

# City of Melfort Policy Manual

<i>POLICY TITLE:</i> <b>Corrective Discipline Procedure</b>	<i>POLICY NUMBER:</i> <b>1.6.28</b>	<i>EFFECTIVE DATE:</i> <b>July 1, 2013</b>
<i>ORIGIN:</i> <b>Administration</b>	<i>ADOPTED BY COUNCIL ON:</i> <b>N/A Internal Administrative Procedure</b>	<i>DATE AMENDED:</i>

## PURPOSE

To provide Managers/Supervisors with a guideline for the correction of inappropriate, culpable behaviour of employees through the application of disciplinary action designed to encourage and promote the proper behaviour for job performance. Corrective discipline is a rehabilitative process that provides employees with an adequate opportunity to correct behaviour, based on the principle that more serious offences warrant more serious disciplinary action and that less serious offences, when repeated, may justify more serious disciplinary action.

## SCOPE

All City of Melfort Employees. This policy is to be observed and administered by all management personnel, including in-scope unionized employees functioning in supervisory capacities.

## RESPONSIBILITIES

**Employees** shall:

- Act in accordance with workplace rules and performance standards, understanding that contravention of same may result in disciplinary action up to and including dismissal.
- Actively work to improve inappropriate behaviour.

**Supervisors/Management** shall:

- Create, communicate and enforce workplace rules and performance standards for employees.
- Actively assist, encourage and acknowledge effective work performance.
- Implement a consistent application and enforcement of workplace discipline in cases of inappropriate behaviour.

## TYPES OF DISCIPLINE

In every disciplinary situation, the following factors must be taken into account in arriving at the appropriate discipline sanction:

- The seriousness of the offence
- The disciplinary record of the employee

- Mitigating circumstances surrounding the misbehaviour that may result in a lesser disciplinary sanction being imposed or determine whether a disciplinary response to the situation is appropriate (See Appendix B).

Management must document all instances of inappropriate behaviour and maintain a complete written record through the entire disciplinary process. The record of the investigation should be retained for use in the event of a grievance/arbitration action. In all cases involving a union employee, the union agreement should be reviewed for relevant clauses, and followed if applicable.

## **1. Non-Disciplinary Informal Discussion**

Pointing out a minor deficiency to an employee in a non-disciplinary manner most often leads to its correction.

- Supervisors/managers should keep personal notes to record observations and informal discussions pointing out such deficiencies. Personal notes should be maintained separate from the employee's personnel file.
- A union representative is not required when a non-disciplinary informal discussion occurs.

## **2. Verbal Warning**

A verbal warning may be appropriate when unacceptable behaviour continues and a pattern develops. The purpose of a verbal warning and the interview is to make the employee aware of the required standard of behaviour, which is important if further corrective discipline is required. Verbal warnings can be repeated.

- Meet with the employee in private.
- Distinguish the work rule or norm being contravened and determine the employee's explanation for the behaviour.
- Describe the required behaviour and why it is necessary.
- Ask if the employee understands and ensure your message is conveyed back to you.
- Follow up in writing (See Appendix A-1: Verbal warning sample letter)

A copy of the letter must be given to the employee, the Manager, the Union (if applicable) and placed in the employee's personnel file.

## **3. Written Reprimand**

A written reprimand is applied when a verbal warning fails, or for a moderately serious first offence. The written reprimand contains the following information:

- A description of the misbehaviour
- The employee's explanation of his/her act(s)
- Results of management's investigation and decision
- The consequences of non-compliance

A copy of the letter (See Appendix A-2: Written Reprimand sample letter) must be given to the employee, the Manager, the Union (if applicable) and placed in the employee's personnel file.

## **4. Suspension**

Suspension is used where lesser disciplinary action has failed or for a serious first offence. The content and distribution of the letter is the same as set out for written reprimand with the inclusion of the beginning and terminating dates of the suspension

(See Appendix A-3 and A-4: Suspension sample letters). Suspensions can be repeated and/or extended if you feel it will correct the behaviour.

## **5. Dismissal**

Dismissal is normally used for a very serious first offence (e.g. theft, gross insubordination, serious illegal or destructive acts) while on the job or in those circumstances where the employee's behaviour meets one or more of the following criteria:

- The offence and the employee's work record indicate he/she is no longer fit for employment.
- There is little likelihood the employee will rehabilitate.
- Earlier corrective efforts by management have failed.

Arbitration Boards/Arbitrators are extremely reluctant to sever employment unless the criteria listed are fully met. Dismissal is effected by a letter to the employee (See Appendix A-5: Dismissal sample letter). Ensure the supervisor/manager has been delegated the authority to dismiss. The content and distribution of the letter is the same as set out for written reprimand, with the deletion of the future behaviour required and the inclusion of the date considered to be the last day of employment.

Management should maintain a checklist of items that must be returned to the employer in the case of dismissal or potentially a suspension pending investigation (keys, access cards, cell phone, etc.). Ensure that access to all networks, servers and security systems is severed.

**Corrective Discipline Procedure**

**APPENDIX A-1**

**VERBAL WARNING SAMPLE LETTER**

(Date)

(Employee's Name and Address)

Dear (Employee's Name):

Re: Verbal Warning

This letter will summarize the results of our meeting of (record date that verbal warning was given).

As we discussed at that time, (provide summary of verbal warning and a description of expected performance/work rule).

You stated you would (provide summary of action that will be taken to correct behaviour).

You were advised that this was a verbal warning and any incident of a similar nature will result in more severe disciplinary action.

Yours truly,

Supervisor/Manager

cc     City Manager  
          Union (if a union employee)  
          Personnel

**Corrective Discipline Procedure**

**APPENDIX A-2**

**WRITTEN REPRIMAND SAMPLE LETTER**

(Date)

(Employee's Name and Address)

Dear (Employee's Name):

Re: Written Reprimand

This letter is to confirm our discussion of (date of meeting) concerning (description and date of misbehaviour).

As pointed out and acknowledged by you at our meeting, (provide specific detail about misbehaviour). You will also recall our meeting of (date of verbal warning), where I pointed out to you that (reiteration of expected performance standard/work rule and employee's explanation for behaviour).

In view of the foregoing, I am directing you to (specify corrective behaviour required). Your failure to do so (perhaps an explanation of how misbehaviour affects the City or co-workers). Actions such as this cannot be condoned.

This letter is to be considered a written reprimand. Be advised that continued contravention will result in more severe disciplinary action up to and including dismissal.

Yours truly,

Supervisor/Manager

cc City Manager  
Union (if a union employee)  
Personnel

**Corrective Discipline Procedure**

**APPENDIX A-3**

**SUSPENSION SAMPLE LETTER**

(Date)

(Employee's Name and Address)

Dear (Employee's Name):

Re: Suspension

This letter is to confirm our discussion of (date of meeting) concerning (description and date of misbehaviour).

As pointed out to you at our meeting, (provide specific detail about misbehaviour). Your only explanation was that (employee's explanation for behaviour). I do not find this an acceptable explanation.

At our meeting we discussed your earlier incidents of (misbehaviour) and in particular a verbal warning on (date of verbal warning) and a written reprimand for (misbehaviour) which was issued to you on (date of written reprimand). Your (misbehaviour) has not improved. I reiterated that it is essential for you to (reiteration of expected performance standard/work rule) so as not to adversely affect the work of this department. Actions such as this cannot be condoned.

In order to impress upon you the seriousness with which the employer views this matter, you are hereby suspended without pay for one (1) day (number of days of suspension) – (specific date(s) of suspension). Be advised that unless your (misbehaviour) improves, you will be subject to further disciplinary action up to and including dismissal.

Yours truly,

Supervisor/Manager

cc City Manager  
Union (if a union employee)  
Personnel

**Corrective Discipline Procedure**

**APPENDIX A-4**

**SUSPENSION PENDING INVESTIGATION SAMPLE LETTER**

(Date)

(Employee's Name and Address)

Dear (Employee's Name):

Re: Suspension Pending Investigation

This letter is further to our meeting of (date of meeting) and will confirm our discussions at that time.

(Provide specific detail about misbehaviour, relevant dates and employee's explanation for behaviour).

Given the seriousness of this matter, you are suspended without pay from your duties pending the outcome of an investigation by management. Pending the results of the investigation, disciplinary action up to and including dismissal may be forthcoming. It is expected that this investigation will be completed by (expected date of completion) and you will be informed of management's decision on or about that date.

You are not to appear at the work place except when so requested by management. If you have a requirement to communicate with management, you may contact (name and phone number of manager).

Yours truly,

Supervisor/Manager

cc City Manager  
Union (if a union employee)  
Personnel

**Corrective Discipline Procedure**

**APPENDIX A-5**

**DISMISSAL SAMPLE LETTER**

(Date)

(Employee's Name and Address)

Dear (Employee's Name):

Re: Dismissal

This letter is to confirm our meeting of (date of meeting) concerning (description and date of misbehaviour).

At our meeting you admitted (provide specific detail about misbehaviour, relevant dates and employee's explanation for behaviour). At that time a complete review was made of your disciplinary record in regard to (misbehaviour) – verbal warning (date), written reprimand (date) and suspension(s) of (date(s)). You were advised that unless your (misbehaviour) improves you will be subject to disciplinary action up to and including dismissal.

You have failed to satisfy the clearly established performance requirements of the City of Melfort \_\_\_\_\_ Department.

As a result, you are dismissed for cause from the City of Melfort effective immediately. Your last day at work will be (date of last day).

Yours truly,

Supervisor/Manager

cc City Manager  
Union (if a union employee)  
Personnel



## Corrective Discipline Procedure

### APPENDIX B

#### MITIGATING FACTORS

The following factors must be considered when disciplinary action is contemplated. The answers to these questions may result in the application of a lesser disciplinary response than would normally apply, or in no disciplinary action being taken.

1. What is the length and nature of the employee's previous work and disciplinary record? Consideration should also be given to whether the offence is an isolated incident within the employee's overall employment record.
2. Was the employee aware of the rule contravened? Was it posted, generally known and enforced consistently? Is there any evidence that the employee is being discriminated against or singled out for disciplinary action?
3. Was the misbehaviour promptly dealt with? Failure to respond promptly to offence leads one to question the seriousness of the offence itself and may mislead the employee as to what is acceptable behaviour.
4. Was the employee given the opportunity to explain his/her behaviour? Was the explanation investigated and was it valid?
5. Was the misbehaviour provoked?
6. Are there any circumstances which suggest that deficient behaviour was not fully deliberate? Was the employee under emotional strain due to personal problems – marital, financial, the employee misunderstood the order, etc.? Assistance may be provided to the employee in the form of coaching, formal counseling, additional supervision, offering the Employee and Family Assistance Program, providing training required to meet the expected standards, finding alternate work opportunities, granting unpaid leave of absence or implementing a performance improvement program.
7. How serious is the offence?
8. Was the behaviour premeditated or committed at the spur of the moment as a result of a momentary lapse of good judgment?
9. Did the grievor genuinely acknowledge the behaviour was inappropriate and did the grievor sincerely apologize?

Only the employee can help the employer distinguish between incompetence, incapacity, personal problems and culpable behaviour by providing explanations and reasons for unacceptable performance. The supervisor/manager will fully investigate and, based on the results of the investigation, decide whether corrective discipline is appropriate. Ask the question: "In consideration of the explanation provided by the employee, and as otherwise determined, would a reasonable person conclude that the unacceptable behaviour was avoidable?".

## Corrective Discipline Procedure

### APPENDIX C

#### EXAMPLES OF MISBEHAVIOUR (not intended to be all inclusive)

1. Written Reprimand

- late in reporting for work or leaving before the official end of the day
- wasting City materials, minor negligence
- potentially dangerous pranks or horseplay
- failure to report an injury or to observe work site safety rules
- a minor act or practice that brings the City into disrepute
- disruptive or antagonistic influence at work
- excessive use of City computers or cell phones for personal use including Internet and e-mail systems

2. Suspension 1 – 3 Days

- lying
- neglecting equipment
- damage due to minor negligence (less than \$100)
- conflict of interest with employment
- using obscene or profane language
- sleeping on duty
- misuse of a City vehicle or property
- away from assignment without permission
- inability to perform duties due to intoxication, use of prescription or illegal use of drugs
- refusal to obey an order (insubordination)
- smoking in a forbidden area on the work site
- discourtesy in dealing with the public
- encouraging others to commit infractions the same or similar to those listed in 1 & 2
- failure to notify the Department when absent for sickness or other reasons

3. Suspension 3 – 5 Days

- incorrect attendance reporting
- threatening, intimidating or interfering with a supervisor or contractors
- falsifying records or expense account
- obtaining material or services by fraud
- obtaining sick leave or other leave by fraud
- damage due to major negligence - \$100 or more
- encouraging others to commit infractions the same or similar to those listed in 2 & 3
- illegal drug use or abuse of prescription drugs
- loss of driver's license when driving is a job requirement

#### 4. Suspension Pending Dismissal

- assault
- bribery – offered or accepted
- fighting
- conviction of an indictable offence against the employer
- encouraging others to commit infractions the same or similar to those listed in 3 & 4
- gross insubordination
- culmination incident, based on a record of poor work performance
- theft
- abandonment of position
- reckless endangerment of other employees or the public
- unsubstantiated critical comment of the City
- sexual or other harassment per the Harassment Policy
- possession of illegal drugs
- downloading illegal materials (such as pornography) from the Internet, violating the copyright of a third party, or harassing a third party via e-mail

## **Corrective Discipline Procedure**

### **APPENDIX D**

#### **GENERAL WORKPLACE RULES**

The City of Melfort will be responsible to maintain and communicate to employees, workplace rules governed by common sense, ethical conduct, occupational health and safety, public interest and workplace efficiency. These rules are established so the City can attain its objectives in an orderly and efficient manner and are not intended to restrict the rights of employees, but rather to advise employees of prohibited conduct that will result in disciplinary sanctions. This is not a complete list of all offences. Other rules, guidelines, and expected behaviours regulated by applicable employer policies, common law, statutory legislation and criminal law will also result in firm application of disciplinary sanctions.

#### **FRAUD:**

1. Misrepresentation to the employer.
2. Falsification of time records.
3. Making or permitting a false record relating to any material or work.

#### **PROPERTY/PERSON:**

4. Defacing, damaging or destroying property of the City or others.
5. Theft, pilferage, inappropriate or unauthorized removal or possession of property of the City of Melfort, users of City facilities, or others.
6. Using any piece of equipment or property without being authorized to do so whether during or after work hours.
7. Theft, pilferage or unauthorized removal of property from private premises or businesses while performing work on behalf of the City of Melfort.
8. Use of City facilities after normal working hours without authorization.
9. Assisting any person to gain unauthorized entrance to any portion of the employer's premises.
10. Unauthorized removal of or tampering with posted City issued notices or signs.
11. Unauthorized disclosure of confidential information of records including personal or customer information such as home numbers, cell numbers and addresses.

#### **WORK PLACE SAFETY:**

12. Possession or consumption of alcohol or illegal drugs on City premises or reporting to work under the influence of alcohol or illegal drugs.
13. Violent behaviour or violent action in any form.
14. Bringing in, possessing, or using weapons or explosives on City property without prior management approval.
15. Engaging in horseplay, scuffling or throwing objects during work hours or on City premises.
16. Failure to follow required safety procedures or careless or negligent use or operation of City tools, equipment, or vehicles.
17. Fighting or causing bodily injury to another employee or member of the public or other form of disorderly conduct.
18. Threatening, intimidating, or abusive language (including swearing) to any supervisor or employee or members of the public.

**ABSENTEEISM:**

19. Excessive absence or tardiness.
20. Absent from work area without permission, wasting time, loitering, sleeping during working hours, or engaging in unauthorized personal business.

**INSUBORDINATION:**

21. Refusal to accept or follow orders or directions from proper authority or any other form of insubordination.
22. Interfering with, obstruction of, or otherwise hindering the work performance of another employee.

**EFFICIENCY**

23. Failure to meet quality or quantity requirements as determined by the Department Head or City Manager.
24. Negligence in performance of assigned duties.
25. Excessive use of City computers or cell phones for personal use, including Internet and e-mail systems.

**RESPECTFUL WORKPLACE**

26. Failure to exercise good judgment, or being discourteous, in dealing with another employee or member of the public.
27. Harassment in any form.
28. Originating or spreading false statements concerning employees or the employer.
29. Immoral or indecent conduct during work hours or on City premises, including usage of electronic media for this purpose.