

**NORTH GEORGIA
COLLEGE & STATE UNIVERSITY
POLICY AND PROCEDURE MANUAL**

P & P NO 873.0

EFFECTIVE
DATE May 1, 2006

REVISED
DATE _____

SUBJECT: Progressive Discipline Policy

- 1.0 Policy
- 2.0 Levels of Discipline
- 3.0 Employment-At-Will
- 4.0 Documentation
- 5.0 Verbal Warning
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- 9.0 Termination
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1.0 Policy

A system of progressive discipline may be used to encourage an employee to correct unacceptable behavior and to adhere to existing North Georgia College & State University (NGCSU) Policies & Procedures. NGCSU reserves the right to determine necessary steps to take after considering all aspects of each individual case. The following corrective and disciplinary actions may be used as appropriate:

- Verbal Warning
- Written Warning
- Disciplinary Suspension
- Investigative Suspension
- Termination

2.0 Levels of Discipline

Levels of discipline are progressive and are used to ensure the employee has the opportunity to correct their performance shortcomings. There is no set benchmark of how many verbal warnings must be given prior to a written warning or how many written warnings must precede termination. Factors that may be considered include:

- The nature and number of problems involved
- The seriousness of the infraction
- The employee's response to prior disciplinary action(s)
- The amount of time that has elapsed between offenses
- The employee's work performance prior to the infraction

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For serious offenses such as fighting, theft, threats of violence, the sale or possession of drugs or the abuse of alcohol on NGCSU property, termination may be the first and only disciplinary step taken. Any step(s) in the disciplinary process may be skipped at the discretion of the supervisor, in consultation with the Department of Human Resources, after an investigation and analysis of the total situation and past practices.

In general, verbal warnings should, at the next offense, be followed by a written warning, succeeded at the next infraction by suspension, and finally termination. This is especially true in those cases where the time interval between offenses is short and the employee demonstrates a lack of desire to improve his/her performance.

3.0 Employment-At-Will

As an employment-at-will state, Georgia law stipulates that an employer can dismiss employees at will, and such dismissal cannot be used as grounds for action against the employer. Cause is not necessary to terminate employment, provided no Federal or State laws or University System of Georgia (USG) policies are violated. An employee may be discharged as a result of a serious offense or as the ultimate step in an accumulation of offenses for which verbal warnings or written warnings have been given.

4.0 Documentation

Documentation is an indispensable component of any program. Documentation is used to improve feedback between a manager and an employee. Ideally, feedback should be given immediately; however, when this cannot be done, documentation is a reminder of what events transpired. This feedback could cover things like training and development opportunities suggested for the employee, or counseling sessions where the supervisor advised the employee on how best to handle certain situations in the future.

Documentation is critical when a supervisor needs to validate his/her actions to an Administrative Officer, regulatory agency, legal counsel, or the Department of Human Resources, among others. In the event that an evaluation, pay raise, or disciplinary action is questioned, this documentation will be the key to supporting that decision. Memory alone will not be substantial enough to support a decision when grievances, unemployment hearings, violation of employee rights charges, or unfair termination lawsuits arise.

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5.0 Verbal Warning

5.1 Definition

A verbal warning is a conversation between a supervisor and an employee typically held in private about a disciplinary or performance problem. It is the initial step in the progressive discipline process.

5.2 Purpose

The purpose of a verbal warning is to correct a performance of disciplinary problem by bringing it to the employee's attention in a serious, yet informal manner.

5.3 When to use a Verbal Warning

It is recommended that verbal warnings be issued after the supervisor is certain that:

- Any prior casual conversations with the employee have not been successful in solving the problem
- The employee understands existing policies and procedures, and the consequences of violating the same
- The employee is properly trained
- Nothing is preventing the employee from doing his/her job in a satisfactory manner

5.4 Procedure

There are several procedures which must be followed whenever a verbal warning is issued by a supervisor:

- The conversation about the incident is held in private.
- The specific problem is presented in terms of desired goals and actual performance.
- Reference is made to previous casual conversations about the problem.
- The employee is accorded the opportunity to respond and explain why his/her performance has not improved.
- The employee expresses an understanding of exactly what is expected of them.
- The employee is assured of the manager's support in helping him/her achieve their goals if they earnestly try.
- The conversation must be documented.

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Verbal warnings usually take a short time and, when well handled, are normally sufficient to address most disciplinary performance problems.

5.5 Verbal Warning Documentation

Many supervisors think that verbal warnings do not have to be documented. This is not true. All disciplinary actions must be documented. An informal record is made of the verbal warning by the supervisor and put in an informal departmental file maintained by the manager.

5.6 Required Information

- The following information must be included:
- 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 the supervisor feels is significant.

Example

"I talked to Bruce Wayne today his attendance record and gave him a verbal warning. Since January 1, Bruce has been absent from work on 12 occasions for a total of 17 days. Bruce said, "You can't make people work when they are sick," and argued about the verbal warning. I told him that he could get a medical leave of absence if he needed it, but that I expected him to be here everyday."

(Supervisor's Signature) / (Date)

6.0 Written Warning

6.1 Purpose

The purpose of a written warning is to correct a performance problem by discussing it with the employee and providing a written record of that conversation. It is the second step of the progressive discipline process. A written warning is a documented formal conversation between a supervisor and an employee about a disciplinary or performance problem.

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6.2 When to use a Written Warning

The written warning is usually used only after a verbal warning has been given and no change in performance has resulted.

6.3 Written Warning Notice

A written warning is issued to document the fact that the employee has been officially advised of the precise nature of his or her misconduct and warned that any future violations will result in further disciplinary actions, including disciplinary suspension or possible termination. The employee is invited to attach a written statement to the document and requested to sign it. If the employee refuses to sign the written warning, the supervisor should indicate that fact and the reasons why.

6.4 Procedure

1. Before the Meeting:

Prepare for the meeting by reviewing your notes on the verbal warning and any other relevant material.

2. During the Meeting:

State the specific problem in terms of actual performance and desired performance. Refer to any prior casual conversations and the verbal warning. Give the employee a chance to respond and explain. Tell the employee the specific change you expect in his/her performance and indicate your confidence that he/she will change. Have the employee confirm that he/she knows exactly what you expect. Inform the employee that you will write a memo to him/her summarizing the conversation

3. After the Meeting:

Write a short memo to the employee summarizing the conversation. Advise the appropriate people of the conversation and distribute copies of the memo. Monitor the employee's performance to make sure that the problem has been corrected.

6.5 Writing the Memo

Required Information – The memo must contain the following information:

1. The date of the conversation.
2. The specific rule violated or performance problem that has occurred.
3. A reference to previous conversation about the problem.
4. A statement of the specific change in the employee's performance or behavior you expect.
5. Any comments or statements the employee made during the conversation.
6. A statement indicating your confidence in the employee's ability to perform properly in the future.

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Have the employee sign the memo. If the employee refuses, a statement regarding your attempt to have the employee sign and his/her refusal to do so must be included with the memo.

6.6 Timing

The written warning should be made no later than the end of the day following the conversation.

6.7 Written Warning Distribution

A copy of the notice is given to the employee, one is retained by the department, and one is sent to the Department of Human Resources. The warning notice becomes a part of the employee's personnel record.

7.0 Disciplinary Suspension

A disciplinary suspension is normally a period of one (1) to five (5) days. Exempt employees whose performance or conduct merits a suspension will be suspended for a minimum of 5 days. The employee is relieved of his or her job assignment because of serious or repeated instances of misconduct and shall forfeit pay as a result of the suspension.

Also, these are situations where there are no specific instances of conduct that justifies termination; however, 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 may result in leave without pay.

8.0 Investigative Suspension

An investigative suspension is a period 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, such as fighting, insubordination or theft. Investigative suspension may result in leave without pay.

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8.1 Procedure

Instruct the employee to leave the NGCSU campus. Determine where you can contact the employee and inform him/her that you will do so immediately following investigation of the incident. Prepare your recommendations as to the appropriate course of action. Review all supporting documentation to assure accuracy and completeness. Review your action plan and all supporting documents with the Department of Human Resources.

8.2 Results of Investigation

If after the investigation termination is warranted, the discharge shall be effective on the date of the termination meeting.

If misconduct is determined, although not of a sufficiently serious nature to warrant termination, the employee shall receive a warning and may be placed on disciplinary suspension.

If no misconduct is determined, the employee shall be allowed to return to work immediately following the conclusion of the investigation. The employee shall be paid any back pay owed from the period the investigation began to the point when it is concluded.

Termination or demotion cannot be taken without the approval of the unit's administrative officer, in consultation with the Department of Human Resources.

9.0 Termination

Termination may be used as a last resort when an employee fails to respond to previous efforts to improve performance or for more serious offenses, as mentioned earlier. All reasonable steps to assist the employee should be taken prior to termination. Nevertheless, immediate termination may occur during the investigative suspension phase, if the investigation determines that the infraction(s) warrant such an action.

In the event of a termination, managers will be required to prepare their recommendation with relevant documentation supporting the action, as in all other kinds of disciplinary actions. These documents must be reviewed to ensure accuracy and completeness. In addition, the action plan and all supporting documents must be reviewed with the Department of Human Resources. It is the supervisor's responsibilities to make certain that all employees in the department understand the rules and regulations which govern their conduct.

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When it is determined that an employee is to be terminated, the supervisor must receive the approval of the unit's administrative officer, in consultation with the Department of Human Resources.

When an employee is terminated, the supervisor must provide a letter to the employee notifying him/her of termination procedures. If the **Progressive Discipline & Performance Correction Form** is used, it must be accompanied by a letter, spelling out the employee's right to appeal the action. If termination is handled through means of a letter, it must summarize the performance problem(s) to date, identifying the actions taken to support the employee's improvement and the results of those actions. The employee will have the right to appeal the discharge as laid out in the Policies and Procedures of the USG and NGCSU.

10.0 Responsibilities of the Department of Human Resources

It is the responsibility of the Department of Human Resources to ensure all disciplinary actions are consistent with policy, past precedents, and fairly administered. The Department of Human Resources will review all of the circumstances which led to the disciplinary action(s) and advise the manager on the appropriateness of those action(s). In addition, the Department of Human Resources will thoroughly review supervisory recommendations involving investigative or disciplinary suspensions, or terminations, and make necessary recommendations prior to any action being taken.