Progressive Corrective Discipline

A Supervisor’s Guide

September 2008
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**Introduction**

In managing the school district’s operations, principals and supervisors are responsible for the most effective utilization of the workforce under their control. In dealing with this responsibility, principals and supervisors are required, on an ongoing basis, to deal with incidents of employee misconduct, both minor and major.

The following guidelines have been prepared in order to assist principals and supervisors in addressing discipline issues. The purpose of these guidelines is to provide a summary of key concepts and basic elements of a system for managing employee performance difficulties, both misconduct as well as unacceptable levels of job performance.

As you apply these guidelines, the following three elements must be considered:

1. The process will be **positive**. Emphasis is placed on the rehabilitative potential of employees rather than punitive measures.

2. The process will be **corrective**.

3. The process will be **progressive**. By progressively increasing the severity of the discipline imposed for persistent misconduct or failure to meet the established standards it is expected that the employee will be given the necessary incentive to reform deficient behavior.

When you see the icon it means you must contact Human Resources for assistance.

When you see the icon it means an example is provided in the appendix.
Discipline Process at a Glance

Sequence of Events

1. Misconduct occurs in the workplace.
2. Supervisor coaches employee on appropriate performance.
3. Supervisor let’s employee know what’s expected
4. Supervisor and employee develop a plan for improvement
5. Supervisor helps employee implement the plan
6. Supervisor rewards results.
7. When appropriate, management investigates the misconduct, interviews witnesses and gathers evidence.
8. When appropriate, management interviews with the employee suspected in the misconduct.
9. Management reviews all the evidence and consults with H.R. on the appropriate discipline.
10. Management issues a verbal warning, written warning, suspension, demotion, and/or termination.

Procedures for Administering Discipline

1. Advise the employee of any inadequacy, deficiency or conduct which is the cause of the discipline.
2. Provide directives to the employee to correct the conduct or performance.
3. Forward copies of all writings to H.R. for filing in the employee’s personnel file.
4. Allow a reasonable period of time, when appropriate, for the employee to correct or remediate the performance or misconduct.
5. Specify the expected level of performance or modification of conduct to be required from the employee.

The School District retains the right to immediately discipline, terminate or discharge an employee as appropriate, subject to relevant governing law and collective bargaining agreements where applicable.
Types of Work Performance Problems

Quantity of work (untimely completion, limited production)

- Poor prioritizing
- Lost time
  - Lateness, absenteeism, leaving without permission
  - Excessive visiting, phone use, break time, use of the Internet
  - Misuse of sick leave
- Slow response to work requests, untimely completion of assignments
- Preventable accidents

Quality of work (failure to meet quality standards)

- Inaccuracies, errors
- Failure to meet expectations for product quality, cost or service
- Customer/client dissatisfaction
- Spoilage and/or waste of materials
- Inappropriate or poor work methods
**Work Behaviors Which Result in Performance Problems**

Inappropriate behaviors (often referred to as “poor attitude”)

- Negativism, lack of cooperation, hostility
- Failure or refusal to follow instructions
- Unwillingness to take responsibility (‘passing the buck’)
- Insubordination
- Power games

Resistance to change

- Unwillingness, refusal or inability to update skills
- Resistance to policy, procedure, work method change
- Lack of flexibility in response to problems

Inappropriate interpersonal relations

- Inappropriate communication style: over-aggressive, passive
- Impatient, inconsiderate, argumentative
- Destructive humor, sarcasm, horseplay, fighting
- Inappropriate conflict with others (customers, coworkers, supervisors)

Inappropriate physical behavior

- Smoking, eating, drinking in inappropriate places
- Sleeping on the job
- Alcohol or drug use
- Problems with personal hygiene
- Threatening, hostile, or intimidating behaviors
Key Concepts

Due Process: In an employment situation, due process means providing an employee the opportunity to be heard before taking an adverse action against the employee. The 14th Amendment of the Constitution affords a person due process rights whenever a life, liberty or property interest is at stake. The Courts have determined that a number of employment actions may violate a person’s property rights, including termination of one’s employment or placement on unpaid suspension. Labor contracts typically include processes for discipline that are consistent with the principle of due process.

Due Process Rights:

1. Employees have a right to know what is expected of them and what the consequences will be if those expectations are not fulfilled.
2. The employee has a right to consistent and predictable employer responses to violations of rules.
3. The employee has a right to fair discipline based on facts.
4. The employee has a right to question the facts and to present a defense.
5. The employee has a right to appeal the disciplinary decision.
6. The employee has the right to progressive discipline.
7. The employee has a right to be considered as an individual.

Grievance: A grievance is a formal claim by an employee or union that an action by the employer has violated the terms of the labor agreement. Union contracts lay out formal grievance procedures providing both parties a method of resolving disputes.

Mediation: Mediation is a method used to resolve disputes between two or more parties. A neutral third-party helps the parties develop a resolution; however, the mediator has no authority to mandate a resolution. Both parties must agree to the mediation process in order for it to work.

Arbitration: A formal method of resolving disputes. A neutral third party hears the parties’ arguments and issues a “decision” or resolution to the issue. The
decision of an arbitrator may be binding or nonbinding, depending upon the circumstances. Typically, grievance procedures include a final step remanding the issue to an arbitrator who renders a binding decision.

Progressive Discipline:

There are four basic steps in the progressive discipline process. Some minor variations or additions may be found in labor agreements, but most follow the four essential steps. The term “progressive” says it all. That is, if employee performance problems or misconduct continue, the discipline administered becomes progressively more serious. The process may be shortened for more serious offenses by moving directly to suspension or termination. Discipline could potentially be taken at any of the four steps.

Gross Misconduct: Conduct so serious (such as stealing, or workplace violence) that it justifies the instant dismissal of an employee, even on the first occurrence.

CALL HUMAN RESOURCES: When allegations are of a very serious nature…

Double Jeopardy: Just as a criminal cannot be tried for a crime more than once, an employee cannot be disciplined for the same incident more than once. Although an employee’s history of past discipline can influence a current discipline decision, once discipline is rendered, it cannot be changed nor can it be reapplied for the same incident.

Weingarten Right: A Weingarten Right is the right an employee has to have union representation present when the employee is questioned about issues that could lead to discipline. It is the employee’s responsibility to assert this right by asking the employer if the meeting could lead to disciplinary action. Legal citation: NLRB v. J. Weingarten, Inc., 420 U.S. 251, 95 S.Ct. 959 (1975)

Garrity Warning: A Garrity Warning is important in cases that could result in criminal prosecution (child endangerment, theft, etc.). Any information an employee is required to disclose while questioned about an issue that could lead to discipline may not be used in a related criminal proceeding. The reason for this is that the employee is forced to choose between his/her constitutional right to remain silent and being disciplined for failure to respond to questions the employer has asked (insubordination).

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Just Cause: The principal of just cause refers to whether or not any discipline is justified, and, if so, whether “the punishment fits the crime." Arbitrator Carroll Daugherty developed “The Seven Tests of Just Cause” to test if just cause has been met.

SEVEN TESTS OF JUST CAUSE

A “no” answer to any one or more of the following questions normally signifies that just and proper cause did not exist.

1. **FOREWARNING:** Did the company give to the employee forewarning or foreknowledge of the possible or probable disciplinary consequences of the employee’s conduct?

2. **REASONABLENESS:** Were the company’s rules or managerial order reasonably related to (a) the orderly, efficient, and safe operation of the company’s business and (b) the performance that the company might properly expect of the employee?

3. **INVESTIGATION:** Did the company, before administering discipline to an employee, make an effort to discover whether the employee did in fact violate or disobey a rule or order of management?

4. **FAIRNESS:** Was the company’s investigation conducted fairly and objectively?

5. **PROOF:** At the investigation, did the “judge” obtain substantial evidence or proof that the employee was guilty as charged?

6. **CONSISTENCY/EQUAL TREATMENT:** Has the company applied its rules, orders, and penalties even-handedly and without discrimination to all employees?

7. **EQUITY:** Was the degree of discipline administered by the company in a particular case reasonably related to (a) the seriousness of the employee’s proven offense and (b) the record of the employee in his service with the company?

The Tennessen Warning Notice:

(MN Statute, section 13.04, subdivision 2): When a government agency collects information that may be “private or confidential”, it must give notice of why it is collecting the data, what it will be used for, who may access to the data, and consequences for you.

The warning may be provided verbally or in writing, and it is recommended that it be given to each person interviewed as part of an investigation, not just to the alleged perpetrator and/or complainant. If provided verbally, make a note that is was provided so a record exists. If provided in writing, a copy should be kept with investigative notes. In some instances, it may be appropriate to have the
employee sign they received the warning and a copy provided the union representative.

“The notice must be given when:

- An individual
- Is asked to supply
- Private or confidential data
- Concerning self

All four conditions must be present to trigger the notice requirement

“The notice does not need to be given when:

- The data subject is not an individual;
- The subject offers information that has not been requested by the entity;
- The information requested from the subject is about someone else;
- The entity requests or receives information about the subject from someone else, or
- The information requested from the subject is public data about the subject

“Statements must be included that inform the individual:

- Why the data are being collected from the individual and how the entity intends to use the data;
- Whether the individual may refuse or is legally required to supply the data;
- Any consequences to the individual of either supplying or refusing to supply the data; and
- The identity of other persons or entities authorized by law to receive the data.

“Consequences of giving the notice are:

- Private or confidential data on individuals may be collected, stored, used and released as described in the notice without liability to the entity.

“Consequences of giving an incomplete notice, or not giving the notice at all, are:

- Private or confidential data on individuals cannot be collected, stored, used or released for any purposes other than those stated in the notice unless:
  
  - The individual subject of the data gives informed consent;
  - Administration gives approval; or
  - A state or federal law subsequently authorizes or requires the new use or release.
Loudermill Meeting: (Cleveland Board of Education v. Loudermill, 470 U.S. 532 (1972)): The U.S. Supreme Court held that an employee is entitled to pre-termination hearing to satisfy the basic requirements of the Due Process Clause. While such a pre-termination hearing does not necessarily have to be formal or elaborate, the hearing does need to provide the employee with: (1) proper notice of the charges; and (2) an opportunity to respond. The pre-termination hearing is designed as an initial check against mistaken decisions and a method to determine whether there are reasonable grounds to support the employer’s action.
Coaching is a structured discussion, not formal discipline, where you identify concerns, reinforce expectations and state consequences of non-compliance.

Coaching should provide specific examples of problem and expected solution and provide needed tools, information, and feedback for employee.

If necessary, follow up with second letter of expectation which reinforces expectations and states possible disciplinary action.

Guidelines for Coaching Employees

Prepare:

1. Know the subordinate’s job.
2. Specify the standards for acceptable performance.
3. List specific examples of the subordinate’s unacceptable or deficient performance.
4. Consider possible barriers to good performance.
5. Outline the coaching session.
   - Have a clear idea of what you want to accomplish
   - Word your comments carefully
   - Plan questions to generate discussion
   - Have a tentative action plan developed
6. Set the right climate.
   - Schedule time
   - Arrange the physical setting to reduce barriers

Outline for Effective Coaching

Let subordinate know what’s expected

1. Clearly define job duties and responsibilities
2. Clearly describe the standards for achievement
Let subordinate know how he/she is doing

1. Make an accurate appraisal of performance
2. Discuss with the subordinate – get agreement

Develop a plan for improvement

1. Focus on one job weakness
2. Have subordinate assist in developing the plan
3. Get commitment to the plan

Help subordinate implement the plan

1. Observe performance and improvement
2. Praise improvement – encourage new efforts
3. Constructively correct failures
4. Teach by example
5. Periodically review process

Reward results – give or withhold rewards based on results

1. Possible rewards include recognition, increased freedom to do job own way, increased job responsibilities, job enrichment, professional development
When a supervisor determines that one or more aspects of an employee’s job performance do not meet standards and expectations, he or she will meet with the employee on an informal basis to discuss the performance concerns. The supervisor will assure the employee understands the performance expectations and will provide an opportunity for the employee to correct the problem(s). If the employee is still not meeting expectations after an appropriate period of time, an Improvement Plan may be developed.

The purpose of an improvement plan is to provide information and identify resources to assist an employee to improve performance deficiencies within a given time frame. An improvement plan is not an appropriate method for dealing with instances of misconduct.

Components of an Improvement Plan

1. **Performance Area**: This is the general category of the performance concern. For example: Supervisor of staff; instructional methods; Classroom management; etc.

2. **Performance Problem**: This is a specific description of the performance problem. For example: Failure to complete probationary teacher evaluations; Failure to adequately differentiate instruction to meet the needs of students.

3. **Required Action**: This describes what the staff member is specifically being directed to do. For example: Principle XYZ will ensure the completion of all probationary teacher evaluations; Teacher ABC will effectively assess the instructional level of her students and differentiate instruction based on this assessment.

4. **Measurement**: This defines specific measures of whether the required action has been completed in a satisfactory manner. For example: Principal XYZ will submit completed copies of probationary teacher evaluations to the Assistant Superintendent; Teacher ABC will be observed using differentiated instruction with her students and give copies of the assessments on which the instruction is based to her supervisor.

5. **Assistance Provided**: This specifies what help the staff member will be offered to fulfill the requirements of the improvement plan. For example: Principal XYZ will be offered the help of a retired principal to complete some of the probationary teachers evaluations; Teacher ABC will be offered help from the curriculum coordinator to learn to effectively assess students and differentiate instruction.

6. **Timeline**: This specifies when the required actions will be satisfactorily demonstrated. For example: Principal XYZ will submit copies of probationary evaluations by May 15th; Teacher ABC will demonstrate satisfactory differentiation of instruction by February 1st.

7. **Persons Involved**: This identifies who will be involved in the implementation and monitoring of the improvement plan. For example: All people listed in the “Assistance
Given” space, such as Assistant Superintendent; Principal; Person X from Human Resources.

**Investigation Stage**

Except in gross misconduct situations, the goal of discipline is to correct the behavior or improve the performance. Variables to consider when determining discipline include: (1) length of employment, (2) previous work record, and/or (3) severity of behavior.

The investigation is probably the most important part of the discipline process. An investigation is necessary when there is evidence and/or a claim that policies have been violated, the employer would likely take remedial or punitive action if in fact the policy was violated and/or there is a likelihood or possibility that the violation is a part of a pattern of misconduct.

The purpose of an investigation is to gather facts and evidence to confirm what took place. This evidence might include witness statement, documentary evidence, interviewing witnesses to the incident, and most important of all, interviewing the employee involved in the misconduct. An employee involved in misconduct should be provided an opportunity to explain themselves.

**Investigation tips:**
- Check it out with the employee (“It has been brought to my attention…”, “What can you tell me about this?”) Don’t get caught up in the emotion of the moment. Take a deep breath, step away if necessary. Don’t come to premature conclusions. Listen to what is being said. Think about: What is expected? What is wrong?
- Practice good listening skills in all investigatory meetings.
- Be respectful and courteous.
- Be fair.
- Be as specific as possible.
- Respect due process rights of employee under investigation.

**Investigation Steps**

**Step #1: Do an Initial Analysis of the Problem or Incident.**

Once an issue presents itself, you will need to answer the questions: What policies have been violated? Is an investigation required? If so, from whom do I gather facts? If several people need to be interviewed, with whom should I start? Are there data or records that I need to collect?
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What action is needed immediately? You may need to secure records, place employee on paid administrative leave, instruct employee(s) on who not to talk to, and/or secure computer(s).

Should you place an accused employee on paid administrative leave?

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When there are allegations of very serious misconduct and/or the accused person’s presence at work would interfere with conducting a credible investigation, it may be necessary to place the person on administrative leave with pay until more facts are known.

If administrative leave is necessary, these steps are important:

- Consult with the department head and the district’s Human Resources department.
- Instruct the employee to leave District property immediately;
- Require the employee to turn-in building/office/desk keys;
- Instruct the employee to refrain from conduct that would constitute retaliation, threat or intimidation of other employees, students or other persons who may be involved in the complaint or investigation.
- Confirm the telephone number and address where the employee can be contacted.
- Send the employee written confirmation that he/she is placed on administrative leave and proceed with an investigation of the allegation/complaint.

Step #2: Determine who needs to be informed of the investigation

- Send employee a letter stating the time and place of the meeting.
- Invite the employee to bring union representation.

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Step #3: **Prepare investigative questions**

Investigation questions are created to assist the investigator in maintaining focus and assuring efficiency of the investigation. They are questions that will need to be answered in order for the investigation to be complete.

Investigative questions may include fact questions, questions regarding timing, context, history, relationships, organization climate, and culture. They identify the who, what, when, where, why, and how.

Investigative question list is a tool for investigators to help them maintain focus and efficiency. It is not a fact finding device.

In an investigation you will interview the complainant or recipient of the alleged action, coworkers, or others who may have information about the problem or incident. You will interview the employee who is accused or is the subject of concern last.

Step #4: **Actions at Investigation Meeting**

- State the purpose of the meeting.
- If employee’s union representative is not present, inform the employee that they have a right to union representation. Ask the employee if they would like to exercise this right. If employee says yes, do not proceed. Inform employee that the meeting will be rescheduled.
- Read and/or provide copies of the Tenessen Warning to all present.
- Tell employee the purpose of the meeting.
- Ask your prepared investigation questions.
- Tell the employee you will get back with his/her once you have made a decision
- Document everything

Step #5: **Actions after the investigation**

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• Review information and documentation

• Determine what action to take

CALL HUMAN RESOURCES: When allegations are of a very serious nature…

• If you decide to discipline, inform the employee of the time and place of the meeting.

• Invite employee to bring union representation.
**Discipline Stage**

Once management has heard the employee’s explanation in the interview, verified facts and gathered all the evidence, the decision to discipline can be made. Ideally, the decision should be made after discussions with other people in management, and talking about the specifics of the case with the Human Resources Department. The basis for discipline should also take into account the “just cause” factors. Discipline should be issued in writing to an employee and only after the investigation and interviews have taken place.

**Procedures for Administering Discipline**

In an instance where any form of discipline is imposed, the employee’s supervisor will:

1. Advise the employee of any inadequacy, deficiency or conduct which is the cause of the discipline, either orally or in writing. If given orally, the supervisor will document the fact that an oral warning was given to the employee specifying the date, time and nature of the oral warning.

2. Provide directives to the employee to correct the conduct or performance.

3. Forward copies of all writings to the administrator in charge of personnel for filing in the employee’s personnel file.

4. Allow a reasonably period of time, when appropriate, for the employee to correct or remediate the performance or conduct.

5. Specify the expected level of performance or modification of conduct to be required from the employee.

The School District retains the right to immediately discipline, terminate or discharge an employee as appropriate, subject to relevant governing law and collective bargaining agreements where applicable.

**Four Steps in the Disciplinary Process:**

1. Oral (verbal) warning;
2. Written warning or reprimand;
3. Suspension with pay
4. Suspension without pay or Demotion;
5. Dismissal/termination or discharge from employment
A supervisor may move immediately to step 3, 4, or 5 in cases of serious misconduct.

Any step before termination may be repeated several times.

**Oral warning:** An oral warning becomes necessary when a problem continues, usually when a pattern is forming. In addition to clarifying the problem and the performance expected, an oral warning formally cautions the employee that a problem exists.\textsuperscript{ix}

**Written warning or reprimand:** Written warnings are appropriate when an oral warning has failed to bring about the desired change in behavior or when the problem requires a more serious response. If the supervisor engages a bargaining unit employee in discussion, the employee can request union representation.\textsuperscript{ix}

**Suspension with pay** (a.k.a. suspension pending investigation) is the temporary removal with pay of an employee from the place of duty to facilitate an investigation into allegations of misconduct or incompetence.\textsuperscript{ix}

**CALL HUMAN RESOURCES**

**Suspension without pay:** Suspension is a very serious step in the constructive discipline process. It is the step closest to termination of employment. It is invoked for offenses after prior corrective efforts have failed, or when the offense itself is serious enough to warrant suspension without prior discipline.\textsuperscript{ix}

**CALL HUMAN RESOURCES**

**Termination:** Termination is the final step in the disciplinary process and is taken when the previous steps of constructive discipline have failed to resolve the problem or when a very serious infraction mandates immediate termination of employment.\textsuperscript{ix}

When job performance or conduct has reached this point, the documentation should show that the employee has, in effect, terminated his or her own employment through failure to take the recommended corrective action.\textsuperscript{ix}
Possible Impacts of a Sloppy Process

- Union Grievance
- Equal Employment Opportunity Commission Complaint (EEOC)
- Law Suits
- Employee Buyouts
- Having to Reinstate Employee
- Embarrassment to Leadership
- Leadership loses credibility
- Employees don’t respect the process

JUST CAUSE AND ITS AFFECT ON DISCIPLINE

These factors must be taken into account by management when deciding to use discipline:

1. **Did the employee clearly understand the rule or policy that was violated?** For example, were the work rules and policy provided to the employee prior to the violation? It is management responsibility to prove that the employee knew the rule or policy.

   Avoid situations where the first time a person finds out about a standard or rule is when they breach it.

2. **Was the rule or policy consistently and fairly enforced by management?** For example, did management have a history of ignoring the departmental policy, but singled out and employee for discipline anyway.

3. **Did the employee know that violating the rule or policy could lead to discipline?**

4. **The seriousness of the offense in terms of violating company rules of conduct or company obligations.** For example, being a few minutes late for a shift would not be viewed as being as serious of an offense as striking another employee or stealing district property.
5. The long service of the employee.

6. The previous good (or bad) work record of the employee.

7. **Provocation.** Was the employee pushed into acting rudely or violently as a result of management or a customer’s actions? This is a very common defense for employees involved in insubordination.

8. Did the employee admit to the misconduct and apologize for their behavior?
APPENDIX

Sample Letters and Forms

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These example documents are a good guide, but may need to be modified to fit the specifics of the situation with which you are dealing. If you have questions about what modifications are necessary, contact the Human Resources Department.
Example Document #1

Notice of Intent to Investigate

Date: August 18, 2008
To: Jane Doe
From: Robert Anderson, Principal
Re: Notice of Intent to Investigate

This communication will serve as notice that Hopkins ISD 270 will be conducting a formal investigation regarding your absence record.

We are informing you that your participation in this investigation at this point is completely voluntary. You are not legally required to supply the requested information and may refuse to supply the requested information.

We are notifying you that we will conduct an investigation and may contact you during the investigation as is required.

We will provide you with updated information and be in contact with you regarding the status of our investigation. You are directed to limit your contact to me or your union representative to request information regarding the investigation.

As part of this investigation, we would like to meet with you on Friday, August 22, 2008. We will in room 213A of Eisenhower Community Center.

You have the right to have Union representation during the investigatory meeting.

If you are unable to meet on August 22, please contact me at (952) 988-4xxx to reschedule.

C. personnel file
Example Document #2

Investigation questions

Thank you to all of you for coming.

Jane, we are here to investigate your attendance record. The information I collect may be used to determine the need for discipline or training. It may also be shared with those that have a need to know including an outside agency or a court. Do you understand?

If employee responds no, state:

*We are here to talk about your attendance record in order to determine what disciplinary action is appropriate.*

If employee responds: *No, What did I do wrong?*

Response: *I will discuss that shortly. I first want to inform you that (continue below)*

If employee responds Yes: Continue

Ok. We will be asking you a few questions. You are not legally required to answer my questions. If you chose not to answer, I may draw an inference from that decision. If you are directed by a supervisor to answer, failure to answer may be insubordination. Do you understand?

If employee responds no, state:

*What I mean is that you do not have to answer my questions but if you choose not to, I can only make a decision based on the information I have.*

If employee responds yes: Continue

We are here to discuss your attendance. Can you tell me about your attendance over the past few years?

What type of feedback have you received from your supervisors regarding your attendance?

When an employee takes a day off, what do you believe to be the impact to the program?

Our records show that you have taken 25 sick days in the last six month. Do you believe this information to be correct?

If employee responds no, state:

What do you believe your correct absence record to be?

If employee responds yes: Continue

Is there any information you can provide me that will help me understand the reason why you have taken the days off?
Is there any additional information you would like to provide us with?

Thank you for your time. We will continue our investigation and follow up with you within 48 hours.
Example Document #3

*Employee Performance Documentation – Oral Warning*
Example Document #4

Employee Performance Documentation – Written Warning
Example Document #5

Intent to Suspend

Date: November 17, 2008
To: Jane Doe
From: Robert Anderson, Principal
Subject: Performance Deficiency Notice – Intent to Suspend

The purpose of the memorandum is to advise you that we are proposing that you be suspended from your job of paraprofessional for one (1) day, Thursday, November 20, 2008. The action is proposed to be taken because of the following grounds:

Attendance is an essential requirement of your job. It is necessary for you to be at work on a regular basis to provide support for students and staff. On Friday, November 14, you called and left a message that you would not be able to come into work.

Over a course of nine (9) months you have been absent from work 29 days.

You have received previous warnings regarding your attendance. On June 16, 2008, I met with you about your attendance and stated that she was very concerned about the amount of time you had missed in the past six months. I informed you that subsequent absence would result in disciplinary action up to and including termination.

On August 18, 2008, you received an oral warning for your attendance. I stated that I continue to be very concerned about your excessive absences and was concerned that students were not being served as well when you are not at work. I informed you that subsequent absence would result in disciplinary action up to and including termination.

On October 15, 2008, you received a written warning for your attendance. I informed you that additional requests for time off must receive prior approval. You must talk with me directly. You will be required to bring a doctor’s note for all sick days used. I informed you that subsequent absence would result in disciplinary action up to and including termination.

Again, you are expected to report to work on a regular basis. Additional time off requests must receive prior approval. You must talk with me directly. You will be required to bring a doctor’s note for all sick days used.

Failure to follow these directives will be deemed insubordination and will result in immediate termination.

If there are any aspects of these expectations that you do not understand, please let me know immediately so that clarification can be provided.

If you believe the action we are taking is not appropriate, you have the right to respond to me either orally or in writing by the end of the day on Wednesday, November 19, 2008. If you are unable to reach me directly, you may leave a voice mail at 952-988-4xxx, email a written response at Robert_anderson@school.k12.mn.us or notify the department secretary, at (952) 988-4xxx to set up a meeting with us on the morning of Thursday, November 20, 2008 to present your concern. Your response will be considered before final action is taken.

September 2008
Again, you have the right to have your Union representation. If we are unable to meet before Thursday, November 20, 2008, we will reschedule your suspension day for a later date.

cc: personnel file
Example Document #6

**Intent to Terminate**

Date: Wednesday, December 17, 2008  
To: Jane Doe  
From: Robert Anderson, Principal  
Subject: Performance Deficiency Notice—Intent to Terminate

The purpose of this memorandum is to advise you that we are proposing that you be terminated from your job from the Hopkins Public Schools as of Friday, December 19, 2008. The action is proposed to be taken because of the following grounds:

*On Monday, December 15, 2008, you called and left a message that you would not be able to come into work because you were sick. When you returned to work on Tuesday, December 16, you did not have a doctor’s note for your absence.*

*Over a course of ten (10) months you have been absent from work 30 days.*

You have received previous warnings regarding your attendance. *On June 16, 2008, I met with you about your attendance and stated that she was very concerned about the amount of time you had missed in the past six months. I informed you that subsequent absence would result in disciplinary action up to and including termination.*

*On August 18, 2008, you received an oral warning for your attendance. I stated that I continue to be very concerned about your excessive absences and was concerned that students were not being served as well when you are not at work. I informed you that subsequent absence would result in disciplinary action up to and including termination.*

*On October 15, 2008, you received a written warning for your attendance. I informed you that additional requests for time off must receive prior approval. You must talk with me directly. You will be required to bring a doctor’s note for all sick days used. I informed you that subsequent absence would result in disciplinary action up to and including termination.*

*On November 17, 2008, you received notice of intent to suspend. You were suspended for one day, November 20, 2008. Again, you were given the directive that we expect you to report to work on a regular basis. Additional time off requests must receive prior approval. You must talk with me directly. You will be required to bring a doctor’s note for all sick days used.*

If you believe the action we are taking is not appropriate, you have the right to respond to me either orally or in writing by the end of the day on Thursday, December 18, 2008. If you are unable to reach me directly, you may leave a voice mail at 952-988-4xxx, email a written response at Robert_anderson@school.k12.mn.us or notify the department secretary, at (952) 988-4xxx to set up a meeting with us on the morning of Friday, December 19, 2008 to present your concern. Your response will be considered before final action is taken.

Again, you have the right to have your Union representation. If we are unable to meet before Friday, December 19, 2008, we will reschedule your suspension day for a later date.
cc: personal file
Example Document #7

Improvement Plans

IMPROVEMENT PLAN FOR JANE DOE

Performance problems have been noted and discussed with Jane Doe in the following Performance Areas: Attendance.

ATTENDANCE

Regular attendance is an essential function of all paraprofessional employees.

Performance Problem

Consistent requests for time off. Consistently calls in sick.

Required Action

Ms. Jane Doe will:

1. Continue to work toward a healthier physical and mental health.
2. Expected to work on a regular basis.
3. Try to schedule doctor’s appointments before and/or after work.

Measurement

1. Amount of time off requests and sick days decreases immediately.

Assistance Provided

1. Supervisor’s door is always open if you need someone to talk to.

2. An employee assistance program is available to all employees through Midwest EAP Solutions. It is free, confidential and personal support program that is designed to handle a range of issues and concerns. The phone number is 1-800-383-1908.

Timeline

Ms. Doe will immediately improve her attendance and report to work on regular basis.

September 2008
References


