

Implementing the Progressive Discipline Policy

Background

Progressive discipline is a method often used by managers/supervisors to provide notice to employees who are not meeting expected or communicated Research Foundation (RF) job performance standards, not behaving appropriately at work, or are not following RF policies and procedures. The intent of progressive discipline is to help employees correct their issue(s) and become successful and productive. Progressive discipline provides managers/supervisors with a consistent and fair process for handling disciplinary issues and protects the legal rights of the employee and employer. Managers/supervisors should contact and work with the campus HR office when determining the level of discipline, if any, which may be required.

The guidelines that are provided in this document are intended to assist managers/supervisors in understanding the progressive discipline process and implementing it in accordance with applicable equal employment opportunity (EEO) laws. For the RF's policy and more information on EEO laws, refer to the Research Foundation's [Progressive Discipline Policy](#).

Included in these guidelines are useful definitions, examples of employee performance and/or behavior issues that may require implementing progressive discipline, descriptions of the steps typically used in the process, and recommended guidelines for managers/supervisors when implementing progressive discipline.

Definitions

Progressive discipline is defined as a process or method that attempts to address and correct an employee's work performance or inappropriate workplace behavior by providing clear and constructive feedback through a series of increasingly formal steps. The process typically includes one or more of the following steps: verbal counseling(s), written warning(s), a Performance Improvement Plan (PIP), successful completion of the PIP, and/or termination of employment.

Retaliation is defined as an adverse action taken by the employer against an employee because he or she engaged in protected activity including opposition to unlawful employment practice(s) or participating in an employment discrimination proceeding by filing a charge, testifying, assisting, or participating in an investigation, proceeding or hearing involving employment discrimination.

Wrongful discharge is defined as termination from employment for reasons that are in violation of the law (for example, terminating an employee based on his or her race), in violation of public policy, in breach of an implied contract, or firing an employee in bad faith.

Examples of Issues That May Be Subject to Progressive Discipline

The following is a non-comprehensive list of employee issues that may be subject to progressive discipline. Depending on the nature and severity of the issue(s), some of the

following issues may subject an employee to immediate termination. Refer to the RF's [Termination of Employment Policy](#) and the RF's procedure on [Involuntary Termination of Employment](#) for information on termination from employment and the RF's status as an at-will employer.

- Not meeting job requirements
- Inability to meet deadlines
- Poor quality of work
- Insufficient quantity of work
- Excessive absences
- Excessive tardiness
- Intentional abuse of company property
- Insubordination
- Stealing
- Arguing/fighting with co-workers
- Throwing objects
- Falling asleep on the job
- Harassment or violence
- Substance abuse

Unauthorized disclosure of confidential RF information

Managers/supervisors should use reasonable judgment to decide if an issue on this list or other issues that arise may require implementing progressive discipline.

Managers/supervisors should contact the campus HR office for assistance in determining if an employee issue requires progressive discipline.

Steps of Progressive Discipline

The following sections provide information on each of the steps typically used in the progressive discipline process. The manager/supervisor should use reasonable judgment to decide what step or combination of steps, up to and including termination, should be used to address the issue(s). Contact and work with the campus HR office when determining the level of discipline, if any, which may be required.

Step 1: Verbal Counseling(s)

A verbal counseling is generally the first step of progressive discipline. A verbal counseling is intended to be used by a manager/supervisor to notify an employee that an improvement is needed in the employee's work performance and/or behavior. This step is generally used for minor issues (e.g., not calling the manager/supervisor as required if the employee is arriving late to work).

The manager/supervisor should meet privately with the employee to discuss the issue. The manager/supervisor should determine if the employee was aware of the issue and allow the employee to explain. As appropriate, the manager/supervisor should be prepared to guide the employee to use available external resources that may assist him/her in resolving the issue.

The manager/supervisor should maintain written documentation regarding the issue, date on which the issue occurred, and the corrective action requested. At the manager's/supervisor's discretion and depending on the nature of the issue, a second verbal counseling may be given prior to giving a written warning.

Step 2: Written Warning(s)

A written warning is generally the second step of progressive discipline. A written warning provides notice to an employee regarding continued work performance issues and/or

inappropriate workplace behavior that have not been resolved after giving the employee a verbal counseling (e.g., the manager/supervisor has given an employee a verbal counseling about not calling when he/she will be arriving late to work and the employee has not taken corrective action to resolve the issue).

The written warning should include information regarding the issue, date on which the issue occurred, and the desired performance and/or behavior expected from the employee. For assistance in developing a written warning, contact and work with the campus HR office.

The manager/supervisor should meet privately with the employee to discuss the issue and to provide the written warning to the employee. As appropriate, the manager/supervisor should be prepared to guide the employee to use available external resources that may assist him/her in resolving the issue.

Prior to the end of the meeting, the employee should be asked to sign the written warning indicating that he/she has read and understands the warning. If the employee refuses to sign the written warning, the manager/supervisor should note this on the written warning. The original written warning should be placed in the employee's Personnel File and a copy provided to the employee.

At the manager's/supervisor's discretion and depending on the nature of the issue, a second written warning may be given prior to implementing a Performance Improvement Plan.

Step 3: Performance Improvement Plan (PIP)

A Performance Improvement Plan (PIP) is generally the third step of progressive discipline. A PIP is a formal written plan used by the manager/supervisor as a final attempt to resolve a serious issue that has not been addressed by the employee after a verbal warning(s) and/or a written warning(s) have been given. The PIP is given for a specified time period, usually 30, 60 or 90 days. A manager/supervisor should use reasonable judgment to decide the length of a PIP or contact and work with the campus HR office for assistance.

A PIP should include key information about the issue, including a prior verbal counseling(s) or written warning(s), the work performance and/or behavior issue that must be addressed and corrected during the PIP period, and the dates on which the employee's work performance and/or behavior will be reviewed. For assistance in developing a PIP, contact and work with the campus HR office.

The manager/supervisor should meet privately with the employee to discuss the issue and to provide the PIP to the employee. Prior to the end of the meeting, the employee should be asked to sign the PIP indicating that he/she has read and understands it. If the employee refuses to sign the PIP, the manager/supervisor should note this on the PIP and should date the document. The original PIP should be placed in the employee's Personnel File and a copy provided to the employee.

The intent of a PIP, as it is in all other progressive discipline steps, is successful resolution of the issue. Even if the employee successfully meets the terms of a PIP, that employee can be subject to additional disciplinary action if the same or other performance and/or behavior issues arise in the future. If a serious incident occurs while an employee is on a PIP, the employee may be subject to termination of employment.

Step 4: Termination of Employment

Termination of employment is generally the last step of progressive discipline after an employee has failed to meet the requirements of a PIP or a serious incident has occurred during the PIP period.

Termination of employment can also occur when an employee, who is not on a PIP, is involved in a serious offense that warrants immediate termination (for example, an employee is caught stealing in the workplace). Refer to the RF procedure on Involuntary Termination of Employment.

For assistance in developing a termination letter, contact and work with the campus HR office. The manager/supervisor should meet with the employee to discuss the termination and provide the termination letter to the employee. The manager/supervisor should request that

another person attend the termination meeting with them as a witness (e.g., a representative from the campus HR office, department head, or vice president). The original termination letter should be given to the employee and a copy maintained in the employee's Personnel File.

General Guidelines for Managers/Supervisors when Implementing Progressive Discipline

When implementing progressive discipline, managers/supervisors may want to consider the following general guidelines:

- Investigate the issue as needed. Thoroughly investigate all issues that require investigation prior to implementing any step(s) of progressive discipline.
This may include interviewing other employees or witnesses who may know about an issue/incident.
- Document in writing. When documenting each step of progressive discipline, include key information about the issue, dates on which issues/incidents occurred, and any corrective action that must be taken by the employee. The manager/supervisor should also include any action that he/she should take (e.g., identifying training that the employee may need).
- Be consistent and fair. When deciding on the level of discipline that is appropriate to the issue(s), be consistent and fair (e.g., implement the same step(s) of progressive discipline for the same violation). Contact and work with the campus HR office when determining the level of discipline, if any, which may be required.
- Implement the discipline promptly. Once an issue has been discovered or an incident has occurred, promptly implement any necessary progressive discipline.
- Monitor for improvement. Once progressive discipline has been implemented, continuously monitor an employee's performance and/or behavior for improvement.
- Maintain records. Any documentation relating to progressive discipline that has been implemented should be kept in a locked file in accordance with the [Policy on Confidential Research Foundation Information](#).

Research Foundation Complaint Procedures

If an employee believes that he/she has been subject to inappropriate disciplinary action, including discrimination or retaliation, the employee's manager/supervisor should refer the employee to the RF's [Procedure for Resolving Allegations of Workplace Discrimination](#) or the RF's [Procedure for Resolving Workplace Concerns](#).

Additional Resources

- [Progressive Discipline Policy](#)
- [Involuntary Termination of Employment](#)
- [Policy on Confidential RF Information](#)
- [Equal Employment Opportunity Policy](#)
- [Code of Conduct](#)
- [Procedure for Resolving Allegations of Workplace Discrimination](#)
- [Procedure for Resolving Workplace Concerns](#)

Feedback

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