics, or consuming narcotics on company property
- reporting for work in an intoxicated condition
- responsibility for instigating fighting on company property
- dishonesty or removal of another employee's property or company property without permission
- willful destruction of company property
- insubordination (Refusal to perform service connected with an employee's immediate supervisor or refusal to obey any reasonable order given by an employee's supervisor or by management)
- misrepresentation of physical condition or other important facts in seeking employment
- refusal to perform work assigned to an employee

- absence for two consecutive working days without notification to the company or without acceptable excuse
- petty thievery
- possession of firearms, fireworks or explosives on company property without permission from management

Probation.—You may be placed on probation in connection with the written warning for a period of time determined by [company name]. Wage increases, vacations and transfers will not be given during this period, but all other benefits will continue.

Investigative suspension.—An investigative suspension is a period, not to exceed three (3) working days, during which time an employee is relieved of his or her job because of alleged serious misconduct.

An employee may be placed on investigative suspension when it is necessary to make a full investigation to determine the facts of the case, as in a fighting, insubordination or theft incident.

If after the investigation:

- discharge is warranted, the employee shall not be paid for the period of investigative suspension—the discharge shall be effective on the date of the termination interview.
- misconduct is determined, but not of a sufficiently serious nature to warrant discharge, the employee shall receive a warning notice and forfeit pay lost as a result of the investigative suspension and may be placed on disciplinary suspension
- if no misconduct is determined, the employee shall return to work within the prescribed period and be paid for the time lost as a result of the investigative suspension

Disciplinary Suspension

A disciplinary suspension is a period of not more than three (3) days and may be given in addition to the investigatory suspension or as punishment for the violation. The employee is relieved of his or her job assignment because of serious or repeated instances of misconduct and shall forfeit pay lost as a result of the suspension in situations where there is no specific instance of conduct that is so outrageous that justifies termination but there is a pattern of conduct where the employee has continually engaged in one minor infraction of the rules after another and has received a documented verbal and/or written warning for rule(s) infraction(s). Disciplinary suspension would generally not be used as a form of discipline for employees with attendance problems.

Crisis suspension

A crisis suspension is given at the discretion of the supervisor when action must be taken immediately.

Discharge

When the employee is discharged as a result of a serious offense, or as the final step in an accumulation of infractions for which a warning notice or notices have been written, the employee will be discharged for cause instead of being given the option to resign, be laid off, or retire.

2. Progressive Discipline Checklist

Follow these steps in exercising progressive discipline with an employee:

Before the Meeting

- Arrange to meet with the employee privately. Do not discipline an employee in public or in front of other workers.
- Prepare for the meeting by reviewing your notes and files about both the specific incident or problem in question and any past discipline taken, either verbal or written.

During the Meeting

- Explain to the employee why you've called the meeting if the employee doesn't know already.
- State the specific problem in terms of actual performance and desired performance.
- Review your progressive discipline policy/program with the employee, and explain what steps have been taken already and what the next step is.
- Give the employee a chance to respond, explain and defend his or her actions.
- Acknowledge the employee's story and be sure to include it in your notes of the discipline session.
- Tell the employee that you expect his or her behavior to change. Give specific examples and suggestions.
- Indicate your confidence in the employee's ability and willingness to change the behavior.
- Have the employee repeat back to you or otherwise confirm that he or she understands the problem and is clear on what changes are expected.
- Explain to the employee that you will write a memo summarizing the session as documentation.
- Reassure the employee that you value his or her work and that you want to work with the employee to make sure that he or she can continue to work at your business.

After the Meeting

- Using your notes from the session, write a memo or other documentation that summarizes the conversation.
- If a written warning has been issued, be sure to give the employee the

opportunity to sign any documentation for the file.

- Give the employee a copy of the document no later than the end of the day following the conversation.
- If the employee has other supervisors, distribute copies to them, but emphasize that the information is confidential and not to be shared with anyone else.
- Monitor the employee's behavior and performance to make sure that the problem has been corrected.

3. Progressive Discipline Documentation Checklist

After a discipline session, you will want to make some documentation based on your notes. Use this checklist to make sure you include everything you need in your documentation.

Verbal Warning

Be sure that all verbal warnings are documented in writing. They are a building block to more formal warnings in the future. All documentation should include:

- the employee's name
- the date of the verbal warning
- the specific offense or rule violation
- a specific statement of the expected performance
- any explanation given by the employee or other information that is significant

Example of verbal warning documentation

"I talked to [employee] today about her attendance record and gave her a verbal warning. Since January 1, [employee] has been absent from work on 12 occasions for a total of 17 days. [The employee] response was, 'You can't make people work when they are sick,' and she argued about the verbal warning. I told her that she could request a medical leave of absence if she needed it, but that I expected her to be here every day unless a doctor says otherwise.

[Signature]

[Date]

Written Warning

A written warning is more serious than a verbal warning and represents a progression in the progressive discipline process.

In documenting a written warning, include:

- the employee's name
- the date of the conversation
- the specific offense or rule violation
- references to previous conversations and verbal warnings about the problem
- a specific statement of the expected performance

- any explanation given by the employee or other information that is significant
- a statement indicating your confidence in the employee's ability to perform properly in the future
- the employee's signature—if the employee refuses, include a note on the signature line indicating your attempt to get the employee to sign and his/her refusal to do so

4. [Your Company's] Progressive Discipline Plan

Misconduct

[YOUR COMPANY] has a progressive discipline policy. The goal of [YOUR COMPANY]'s progressive discipline system is to give the employee an opportunity to correct employment problems that may arise, rather than to punish employees.

The employee will be kept informed of [YOUR COMPANY]'s rules and the employee is expected to follow them.

Immediate Disciplinary Action

[YOUR COMPANY] believes that engaging in certain types of misconduct should subject an employee to immediate suspension or discharge, rather than allowing opportunity for correction of behavior through progressive discipline steps. The following is a list of conduct for which immediate disciplinary action will be taken: [list of offenses that will be exempt from progressive steps (e.g., violent behavior)].

Disciplinary Steps

Should there be a problem regarding the employee's adherence to [YOUR COMPANY]'s rules, the employee will be given three opportunities to change the unwanted behavior:

1. The employee will be given a verbal explanation of the errant behavior, including a reiteration of what [YOUR COMPANY]'s rule regarding that behavior is. In addition, the employee will be advised of the consequences of further infractions of the rule in question. If no further problems occur with regard to the issue raised at the verbal warning stage, no further disciplinary action will be taken.
2. If the problem persists, the employee will be given a written explanation of the errant behavior, including a reiteration of what [YOUR COMPANY]'s rule regarding that behavior is. In addition, the employee will be advised that continuation of the problem will lead to suspension without pay for a stated period of time. As before, the employee will be given an opportunity to change the unwanted behavior and, if the behavior does not recur, no further disciplinary action will be taken.
3. If verbal and written warnings fail to bring about a change in the undesired conduct, the employee will be suspended and will be informed that further occurrences of the conduct will lead to the employee's immediate discharge, without additional warnings.

[YOUR COMPANY] reserves the right to bypass the disciplinary steps and base its disciplinary action on the severity, frequency or combination of infractions when circumstances warrant immediate action.

Documentation

[YOUR COMPANY] will document a disciplinary process beginning with the first verbal warning. A report of the disciplinary action will be retained in the employee's personnel file, however, if no further disciplinary action is required after ____ years, the report will remain as part of the employee's personnel file but will no longer be considered a part of the employee's record.

Should a challenge arise regarding the disciplinary action in the report, the report may be used in the ensuing grievance proceeding or arbitration.

5. Verbal Warning Form

Employee's name:

Date of verbal warning:

Specific offense or rule violation:

Specific statement of the expected performance:

Any explanation given by the employee or other significant information:

Supervisor

Date

6. Written Warning Form

Employee's name:

Date of conversation:

Specific rule violation or performance problem:

Previous conversations about the rule violation or performance problem:

Specific change in the employee's performance or behavior that is expected:

Employee's comments:

Supervisor's comments:

Employee's signature:

-Or-

Employee was asked to sign this written warning on _____ but declined to sign.

Supervisor

Date