

## Disciplinary Actions

Most employers follow a policy of progressive disciplinary action. Repeated violations lead to increasingly severe corrective action, culminating in termination.

### ***Verbal Warning***

The most lenient form of progressive disciplinary action is when the employee receives a verbal to stop the unacceptable behavior. The verbal warning may discuss actions needed to be taken to correct the behavior and the consequences for repeated violations. Document a description and date of the verbal warning.

### ***Written Warning***

The written warning may list actions needed to be taken to correct the behavior and the consequences for repeated violations. Keep a copy of all warnings.

### ***Suspension (with or without pay)***

In some cases, it is in the company's best interest to remove an employee from the workplace pending an investigation or as a corrective measure. When issuing a suspension, be sure to inform the employee of the reason for the suspension, the duration of the suspension, expected behavior following the suspension, and the consequences for repeated violations. Keep written documentation of all suspensions.

### ***Referral to employee assistance program***

An employee may be violating work rules because of personal problems. In some cases, the best form of disciplinary action is to refer the employee to an assistance program (EAP). It may be appropriate to use other forms of disciplinary action (warnings, suspensions, etc.) in conjunction with the referral. Employers should maintain records of all referrals.

### ***Transfer or reassignment***

An employee's behavior may improve through transfer or reassignment to a different work area. Other forms of disciplinary action may be used with the transfer.

### ***Termination***

The final step in progressive disciplinary action, or the result of a serious offense, is termination of employment. It may be appropriate to terminate an employee for theft, poor job performance, unexcused absences, harassment of other employees, violent threats or actions, or repeated unsafe behaviors.

Typically, the HR department is involved in decisions involving referral to an EAP, suspension, transfer, or termination.

### ***Disciplinary Actions***

Employers must be careful to avoid disciplinary actions that could be interpreted to be discriminatory. Some examples of discrimination, all of which are based on non-work related decisions, include:

- Firing
- Demotion

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- Transfer
- Layoff
- Losing the opportunity for overtime or promotion
- Exclusion from normal overtime work
- Assignment to an undesirable shift
- Denial of benefits such as sick leave or vacation time
- Blacklisting with other employees
- Taking away company housing
- Reducing pay or hours

When meeting with an employee to discuss disciplinary action, it is important to have the appropriate people present. These can include the employee's immediate supervisor, manager, human resources department representative, employee representative, and safety or security personnel.

At the meeting, the alleged rule violation will be explained and evidence and documentation presented. The employee should be permitted to discuss his or her side of the story. The employee's arguments must be taken into account before making a final decision about disciplinary action.

Keep written records to show that:

- Complaint was formally presented to the employee.
- Employee signed a statement acknowledging the complaint.
- Employee responded to the complaint.

Once you have informed the employee of the disciplinary action to be taken, make sure the employee fully understands what he or she is expected to do to correct the behavior.

Maintain confidential files of all written records concerning disciplinary action cases. It may be appropriate for the HR department to keep these files. Coordinate with payroll/benefits departments if time off is involved.