

A Guide for Progressive Discipline

Disciplinary actions are often overturned completely or reduced to a lesser level when any of the essential elements of progressive discipline are missing. The essential elements of each progressive discipline step must be followed. It should be noted that any one of the steps can be repeated. It will be important that

- The employee is explicitly informed of the unacceptable behavior or performance and is given specific work-related examples. It is not sufficient to assume that the employee knows what the problem is.
- If the counseling does not produce the needed results, it will be necessary to develop a written letter of warning and written performance improvement plan of which the employee will be asked to participate in its development.
- At all levels (counseling or warning) acceptable behavior or performance standards must be explained to the employee and the employee must be given reasonable time to comply. This may be a longer time frame if a skill needs to be learned or a shorter time frame if it is a behavior to be changed.
- The employee is informed of the consequences of failing to comply. This is not a threat, rather it gives the employee reasonable expectations of the consequences if change does not occur.

These essential elements need to be present at each step of progressive discipline and are discussed prior to taking the disciplinary action. Below are the four steps with specific descriptions as to what should occur at in each step of the progressive disciplinary process.

COUNSELING

Counseling is usually the initial step.

- Conduct the whole counseling session in a “low-key” manner. Be friendly, yet firm.
- The discussion should be done in private. Tell the employee the purpose of the discussion. Identify the problem. Each party is allowed to have one witness. For SCPS, it will be Human Resources (if the supervisor feels the need to have someone present).
- Try not to be mechanical or read from a piece of paper. Have documentation available to serve as a basis for the discussion.
- Seek input from the employee about the cause of the problem.
- Where possible jointly identify a solution to the problem; otherwise the supervisor should identify a solution that meets the needs of the organization.
- Clarify the employee’s understanding of your expectations concerning the situation.

- Explain to the employee that possible disciplinary action may follow if the problem is not corrected.
- Try to get a commitment from the employee to resolve problem.
- Schedule follow-up with the employee. Provide feedback. Let the employee know how he/she is progressing on solving the problem.

Notes:

Counseling sessions are used to bring a problem to the attention of the employee before it becomes so serious that it has to become part of a written warning and placed in the employee's file.

The purpose of this discussion is to alleviate any misunderstandings and clarify the direction for necessary and successful correction. Most "discipline" problems are solved at this stage. If some progress is seen, this counseling step can be repeated to allow the employee full opportunity to correct the problem.

It is not necessary to document the counseling session as it is considered as informal step in progressive discipline. However, a brief statement confirming the subject matter discussed and agreed upon course of action to correct the problem will be noted in a short memo to the employee.

Written Warning

- Initiate this step by repeating the process used in the counseling step (e.g. talk before preparing any written action).
- After this discussion, prepare the written warning (if warranted). Build in information responses, and commitments made in the discussion.
- The written warning will have three parts:
 - A statement about the past, reviewing the employee's history with respect to the problem.
 - A statement about the present, describing the \who, what, when, etc. or the current situation, including the employee's explanation.
 - The Performance Improvement Plan should include a statement of the future, describing your expectations; and what the employee will do to correct the behavior.
- The warning is addressed to the employee.
- This step may be repeated with stronger consequence statements. Examples range from a statement that failure to correct this situation "may lead to further disciplinary action" to a statement that "this is a final warning and failure to correct the problem will lead to discharge."
- See the Sample warning memorandums.

SUSPENSION WITHOUT PAY

- When suspension without pay is used, see the sequence described under the counseling section. Again, the situation is discussed with the employee first. The employee's explanation is obtained, and then, a decision is made about the appropriate disciplinary step.
- The length of the suspension is not as critical as the step of suspension. One to three days emphasizes the seriousness of the situation. Under the Fair Labor Standards Act, Professional employees must be suspended in week long (40 hour) blocks of time.
- The written record of the suspension is prepared after the discussion with the employee. It specifies the start and end dates, emphasizes that it is a final warning, states the reason, and is given to the employee at the start of the suspension so that the reasons for not working are clearly understood.

TERMINATION

- This is the last step of any progressive discipline system and is used when earlier steps have not produced the needed results.
- A discussion with the employee must occur before a final determination is reached. Inform the employee about the nature of the problem. See sequence described under counseling.
- The employee must be given an opportunity to explain his or her action and to provide information.
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- If the employee takes this opportunity, you must investigate where appropriate and give consideration to the information provided.
- A written notice of termination is prepared after the discussion and consideration of all available information.