**Progressive Discipline Procedures/Guidance (August 2012)**

**Policy**Employees who violate the rules outlined under Employee Conduct, Classified Employee Handbook shall be disciplined in a timely, fair, equitable and consistent manner.

**Progressive Discipline**

A system of progressive discipline may be used for the purpose of encouraging an employee to correct unacceptable behavior and to adhere to the Rules of Employee Conduct. Georgia Tech reserves the right to determine those steps necessary considering all aspects of each individual case.

**The following corrective and disciplinary actions shall be used as appropriate:**

* Verbal Warning
* Written Warning
* Disciplinary Suspension
* Final Written Warning (exempt employees)
* Investigative Suspension
* Termination

**Degrees of Discipline**

Degrees of discipline are progressive and are used to insure the employee has the opportunity to correct their performance.

There is no set standard of how many verbal warnings must be given prior to a Written Warning or how many Written Warnings must precede termination. Factors to be considered are:

1. The variety and number of problems involved.
2. The seriousness of the offense.
3. The time interval and employee response to prior disciplinary action(s).
4. Previous work history of the employee.

For serious offenses such as (fighting, theft, threats of violence, the sale or possession of drugs or abuse of alcohol on Georgia Tech Property, etc.) termination may be the first and only disciplinary step taken. Any step or steps of the disciplinary process may be skipped at the discretion of the Office of Human Resources and Department Management after investigation and analysis of the total situation, past practice and circumstances.

In general, several verbal warnings should, at the next infraction, be followed by a Written Warning, followed at the next infraction by suspension, then discharge. 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.

**Discharge**

Georgia is an employment-at-will state. Cause is not necessary to terminate employment. An employee can be discharged as a result of a serious offense or as the final step in accumulation of infractions for which a warning notice or notices have been written.

**Documentation**

Documentation is an essential element of any human resources program. With respect to accurate performance appraisals, documentation ensures that a manager accurately remembers the goals that he has set for an employee, whether performance standards were met, why standards were not met, and how an employee performed months before. Without documentation, a manager is unable to provide an employee with specific examples of performance. The more complete and accurate the documentation, the easier it is for a manager to make and substantiate an evaluation.

A second use of documentation is 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 occurred.

Third, documentation is critical when a manager needs to substantiate his actions to others. In the event that an evaluation, pay raise, or disciplinary action is questioned, documentation will be the key to supporting that action. Memory alone will not be substantial enough to support a decision when grievances, unemployment hearings, human rights complaints and unjust discharge suits arise.

Fourth, documentation will help to support a supervisor's position that he/she did or did not do something. For example, did a supervisor explain a new policy or rule to an employee, inform an employee about a disciplinary policy. Thus documentation provides verification that employees heard and understood new rules and policies.

Finally, documentation can also be used as a record of an employee's training and development. Supervisors can document career counseling, training, developmental opportunities, how an employee performed during training, and an employee's career goals.

**Verbal Warning**

**Definition** -- The Verbal Warning is a conversation between a supervisor and an employee held in private about a disciplinary or performance problem. It is the first step of the progressive discipline process.

**Purpose** -- The purpose of the Verbal Warning is to correct a performance or disciplinary problem by bringing it to the employee's attention in a serious yet friendly manner.

**When to use a Verbal Warning**

The Verbal Warning should be used after the supervisor is sure of the following:

1. Previous casual conversations with the employee have not been successful in solving the problem;
2. The employee knows exactly what is expected;
3. The employee is properly trained;
4. Nothing is preventing the employee from doing the job properly.

**Verbal Warning Counseling**

The employee will be counseled by the supervisor following an infraction of the rules in order to:

1. Eliminate any possible misunderstanding concerning the rules.
2. State clearly what is expected in the future.
3. Point out the consequences of a further infraction(s).
4. Document the fact that the employee has been warned.

**Verbal Warning**

**Procedure**

There are several procedures which must be followed whenever a Verbal Warning is given:

1. Talk to the employee privately (in an office, conference room or other quiet area).
2. State the specific problem in terms of desired performance and actual performance.
3. Refer to previous casual conversations about the problem.
4. Give the employee a chance to respond and explain.
5. Tell the employee the specific change in his/her performance which you expect.
6. Have the employee confirm that he/she knows exactly what you expect.
7. Indicate your confidence in his/her ability to perform properly.
8. Document the conversation.

**Note:** Verbal Warnings usually take a short time and, when well handled, are sufficient to take care of most disciplinary performance problems.

**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.

**Required Information**

The following information must be included:

1. The employee's name;
2. The date of the Verbal Warning;
3. The specific offense or rule violation;
4. A specific statement of the expected performance;
5. Any explanation given by the employee or other information the supervisor feels is significant.

**Example:**

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

(Supervisor)

**(Date)**

**Informal Record Department File**

An informal record is made of the verbal warning by the supervisor and put in the employee's department file.

**Written Warning**

**Definition** -- A WRITTEN WARNING is a documented formal conversation between a supervisor and an employee about a disciplinary or performance problem. It is the second step of the progressive discipline process.

**Purpose** -- The purpose of the Written Warning is to correct a performance problem by discussing it with the employee and providing a written record of that conversation.

**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.

**Written Warning Notice**

A written warning notice 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, possible termination (or, if appropriate "will result in termination").

The employee is invited to make a written statement on the warning notice and requested to sign the notice. If the employee refuses to sign the notice the supervisor should indicate the fact and reasons on the warning notice form.

**Written Warning**

**Procedure**

**Before the Meeting**

1. Prepare for the meeting by reviewing your notes on the Verbal Warning conversation and any other material.
2. Ask the employee to come into an office, conference room or other private area.

**During the Meeting**

1. State the specific problem in terms of actual performance and desired performance.
2. Refer to previous casual conversation and the previous Verbal Warning.
3. Give the employee a chance to respond and explain.
4. Tell the employee the specific change you expect in his/her performance and indicate your confidence that he/she will change.
5. Have the employee confirm that he/she knows exactly what you expect.
6. Tell the employee that you will write a memo to him/her summarizing the conversation.

**After the Meeting**

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

**Written Warning--Writing the Memo**

**Required Information** -- The memo must contain the following information:

1. The date of the conversation.
2. The specific rule violation or performance problem that has occurred.
3. A reference to previous conversations 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.
7. 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.

**Timing**

The Written Warning should be made no later than the end of the day following the conversation.

**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 Office of Human Resources. (The warning notice becomes a part of the employee's personnel record.)

**Disciplinary Suspension**

A disciplinary suspension is normally a period of one (1) to five (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 is no specific instance of conduct that is so outrageous that justifies termination; but, 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).

An exempt employee may be suspended without pay for serious infractions of workplace conduct rules, including, but not limited to, rules prohibiting sexual harassment, workplace violence or drug or alcohol use, or for violations of state or federal laws. Exempt employees may be suspended without pay for serious misconduct, but may not be suspended for performance or attendance issues. Deductions from the pay of an exempt employee may be made for suspensions of one or more full days imposed for disciplinary reasons for infractions of workplace conduct rules, and such disciplinary deductions may only be made in full day increments.

**Final Written Warning (exempt employees)**

**Definition** -- A FINAL WRITTEN WARNING is a documented formal conversation between a supervisor and an employee about a continuing disciplinary or performance problem. It is a last chance step before termination.

**Purpose** -- The purpose of the Final Written Warning is to correct a performance problem by discussing it with the employee and providing a written record of that conversation

**When to use a Final Written Warning**

The Final Written Warning is used only after a Verbal Warning and Written Warning have been given and no change in performance has resulted and when a disciplinary suspension is deemed not appropriate. For an exempt employee, either a disciplinary suspension or a Final Written Warning should be used in the same progressive discipline process – but not both.

**Final Written Warning Notice**

A final written warning notice is issued to document the fact that the employee has been officially advised again of the precise nature of his or her misconduct and warned that any future violations will result in termination.

The employee is invited to make a written statement on the warning notice and requested to sign the notice. If the employee refuses to sign the notice the supervisor should indicate the fact and reasons on the warning notice form.

**Final Written Warning**

**Procedure**

**Before the Meeting**

1.      Prepare for the meeting by reviewing your notes on the Verbal Warning conversation, Written Warning and any other material.

2.      Ask the employee to come into an office, conference room or other private area.

**During the Meeting**

3.      State the specific problem in terms of actual performance and desired performance.

4.      Refer to previous Verbal Warning (s) and Written Warning (s).

5.      Give the employee a chance to respond and explain.

6.      Tell the employee the specific change you expect in his/her performance and indicate your confidence that he/she will change.

7.      Give the employee a chance to respond and explain

8.      Tell the employee the specific change you expect in his/her performance and indicate your confidence that he/she will change.

9.      Have the employee confirm that he/she knows exactly what you expect.

10.  Make sure the employee understands that this is their final chance and termination will be the next action taken.

11.  Tell the employee that you will write a memo to him/her summarizing the conversation.

**After the Meeting**

12.  Write a short memo to the employee summarizing the conversation.

13.  Advise the appropriate people of the conversation and distribute the copies of the memo.

14.  Monitor the employee's performance to make sure that the problem has been corrected.

**Final Written Warning--Writing the Memo**

**Required Information** -- The memo must contain the following information:

15.  The date of the conversation.

16.  The specific rule violation or performance problem that has occurred.

17.  A reference to previous conversations and Written Warning about the problem.

18.  A statement of the specific change in the employee's performance or behavior you expect.

19.  Any comments or statements the employee made during the conversation.

20.  A statement indicating your confidence in the employee's ability to perform properly in the future.

21.  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.

**Timing**

The Final Written Warning should be made no later than the end of the day following the conversation.

**Final 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 Office of Human Resources. (The final warning notice becomes a part of the employee's personnel record.)

**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. Normally investigative suspension is a leave with pay.

**Investigative Suspension**

**Procedure**

1. Instruct the employee to leave Georgia Tech property.
2. Determine where you can contact the employee and inform him/her that you will do so immediately following investigation of the incident.
3. Prepare your recommendations as to the appropriate course of action.
4. Review all supporting documentation to assure accuracy and completeness.
5. Review your action plan and all supporting documents with the Office of Human Resources.

**Results of Investigation**

**If after the investigation:**

1. If discharge is warranted, the discharge shall be effective on the date of the termination interview.
2. If misconduct is determined, but not of a sufficiently serious nature to warrant discharge he employee shall receive a warning notice and may be placed on disciplinary suspension.
3. If no misconduct is determined, the employee shall return to work within the prescribed period.

**Planned Discharge**

**Procedure**

1. Prepare your recommendation as to the appropriate course of action.
2. Review all supporting documentation to assure accuracy and completeness.
3. Review your action plan and all supporting documents with the Office of Human Resources.

**Department Supervisor Responsibilities**

1. Make certain that all employees of the department understand the rules and regulations which should govern their behavior.
2. Point out and discuss rule infractions, and when appropriate, give verbal warning.
3. Document all pertinent facts relating to the misconduct.
4. Record dates and substance of verbal warnings.
5. Consult the Office of Human Resources when the issuance of a warning notice appears warranted.
6. Issue the approved warning notice for repeated infractions or a serious offense.
7. Recommend disciplinary suspension when the employee's conduct is such that a level of discipline greater than a written warning notice but less than termination is desired. Disciplinary suspension action cannot be taken without the approval of the department head and the Office of Human Resources. Document suspension stating reasons and length of suspension with a memo to the individual and a copy to the individual's personnel file.
8. Recommend demotion or discharge when the employee's conduct justifies such actions. Discharge or demotion cannot be taken without the approval of the department head and the Associate Vice President for Human Resources.

**Office of Human Resources Responsibilities**

1. Insure all disciplinary actions are consistent with policy, past precedents and fairly administered.
2. Review all of the circumstances which led to the warning notice, and approve the appropriateness of the action.
3. Review and thoroughly investigate supervisory recommendations involving disciplinary suspension, demotion or discharge and approve or disapprove such recommendations prior to action being taken.
4. Approve any investigative suspension and conduct the required investigation.