

# City of Waukesha **NEW** HR Policy

## **G3** Corrective and Disciplinary Action

### Purpose

The City of Waukesha is committed to creating a culture of reciprocal accountability. Employees are expected to work and behave in a conscientious manner, apply good judgment and have a sense of personal responsibility which will reflect positively upon the employee, their department, and the City. There may be instances when an employee has exhibited questionable behavior or unsatisfactory job performance and corrective or disciplinary action is necessary.

The City has implemented this policy to provide a structured process to improve and prevent recurring unacceptable behavior, performance issues, and breaches of rules and policies. Both methods should be initiated and administered in a timely manner, (i.e. within two weeks or less of the incident), to increase the chances for an employee to overcome performance problems and satisfy job expectations.

**Police and Fire Department Sworn Personnel** - The investigation process for sworn members of the Fire and Police Department will conform to the standards and practices found in their respective policies. If the investigation results in formal discipline, the process will follow the parameters established in State Statue 62.13. This may include charges being brought before the Police and Fire Commission. However, non-sworn members of those departments will follow this policy.

### Definitions

**Corrective action:** Steps taken to address problem areas and the measures that must be adopted to improve job performance and/or employee behavior. Corrective actions may include coaching sessions, performance improvement plans, additional training and other non-disciplinary tools or actions.

1. **Coaching:** A private, informal conversation with an employee used to review expectations, rules, and policies when a particular action or behavior has taken place but does not warrant formal disciplinary action. This discussion should take place as soon as possible after an incident occurs.

In most cases, coaching will precede any performance improvement plan or disciplinary action. Feedback through coaching should be given in a timely manner and be related to a specific behavior or performance, with a focus on sustained improvement and employee success. While the coaching session can be documented for future reference, and include the date of the meeting, the specific topic discussed, and the agreed upon resolution, it should not be added to the employee's Human Resources file.

2. **Performance Improvement Plan (PIP):** This is a tool used when an employee's performance or behavior repeatedly fails to meet expectations. It is designed to provide clear expectations and to identify resources and/or training needs. It is a plan of action developed in collaboration with management and the employee to ensure the employee has a clear understanding of all expectations. It has a defined beginning and end period (typically 30, 60 or 90 days) with regular progress check-ins. A PIP alone is not a form of discipline but may be used in conjunction with a verbal reprimand, written reprimand or suspension. However, PIPs are added to the employee's human resources file.

**Disciplinary action:** Formal steps taken by management to communicate the need for, and importance of, improving or changing behaviors and individual performance within a specific period of time. Disciplinary action is generally progressive and takes place when corrective actions are not deemed effective.

Types of disciplinary actions include:

1. Verbal reprimand
2. Written reprimand
3. Unpaid suspension
4. Demotion/Last Chance Agreement/Final Warning
5. Termination

When disciplinary actions are taken, employees are expected to demonstrate immediate and sustained improvement.

**Investigation Interview/Fact finding Meeting:** An in-depth discussion between management and the employee prior to administering any form of discipline. This ensures the employee has an opportunity to respond to the allegations or provide additional information.

**Weingarten Rights:** Employees who are subject to an investigation interview/fact finding meeting and reasonably believe that discipline may result from the interview have the right to request union representation during the investigatory interview. (For union employees only.)

**Documentation:** Persons administering discipline shall thoroughly document the case. At time of discipline, the employee shall be given a copy of the verbal reprimand, written reprimand, suspension, last chance agreement or termination. *(See appendix for an example of the Disciplinary Action Form.)* A copy of each document will also be housed in the employee's HR file.

### **Progression**

Progressive discipline is a formal process of increasingly progressive efforts to assist an employee in understanding that a performance problem exists, and that improvement is imperative. The process deals with job-related behaviors that continuously fail to meet expected and communicated performance standards. It also allows leaders to provide feedback to the employee so they can correct the problem and become an effectively performing member of the organization.

1. **Verbal Reprimand:** This is the first disciplinary step used to address behaviors or performance issues. A formally documented verbal reprimand identifies problem areas that have not been successfully resolved through corrective actions (e.g. coaching discussions, a PIP). The verbal reprimand specifically outlines the problem, identifies expectations and actions needed to improve performance or behavior, summarizes previous corrective or other actions taken, and explains the consequences for failure to improve.
2. **Written Reprimand:** This is typically the second disciplinary step to address behaviors or performance issues due to repeated offenses. When the first step has not been successful, or the offense warrants more than a verbal reprimand, a written reprimand is given to reinforce the

need for change. The written reprimand should summarize previous corrective and/or disciplinary actions taken and explain the consequences for failure to improve.

3. **Unpaid Suspension:** This, or a last chance agreement/final warning, is the last step, before termination, for repeated failure to meet job performance and/or behavior standards. Depending on the egregiousness of the offense, other disciplinary steps may be skipped.

The length of a suspension will be determined on a case-by-case basis, not to exceed ten workdays, and will be scheduled by management based on business needs. Suspensions will be unpaid. For this reason, the employee may not use any accrued vacation, sick, or comp time to cover days off due to a disciplinary suspension.

In rare instances, after all other options have been explored and the City still wants to retain an employee, he or she may be demoted following a suspension. A demotion is a last-ditch effort to help the employee meet expectations and be successful in a different capacity.

An employee may also be suspended, or placed on a leave of absence, pending the completion of an investigation. If an investigation of events is necessary, the employee *may* be suspended with pay, pending results of the investigation. (Supervisors should consult with HR regarding pay.) There may be instances when a final written reprimand may be more appropriate than a suspension. In such instances, the supervisor should work with HR to determine the best course of action (e.g. discipline for a pattern of offenses after the 18-month period has passed).

4. **Demotion/Last Chance Agreement/Final Warning:** From the perspective of the employee, this is a chance for them to retain their job. From the perspective of the employer, it is a chance to retain the employment of a skilled worker.

*In rare instances*, if the City wants to retain an employee after all other options have been explored, he or she may be demoted and/or given a last chance agreement/final warning. A demotion is a last-ditch effort to help the employee meet expectations and be successful in a different capacity.

The document should summarize previous corrective and/or disciplinary actions taken and explain that this is the final chance for improvement before termination ensues.

***\*This step is optional; management may choose to move directly to termination after a suspension.***

5. **Termination:** This is the final step in the disciplinary action process. It is the involuntary, permanent dismissal of employment from the City. Depending on the nature of the situation, termination of employment may be the initial form of action (e.g. violence, threats of violence, theft, falsifying documents, failing an alcohol or drug test). Substantial documentation must be used to support all dismissals.

Prior to terminating an employee, management must meet with the employee to give them an opportunity to respond to the allegations or provide additional information. Once all the facts of the situation have been gathered, management should meet with HR to review past records and any new circumstances leading to management's request to terminate.

Employees who are terminated forfeit all rights to accrued benefits except for those rights specified in certain benefits programs or those guaranteed by law.

**Note:** All suspensions and terminations must be reviewed with Human Resources prior to being implemented in order to ensure that suspension or termination is the appropriate action.

### **Summary**

This is a formal method to address patterns/incidents that do not align with the City's mission and values, or fails to meet the City's job performance expectations, guidelines or federal or state laws and regulations. Examples may include, but are not limited to, patterns of poor attendance, excessive errors, lack of teamwork, violation of work rules, standards or policies. Administering the corrective OR disciplinary action process helps employees be more accountable for outcomes within their control.

Management, in collaboration with Human Resources, will determine the appropriate levels of corrective OR disciplinary action. When doing so, managers are expected to conduct a thorough investigation of the alleged incident or pattern of behavior. The process for such an evaluation is as follows:

1. Schedule a fact-finding meeting to collect pertinent information on the specific issue(s) that have allegedly occurred.
2. Offer the employee the opportunity to provide information related to the situation and identify any circumstances impacting their ability to perform or behave according to established requirements and standards.
3. Take appropriate action regarding any necessary system redesigns and/or individual accountability.
4. Determine if corrective action or disciplinary action is appropriate.
  - a. Corrective actions should be documented as described above.
  - b. Disciplinary actions should be documented using a standard Disciplinary Action Form.
    - i. Leaders are to provide clear expectations and steps to employees to correct specific behavior or performance issues with a focus on immediate and sustained improvement and employee success.
    - ii. Depending on the nature of the offense, the employee's supervisor/manager reserves the right to skip steps, with Human Resources approval, at their discretion.
    - iii. Employees who received a Suspension in the last 12-months, or who are on a Last chance agreement/Final warning stage, are not eligible for promotion or transfer to another department. Additionally, they may not be eligible for a merit increase.
  - c. For at-risk and reckless behavior, immediate disciplinary action may be taken. The level of action that is appropriate for the situation will be determined by the employee's department head in collaboration with Human Resources.
  - d. All terminations must be approved by Human Resources and the City Administrator prior to execution.
  - e. The direct supervisor/manager and employee, and union rep if applicable, should sign and date the completed disciplinary action form.
    - i. If the employee refuses to sign, the supervisor/manager should note that fact on the form.
    - ii. In all cases where an employee is requested to sign the form, the employee's signature does not constitute their agreement with the action but does signify that the employee acknowledges receipt and understanding of the action.
5. Advise the employee of resources and programs available for their assistance (i.e. EAP).

6. Ensure a signed copy of the disciplinary action form, and PIP if applicable, is provided to the employee and submitted to HR to be added to the employee's personnel file.
  - a. The employee may write her/his own comments to be included with or attached to the corrective action documentation and included in their personnel file.

**Note:** Once discipline is given, it cannot be changed outside of the appeal process (i.e. because of an employee's request or a manager's remorse). By following the above steps, you eliminate the need to alter or withdraw the action. Concerns and disputes will be handled consistent with the established G6 Appeal policy.

**Additional Information**

Depending on the situation, a terminated employee may be accompanied back to their workstation to collect their personal belongings and then escorted off the premises. Managers are responsible for securing all City owned equipment (ID badge, keys, PDA, etc.) from the employee before they leave the premises.

Managers should also immediately follow up with IT in order to remove the employee's access to the City's information technology systems.

This policy does not supersede any discipline related language that may be found within our current collective bargaining agreements.

Approved this \_\_ day of \_\_\_\_\_, 2020.

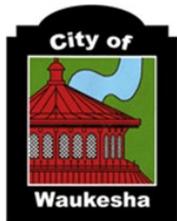
Passed this \_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# Appendix



## DISCIPLINARY ACTION FORM

- Verbal Reprimand
- Written Reprimand
- Suspension dates: \_\_\_\_\_
- Termination

DATE: 8/12/20

TO: Jane Doe, Assistant

FROM: Tommy Tester, Manager

**1. Specific Performance/Behavior Noted:**

---

---

---

**2. Previous Action Taken:**

---

---

---

**3. Expectations and Resources to Improve Performance:**

---

---

---

**4. Consequences if Expectations Are Not Met and Maintained:**

---

---

---

X \_\_\_\_\_  
**Employee Signature** **Date**

Note: Employee signature does not mean agreement, only that you have received this information.

X \_\_\_\_\_  
**Supervisor's Signature** **Date**

**Employee comments (if applicable):**

---

---

---