



COLLEGE OF THE NORTH ATLANTIC

OPERATIONAL PROCEDURE

TOPIC: EMPLOYEE DISCIPLINE

Procedure No.	HR-414-PR	Division	Human Resources
Supersedes	n/a	Board Policy Ref.	n/a
Related Policy	HR-414	Effective Date	November 4, 2016 (R1)

1.0 General Guidelines

Progressive discipline is a process for dealing with job-related behaviour that does not meet expected and communicated performance standards. The primary purpose for progressive discipline is to assist the employee to understand that a performance problem or opportunity for improvement exists.

It is a process of applying and documenting disciplinary actions in a positive and helpful manner progressing from less serious to more serious, depending on the history of the employee and the severity of the offense.

Most often, employee conduct that warrants discipline results from unacceptable behaviour, poor performance or violation of the College's policies, practices or procedures. However, discipline may be issued for conduct that falls outside of those identified areas. Equally important, the College need not resort to progressive discipline, but may take whatever action it deems necessary to address the issue at hand. This may mean that more or less severe discipline is imposed in a given situation. Likewise, some policies may contain specific discipline procedures.

Progressive discipline may be issued on employees even when there are infractions of different rules, policies or conduct. That is, violations of different rules shall be considered the same as repeated violations of the same rule for purposes of progressive action. This demonstrates a pattern of inappropriate conduct.

Probationary employees are held to the highest standards for behaviour and job performance. Progressive discipline is the exception rather than the rule for probationary employees.

2.0 Characteristics of Progressive Discipline

Issues requiring the use of progressive discipline follow four characteristics:

2.1 Warning

This requires communication of the rules and accepted practices to the employee.

2.2 Immediate Attention

When the discipline quickly follows the infraction, there is a connection between the two events and less probability of a future infraction.

2.3 Consistency

It is important that discipline for similar infractions is exercised consistently throughout the College. Lack of consistency can severely impede management's ability to successfully implement discipline.

2.4 Impersonal Exchange

The supervisors like or dislike of an employee is not relevant to disciplinary action. Effective discipline condemns the employees' wrongful act or behavior, not the employee as a person

3.0 Definition of Discipline

Discipline is preventive and corrective action taken to encourage compliance with organizational standards. It is a form of training that seeks to correct and develop employee knowledge, attitudes and behaviours in the interest of improving job performance.

4.0 Process

The College will normally adhere to the following progressive disciplinary process:

4.1 Coaching

- a. An employee will be given coaching when the employee engages in inappropriate behaviour.
- b. The coaching will identify the problem and give both the employee and the Supervisor an opportunity to discuss the behaviour, how it violates rules or acceptable practices and what action is to be taken to correct the situation. This may include action items that are to be completed within an agreed upon period of time.
- c. The Supervisor is to note these discussions and agreed upon actions but NOT place documentation in an employee's file.

4.2 Verbal Warning

- a. In the event the behavior continues and/or the employee fails to complete the agreed upon action plan, the employee and union representative will meet with the Supervisor to discuss the concern.
- b. A verbal warning will be issued during this meeting. As the first step in the progressive discipline policy, a verbal warning is meant to formally alert the employee that the problem exists or that one has been identified, which must be addressed.
- c. Verbal warnings will be documented and maintained by the HR Manager in the employees' personal file.
- d. A verbal warning remains in effect as per collective agreement language or for a period of 24 months unless further disciplinary action is necessary within that period.

4.3 Written Warning

- a. A written warning will be given when an employee engages in conduct that justifies a written warning or the employee engages in unacceptable behavior during the period that a verbal warning is in effect.
- b. The Supervisor will meet with the employee and union representative to discuss and provide the employee with the letter of warning.

- c. The Supervisor will review the letter with the employee to ensure clarity of the issue and expectations during the warning period.
- d. Written warnings are maintained in an employee's personal file and remain in effect as per collective agreement language or for a period of 24 months unless further disciplinary action is necessary within that period.
- e. Written warnings originate with the employees' immediate supervisor after review by the Regional HR Manager and Labour Relations Officer.

4.4 Suspension

- a. An employee will be suspended when the employee engages in conduct that justifies a suspension or the employee engages in unacceptable behavior during the period that a written warning is in effect.
- b. The Supervisor will meet with the employee and indicate the reasons for the suspension.
- c. An employee's suspension will be documented and, regardless of the length of the suspension issued, will remain in effect as per collective agreement language or for a period of 24 months unless further disciplinary action is necessary within that period.
- d. Suspensions can only be issued by the Regional HR Manager after consultation with the Supervisor, Labour Relations Officer and Executive Director of Human Resources.
- e. Upon return to work the employee will meet with the Supervisor and Regional HR Manager to discuss implications of the prior discipline and potential for termination if the poor behaviour continues.
- f. Documentation of this discussion will be placed in the employees' file.

4.5 Termination

- a. An employee will be terminated when the employee continues to engage in conduct that justifies termination or does not correct the matter that resulted in less severe discipline.

- b. Terminations must be reviewed by the Provincial Disciplinary Committee in consultation with the affected Supervisor and Regional Human Resources Manager.
- c. The termination will be carried out by the responsible Regional HR Manager.

5.0 Exceptions

There are exceptions to progressive discipline, which occur when a single, isolated incident of serious misconduct or extreme poor performance results in immediate termination. They are rare and always of a critical nature. This would include but is not limited to such things as safety infractions that put students or coworkers in immediate harm's way, presenting firearms on college property, physical abuse, drunkenness or theft.

While the College will generally take disciplinary action in a progressive manner, it reserves the right, in its sole discretion, to decide whether and what disciplinary action will be taken in a given situation.

6.0 Disciplinary Committee

A provincial Disciplinary Committee will be established consisting of the Executive Director of Human Resources, the College Labour Relations Officer and two Department Managers identified by the College Labour Relations Officer.

The Disciplinary Committee will review cases to ensure consistent practices are taking place within the College. Where possible major and intolerable rule infractions are under investigation or the termination of an employee is being considered, the Committee will review the case in consultation with the affected Supervisor and Regional HR Manager. The Executive Director of Human Resources will approve any termination letters only after a thorough review of the situation and related data.

7.0 Role of Management

7.1 Documentation

The Supervisor must thoroughly document business-related reasons when terminating an individual's employment for cause (unless during an initial probationary period). Documentation must demonstrate "good cause" that would convince an arbitrator, judge or juror.

7.2 Proper Recruitment

There is no substitute for hiring the right person in the first place. However, unsatisfactory performance can occur at any time for many reasons.

7.3 Other Actions

- A. Consult applicable collective agreements or HR Policy guidelines for language on discipline or discharge *before taking* disciplinary action.
- B. Make sure all employees receive a copy of the College rules and policies related to their position and work location. This should be during the orientation process and documented in the employee personal file.
- C. Clearly communicate job duties and expectations to all employees. Performance evaluations can help maintain and update these communications.
- D. Begin discipline as soon as the performance problem or behaviour occurs.
- E. Apply policies consistently and fairly. (Most grievances and litigation result when individuals feel they have been treated unfairly.)
- F. Practice good faith efforts. Investigate thoroughly before making judgments. Due process includes informing the employee what the action is and why it is being taken as well as making sure the employee has the opportunity to respond to the questioned behavior or problem.
- G. Ensure employee is aware of Employee Assistance Programs.
- H. Document all disciplinary actions—both informal and formal. Hand written dated notes in hard covered bound notebooks assist in the legitimacy of documentation.
- I. Prepare for disciplinary interviews in advance. Have the issue clearly defined and supported by times, places, people involved, etc. Inappropriate actions, rules or procedures broken must be stated. Include any prior disciplinary action. Discuss with respective authorities beforehand.

J. Conduct disciplinary meetings in private.

7.4 Probationary Period

- The probationary period gives the College and employee an opportunity to determine if the position occupied is the best fit for the skills of the employee and expectations of the College.
- This status allows a supervisor to closely evaluate the progress and skills of the newly hired employee, determine appropriate assignments and monitor other aspects of the employee – such as how they interact with co-workers, supervisors and students.
- Any employee on probationary status is to have periodic reviews (at least every 4 months), conducted by the Supervisor to identify strengths, weaknesses and actions necessary to comply with College procedures and expected job outcomes. These reviews are to be discussed with the employee and placed in their personal file.
- In the event there is an issue requiring disciplinary action the guidelines described in these procedures will apply. Supervisors are to review applicable collective agreements specifically noting probationary periods. This necessitates extra vigilance to ensure all discipline takes place within the probationary period, especially if termination appears to be imminent.
- It is also important to note that if termination becomes necessary, this can occur at any time within the probationary period. The probationary period does not need to be exhausted to complete the disciplinary process.

7.5 Letters to Affected Employee

Written warnings should include the following:

- A. The reason for the action (what the problem is, specific dates, times, previous discipline attempts, etc.).
- B. A statement of the disciplinary action being taken and why.
- C. Specific improvement or correction required (specify a time frame and follow-up)

- D. A statement of the consequences of failure to improve work performance or correct behavior
- E. Notice of grievance rights (if any)
- F. An employee signature acknowledging that the employee had the opportunity to review and comment on the action (not necessarily that the employee agrees with the action being taken) and that the employee has received a written copy of the disciplinary action being taken.

7.6 Suspensions without Pay

- Suspensions without pay are generally utilized when severe infractions of policies occur and/or when previous disciplinary steps have not been successful. It's often a last chance for employees to review their desires to conform to requirements. It is not generally an effective tool when dealing with a lack of skills.
- Suspensions are generally issued in writing during a disciplinary interview. If a suspension is issued orally due to a severe infraction, it should be stated very specifically that the employee is being suspended without pay and is to leave immediately. Such action must be followed up in writing.

7.7 Termination

Termination is the final step of terminating an individual's employment. Supervisors have the authority to suspend employees for short periods of time but not to terminate on the spot. This is due to the potential penalties associated with a wrongful discharge claim if an impartial investigation and required procedures are not followed.

- A. Consider whether all other options have been explored and/or taken.
- B. Consult your Human Resources Department and College Labour Relations officer to ensure that you have followed all necessary steps and that the wording in your discharge letter is appropriate.
- C. Review the Disciplinary Checklist (Appendix A).
- D. A letter of termination should contain the following:

- A clear statement of discharge;
- The reason (just cause) for the action;
- The documentation of just cause;
- A notice of grievance or other due process rights; and
- An attached copy of the grievance policy (if applicable).

Approval History	
Approved by President	September 15, 2009
Revision 1	November 4, 2016

Appendix A
Disciplinary Checklist

The personnel file should clearly support and justify the proposed disciplinary action without resorting to outside sources for additional information. The file should be sufficient in itself. Before imposing disciplinary action, such as suspension without pay or termination, the Supervisor should ask the following questions:

- ✓ Has all critical information been reduced to writing and placed in the personnel file?
- ✓ Is the nature of the employee's misconduct or lack of performance clearly described in a specific, factual manner?
- ✓ Was the employee clearly informed of required standards of behaviour and performance?
- ✓ Does the record progress from mild, early warnings to more serious, comprehensive documents?
- ✓ Was the employee given adequate assistance and direction by management?
- ✓ Has the employee had reasonable time and a fair opportunity to improve?
- ✓ Is the lack of performance or misconduct sufficiently persistent and serious to warrant the proposed disciplinary action?
- ✓ Have all the statutory and procedural requirements been met, such as promptly filing disciplinary documents?
- ✓ Has the employee been given fair warning of the consequences of continued performance problems or misbehavior?

If the answer is "yes" to all of the above questions based on documents contained in the personnel file, the College will have a well-documented disciplinary action.