

Documenting Disciplinary Decisions

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Objectives

- Importance of positive discipline
- Identify disciplinary situations that violate standards of conduct and the need to confront them appropriately
- Discuss disciplinary process and approaches that ensure disciplinary action for just cause
- Define and discuss early and advanced stages in progressive discipline

Importance of Positive Discipline

- Positive discipline exists when employees generally follow the rules and meet organization standards
- Positive self-discipline exists when employees regulate themselves out of their own self-interest

Importance of Positive Discipline

- Common situations that require some type of disciplinary action:
 - Schedule infractions, excessive absenteeism or tardiness, poor work performance, poor work attitudes, damage to company's public image
 - Open insubordination
 - May be related to employees behavior off the job (e.g., drinking problem or illegal drug use)

Confronting Disciplinary Situations

- Ethical codes and policies for supervisors and employees
- Code of ethics to provide guidance for employees regarding the meaning of the principles and compliance
- Written rules of conduct provide a common basis to assist supervisors in encouraging self-discipline

Disciplinary Process & Just Cause

- Just cause (proper cause): refers to the fairness of disciplinary action taken
 - Proper notification
 - Investigation
 - Sufficient evidence
 - Penalty equals the infraction

Precautionary Measures

- Investigate the situation: Find out what happened and why before acting
- Investigatory interviews: Interview those involved
 - Conducted in private
 - Individual basis
 - Guarantee confidentiality when possible
 - Avoid making final judgment

Precautionary Measures

- Maintain self-control: regardless of the severity of the violation
- Privacy in disciplining: Communicate discipline private
 - Not doing so may lead to grievance by employee
- Disciplinary time element: How long should the violation be held against the employee

The Disciplinary Interview

- Script
 - State the problem
 - Ask for employee's view of problem
 - Ask for employee's solution to problem
 - Agree on a plan to solve problem
 - Provide reprimand
 - Set up a review date to determine compliance/improvement

Advance Warning

- Employees must be informed clearly that certain actions will result in disciplinary actions

Immediacy

The sooner the discipline is imposed, the closer it is connected to the violation

Consistency

Appropriate disciplinary action should be taken each time the violation occurs

Impartiality

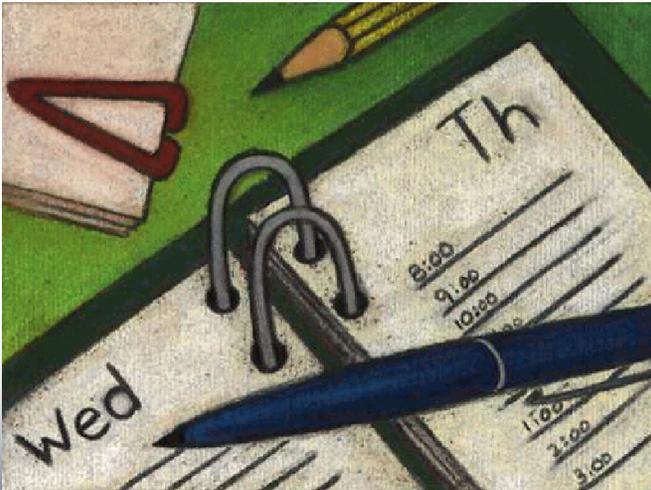
- All employees who commit the same or similar offense should be penalized
- Penalties should be in relation to the offensive act and not the offending person

Practicing Progressive Discipline

Progressive discipline is disciplinary action that increases severity of punishment with each offense

Documenting Discipline

The supervisor must keep records of each offense an employee commits, the decision made, and the reasoning involved for potential justification in the future



Documenting Discipline

- Regularly kept records: time cards, production tallies, archival data
- Written complaints from members, advocates, collaterals
- Examples of unsatisfactory work
- Written summaries of disciplinary conferences

Right to Appeal

It should be possible for an employee to request a review of a supervisor's disciplinary action from higher level management

Discipline Without Punishment

Major focus of this approach is to stress extensive coaching, counseling, and problem solving to avoid confrontation

Legal Troubleshooting

- No clear-cut breach of rule
- Inadequate warning
- Lack of positive evidence
- Prejudice
- Inadequate records
- Too severe
- Violation of policy or contract

10 Important Policies

Include in Your Handbook

1. At-will provisions
2. Harassment policy
3. Equal employment opportunity policy:
Clarification that the employer does not discriminate against qualified persons with disabilities
4. Benefits: Overview of such things as vacation, sick time, etc.

10 Important Policies

Continued

5. Leave of absence policy
6. Pay and overtime pay provisions
7. Discipline: Employers should maintain flexibility in determining appropriate discipline up to termination
8. Complaint procedures: Must be carefully worded so as not to be legally binding

10 Important Policies

Continued

9. Acknowledgment: Require employees to sign and return form stating that they have received, read, and understood the provisions in the handbook
10. Right to revise/update: Employer has the right to revise policies at any time

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