



Human Resources Training

Performance Management Training Module 4:

Progressive Discipline

Classified Employees

April 2010

Objectives

By the end of this module participants will be able to:

- Know the importance of having a solid foundation and documentation for a formal corrective action.
- Know the role of Union Stewards, Weingarten Rights, Fact-Finding meetings and Just Cause.
- Know the importance and best practices of investigatory meetings.
- Understand and utilize the steps of progressive discipline and when and how to apply each step in working with HR.

Remember: Trial Service

- Each employee initially hired, or promoted to a position shall serve a TS period.
- TS may be extended (allow 30 days).
- Do interim performance appraisal reviews for TS employees.
- At the end of TS the employee gains regular status.
- Do not wait until the end of TS to remove an employee if needed.

Foundation for Discipline

Employees must be “put on notice” and given an opportunity to improve before implementing Progressive Discipline. Such documentation includes:

- Current Position Description
- Workplace/Performance Expectations/Guidelines
- Training records
- Supervisor notes
- Letter of Expectations
- Employee Support Plans
- Written Warnings

Special Status of Union Stewards

The Equality Rule

The No-reprisal Rule

The Same Standards Rule

Weingarten Rights

Right to representation if employee believes the meeting may result in a disciplinary action.

Needs to be reasonable.

Steward may ask clarifying questions.

Steward may make a closing statement.

Investigatory Meeting Roles

- Human Resources' Role
- Manager's Role
- Employee's Role
- Steward's Role

Investigatory Meeting Best Practices

- Contact Human Resources
- Schedule the meeting in advance.
- Offer representation
- Prepare in advance
- Identify time period under investigation
- Have your questions ready

Conducting the Meeting

- Set ground rules.
- Describe the issue being discuss.
- Listen objectively to the employee's response.
- Ask open-ended “Big Picture” and follow-up clarifying questions.
- Take notes.
- Close the Meeting.
- Meet with HR to finalize recommended action.

Investigatory Meeting Practices to Avoid

No preliminary discussion

Do not come into the meeting
with you mind made up

Do not ask closed questions

Do not allow recording

Do not commit to an action

Do not keep the employee in
limbo

The Seven Elements of Just Cause

1. Was the employee forewarned?
2. Was the rule involved related?
3. Was there an investigation?
4. Was it fair?

The Seven Elements of Just Cause (Cont.)

5. Was there substantial evidence?
6. Have penalties been applied evenly?
7. Was the discipline reasonable?

Progressive Discipline Overview

- Officially puts employee “On Notice.”
- Imposes increasingly severe sanctions for repeated infractions.
- Is always used except for very serious incidences of misconduct.
- Timing in implementing further steps in progressive discipline for repeated infractions depends on the nature of the individual performance problem.

Progressive Discipline Steps

Progressive Discipline Steps for Classified Employees

Step 1: Letter of Reprimand

Step 2:
Economic Sanction

- a. Pay Reduction
- b. Suspension Without Pay
- c. Involuntary Demotion

Step 3: Pre-dismissal

- a. Written Notice
- b. Meeting

Step 4: Pre-dismissal Outcome

- a. Discipline Other Than Dismissal
- b. No Action
- c. Last Chance Agreement
- d. Dismissal

Types of Formal Discipline

Written Reprimand

Temporary Salary Reduction

Suspension (Without Pay)

Involuntary Demotion

Pre-Dismissal Meeting
(Not Discipline)

Dismissal

Written Reprimand

- A written communication to the employee.
- Generally written by the employee's immediate supervisor.
- Is given to the employee personally by the supervisor (or manager).
- Is issued to employee as the first formal corrective action when informal coaching and counseling has not been successful.

Temporary Salary Reduction

- Is a decrease in pay for a specified period of time.
- Is imposed in one or two full-step increments for one or two months.
- Must be written and issued by the Appointing Authority. (For WOU, it is the HR Director.)
- Is given to the employee personally by the supervisor (or manager).
- Is issued to the employee as the next appropriate step to take after an employee has failed to heed a Written Reprimand.

Suspension

- Is a cease of work mandated for a specified period of time on a Without Pay basis.
- Must be written and issued by the Appointing Authority.
- Is given to the employee personally by the supervisor (or manager), OR is mailed to the employee via certified mail.
- Is issued as an appropriate step to take after the employee had failed to heed a lesser disciplinary action or their behavior is so egregious that a lesser action is not appropriate.
- Generally used for behavioral and/or judgment deficiencies, and not for performance-related deficiencies.

Involuntary Demotion

- Is moving an employee for disciplinary reasons from their position in one class to a position in another class having a lower salary range.
- Must be issued by the Appointing Authority.
- Written notice is given to the employee personally by the supervisor or manager.
- Is imposed only after lesser disciplinary actions have failed, and there is reason to believe that the employee will perform successfully in the lower classification.
- Generally not used for behavior related deficiencies.

Pre-Dismissal Meeting

- When dismissal is being considered, special notice is sent/given to the employee to schedule this specific meeting.
- Is issued by the Appointing Authority. (At WOU, this is the HR Director)
- Scheduling this specific meeting is sent in writing to the employee via certified mail.
- Attending this meeting will be the employee, Union representative, employee's supervisor, and the HR Director.
- The HR Director in consultation with the employee's supervisor or manager, decides whether to proceed with dismissal, or not; and if not, what is the appropriate action to implement.

Dismissal Process

- Dismissal is implemented when all efforts to correct an employee's conduct or performance through progressive discipline have failed.
- OR... When an employee engages in misconduct that is so egregious that their continued presence in the workforce would be an intolerable liability to the University.
- If the decision from the Pre-Dismissal meeting is to proceed to dismiss, the Appointing Authority (HR Director) writes the Notice of Dismissal letter and sends it to the employee vial certified mail.
- If the decision from the Pre-Dismissal meeting is not to dismiss, the HR Director in consultation with the employee's supervisor and manager determine the appropriate action to implement.

Tips to Remember

- HR – your best resource!
- Molehills – no mountains!
- Be fair
- Get the facts
- Document – Lets say it again – **Document!**
- Be consistent
- Know your timeframes
- Keep confidentiality
- Don't issue statements