

Title: PROGRESSIVE DISCIPLINE POLICY		Number: 8029
Reference: Corporate Services Department – June 14, 2004	Adopted by City Council: June 21, 2004	Supersedes: November 29, 1989
Prepared by: HUMAN RESOURCES DEPARTMENT		

STATEMENT

THIS POLICY WILL ASSIST MANAGEMENT IN ADDRESSING AND CORRECTING UNSATISFACTORY/UNACCEPTABLE WORK PERFORMANCE AND/OR BEHAVIOR IN ORDER TO SUPPORT A POSITIVE WORKING ENVIRONMENT WHERE ALL EMPLOYEES CAN CONTRIBUTE TO THE SUCCESS OF THE CORPORATION TO THE BEST OF THEIR ABILITY.

PRINCIPLES

1. Progressive discipline does not take the place of sound, proactive performance management practices which include establishing clear direction, mutually agreed upon goals, defined performance standards, regular feedback mechanisms and competency development for all staff.
2. This policy is intended to enable management to act in a manner consistent with Corporate expectations when proactive performance management practices are failing to achieve improved work performance and/or to correct unacceptable behavior from any employee.
3. A manager has both the right and responsibility to initiate action in accordance with this policy when an employee's work performance and/or behavior is unsatisfactory or unacceptable.
4. Employees have an ongoing obligation to be aware of and seek to understand management's expectations and to use common sense and good judgment at all times.
5. Employees must be informed when their work performance or behavior is unsatisfactory or unacceptable and given the opportunity to improve.
6. Modification of unsatisfactory or unacceptable work performance and/or behavior is best achieved through a sequence of progressive and corrective responses from those in management roles.
7. In order for progressive discipline to be effective, it must be handled expeditiously, fairly, reasonably, consistently, and in a manner that preserves individual dignity and respect.

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1. DEFINITIONS

1.01 Balance of Probabilities

The measure of proof in arbitration proceedings, which requires a party to establish its case by the greater weight of evidence.

1.02 Culminating Incident

The final act of misconduct by an employee without which discipline or discharge cannot normally be imposed under a collective agreement; under the culminating incident doctrine, once a final act of misconduct has been established, the City may take into account the employee's previous disciplinary record in deciding upon the discipline to be imposed.

1.03 Culpable

A determination, on the balance of probabilities, that an employee is responsible or blameworthy for a given act of misconduct.

1.04 Manager

Any non-union employee of the City of Medicine Hat who supervises other employees

1.05 Unacceptable Work Performance/Behaviour

Includes, but is not limited to:

- (a) Violation of legislation, City policy, regulations, rules, procedure and/or normal business practices.
- (b) Misbehavior.
- (c) Negligence in the performance of the duties of the position held.
- (d) Off-duty actions when such activities impair an employee's ability to discharge their employment responsibilities or have a negative impact on the City's reputation.
- (e) Insubordination or the failure to comply with a reasonable instruction given by a person in a supervisory or managerial role.

2. RESPONSIBILITIES

2.01 City Council

- (a) Receive, review, amend, and adopt any recommended changes to the Progressive Discipline Policy.

2.02 Board of Commissioners

- (a) Make recommendations to City Council regarding any necessary changes to the Progressive Discipline Policy.
- (b) Receive, review, amend and adopt any recommended changes to the Progressive Discipline Procedures.

2.03 Commissioners

- (a) Approve of any recommended discharge to be applied to an employee in their Division.
- (b) Ensure that General Managers handle disciplinary matters in accordance with the Progressive Discipline Policy and Procedures.

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2.04 General Managers

- (a) Ensure that their employees maintain satisfactory standards of performance.
- (b) Ensure that their employees are aware of their obligations as employees and the consequences of failing to comply with the established standards of performance.
- (c) Investigate all cases of unacceptable or unsatisfactory work performance and/or behavior and initiate appropriate actions as outlined in the Progressive Discipline Procedures.
- (d) Approve of any recommended suspension to be applied to an employee in their Department.
- (e) Make recommendations to and obtain approval from the respective Commissioner regarding the discharge of an employee in their Department.
- (f) Ensure Managers handle disciplinary matters in accordance with the Progressive Discipline Policy and Procedures.

2.05 Managers

- (a) Ensure that their employees maintain satisfactory standards of performance.
- (b) Ensure that their employees are aware of their obligations as employees and the consequences of failing to comply with the established standards of performance.
- (c) Prepare and retain related documentation in all cases of unsatisfactory or unacceptable employee work performance and/or behavior.
- (d) Investigate all cases of unsatisfactory or unacceptable work performance and/or behavior and initiate appropriate actions as outlined in the Progressive Discipline Guidelines.
- (e) Make recommendations to and obtain approval from the respective General Manager and/or Commissioner regarding the suspension or discharge of an employee reporting to them.

2.06 Union Supervisor/Foreman

- (a) Ensure that their employees maintain satisfactory standards of performance and counsel employees when established standards are not being achieved.
- (b) Ensure that their employees are aware of their obligations as employees and the consequences of failing to comply with the established standards of performance.
- (c) Inform their manager when employees are not maintaining satisfactory standards of performance.
- (d) Prepare and retain related documentation in all cases of unsatisfactory or unacceptable employee work performance and/or behavior.
- (e) Participate in the investigation of all cases of unsatisfactory or unacceptable work performance and/or behavior.

2.07 Employees

- (a) Maintain satisfactory standards of performance.
- (b) Be aware of their obligations as an employee and the consequences of failing to comply with the established standards of performance.
- (c) Arrange if desired, to be accompanied by a Union representative to an investigative or disciplinary meeting.

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2.08 Labour Relations Officer(s)

- (a) Monitor the effectiveness and consistency of the Progressive Discipline Policy and Procedures.
- (b) Advise and make recommendations to Commissioners, General Managers and Managers regarding disciplinary matters.
- (c) Ensure consistency in any written documentation provided to employees as the result of any disciplinary action taken.
- (d) Participate as an advisor to management, if deemed necessary, at disciplinary meetings.
- (e) Train and familiarize management staff with the Progressive Discipline Policy and Procedures.
- (f) Identify and make recommendations to the Board of Commissioners regarding changes to the Progressive Discipline Policy and Procedures.

3. PROCEDURES

- 3.01 The “Progressive Discipline Guidelines” provide a detailed overview of the City’s Progressive discipline system.

4. ATTACHMENTS

- 4.01 Guidelines

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CITY OF MEDICINE HAT

PROGRESSIVE DISCIPLINE GUIDELINES

I. INTRODUCTION

Progressive discipline is a process utilized by management to address and correct unacceptable employee work performance and/or behavior. These guidelines have been established to assist management in the handling of disciplinary matters and to achieve consistency in the application of discipline across the organization. The guidelines outlined in this document apply to all employees who have successfully completed their probationary period with the City of Medicine Hat except for those who are sworn members of the Medicine Hat Police Service appointed by the Chief of Police under the provisions of the Police Act of Alberta. It should be noted that, while the principles of progressive discipline with respect to non-union employees are generally the same as those for unionized employees, the process may be somewhat different than that outlined in Section III of these guidelines. A manager considering disciplining a non-union employee should consult with either the General Manager of Human Resources or a Labour Relations Officer.

The Labour Relations Workgroup in the City's Human Resources Department is responsible for monitoring the administration of the Progressive Discipline Policy and for providing advice to management concerning the appropriate response to specific circumstances. In order to ensure the consistent application of the Progressive Discipline Policy across the organization, all managers are encouraged to contact Labour Relations for information and assistance with any disciplinary matter.

II. GENERAL PRINCIPLES OF EFFECTIVE PROGRESSIVE DISCIPLINE SYSTEMS

The objective of any effective progressive discipline system is to correct unsatisfactory or unacceptable work performance and/or behavior in order to support a working environment where all employees can contribute to the success of the organization to the best of their ability. There are several key general principles that characterize effective progressive discipline systems. They include:

- 1) Awareness
Generally speaking, an Employer has a responsibility to educate employees regarding the standards (i.e., policies, rules, regulations, normal business practices), and the consequences of failing to comply with those standards, that govern their employment. Employees also have an ongoing responsibility to make themselves aware of the Employer's expectations and to utilize common sense and good judgment at all times when carrying out their employment responsibilities.
- 2) Opportunity to Improve
Employees must be made aware when their work performance or behavior is unsatisfactory and then be given the opportunity and assistance to improve, unless the severity of the circumstances warrants immediate suspension or discharge.

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- 3) Culpability
Progressive discipline is only appropriate in cases where an employee's unacceptable work performance or behavior is culpable or blameworthy. In cases where unacceptable employee work performance or behavior is determined to be non-culpable, or non-blameworthy, disciplinary action may not be an appropriate response as these cases are best managed using other processes and systems (i.e., the City's Attendance Support and Assistance Program).
- 4) Expedient
Management has an obligation to address unacceptable employee work performance and/or behavior in a reasonably expeditious fashion. Generally speaking, absent a compelling explanation, any delay in imposing discipline will have a negative effect on the City's case. The delay itself may be grounds to have the discipline set aside at arbitration regardless of the merits of the City's case.
- 5) Fair, Reasonable and Consistent
To be fair, and to be perceived as being fair, management must consider all of the facts it has at its' disposal in each disciplinary situation. Disciplinary action that is taken must be proportionate to an employee's misconduct and should be similar in all situations given similar facts. At the same time, the progressive discipline system must be flexible enough to ensure that each individual case is considered based on its' unique circumstances.

III. THE PROGRESSIVE DISCIPLINE SYSTEM

Where an employee's work performance or behavior does not meet the Corporation's established standards, management has the following corrective and progressive disciplinary tools at its disposal.

- 1) Counseling
Managers and Union Supervisors/Foremen are responsible for communicating the City's expected standards of performance and behavior to their employees. Accordingly, one of the primary responsibilities a manager assumes is counseling employees when there is an indication that satisfactory work performance or behavior is not being maintained. Managers should counsel employees as a first attempt to correct performance/behavior issues except in the case of serious misconduct.

It is important that managers recognize performance/behavior issues in their early stages and discuss those issues with the employee. In those discussions, the employee should be informed of the developing issues and the expectations for improvement. The employee should also be assisted in meeting the expected performance/behavior standards. Managers should retain notes of each counseling session for their own records.

By recognizing and addressing issues in their early stages, managers may be able to reduce the number of occasions when formal disciplinary action is required. Managers should be aware that failure to take prompt corrective action in effect condones an employee's unsatisfactory or unacceptable performance and/or behavior. It is, therefore, essential that managers take the necessary steps to correct performance/behavior issues as soon as they are recognized. Counseling is

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an important preliminary step to the formal progressive discipline process. If successful, counseling efforts undertaken by a manager can correct unsatisfactory or unacceptable work performance and/or behavior without the application of formal discipline. If unsuccessful, counseling efforts undertaken by a manager provide the foundation for subsequent progressive disciplinary actions.

Where an employee has failed to respond to management's counseling efforts, or where an employee's unsatisfactory or unacceptable work performance and/or behavior is considered to be sufficiently serious in the absence of counseling, formal disciplinary action is likely necessary.

2) Verbal Warning

The verbal warning is usually the first step of the formal progressive discipline process. The objective of issuing an employee a verbal warning is to identify the employee's unsatisfactory or unacceptable work performance and/or behavior, clarify performance expectations and establish expectations for improvement. A manager considering issuing an employee with a verbal warning is encouraged to consult with one of the City's Labour Relations Officers in an effort to ensure consistent Corporate standards are applied.

3) Written Warning

The written warning is the usually the second step of the formal progressive discipline process and is appropriate when an employee has failed to improve his or her work performance and/or behavior after receiving a verbal warning or where the unsatisfactory or unacceptable work performance and/or behavior is sufficiently serious to warrant a written warning in the absence of a verbal warning. A manager considering issuing an employee with a written warning is encouraged to consult with one of the City's Labour Relations Officers in an effort to ensure consistent Corporate standards are applied.

4) Suspension

A suspension is usually the third step of the formal progressive discipline process and is appropriate when an employee has failed to improve his or her work performance and/or behavior after receiving a written warning or where the unsatisfactory or unacceptable work performance and/or behavior is sufficiently serious to warrant a suspension in the absence of a written warning. A manager considering issuing an employee with a suspension must review the situation and obtain approval from his or her General Manager before doing so and is encouraged to consult with one of the City's Labour Relations Officers in an effort to ensure consistent Corporate standards are applied. It should be noted that, should an employee's work performance and/or behavior not improve, multiple suspensions for progressive periods may be appropriate prior to discharge.

5) Discharge

Discharge is the final step of the progressive discipline process and is appropriate when:

- a) An employee has failed to improve his or her work performance and/or behavior after receiving a suspension(s);
- b) An employee's unsatisfactory or unacceptable work performance and/or behavior is sufficiently serious to warrant discharge in the absence of a previous suspension;

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- c) An employee is involved in a “culminating incident” where the incident itself would not normally result in discharge, but in consideration of other documented performance issues with the employee, justifies discharge.

A manager considering discharging an employee must review the situation and obtain approval from his or her General Manager and Commissioner before doing so and is encouraged to consult with one of the City’s Labour Relations Officers in an effort to ensure consistent Corporate standards are applied.

6) Demotion

Although not a usual step in the progressive discipline process, certain circumstances may warrant consideration of the reclassification of an employee to a position with a lower salary and less responsibility instead of, or in conjunction with, other disciplinary actions. Demotion can be an effective tool in situations where the employee can be expected to perform satisfactorily in a job with less responsibility. A manager considering demoting an employee must review the situation and obtain approval from his or her General Manager and Commissioner before doing so and is encouraged to consult with one of the City’s Labour Relations Officers to ensure consistent Corporate standards are applied.

IV. STEPS IN APPLICATION OF DISCIPLINE

When a manager finds it necessary to address an employee’s unsatisfactory or unacceptable employee work performance and/or behavior, the following steps should be taken.

1) Establish the Facts

The manager should initiate an “internal investigation” in an effort to establish the facts. The course of an internal investigation will vary widely depending upon the circumstances in each case.

2) Suspension Pending Investigation

Depending upon the nature of the employee’s unsatisfactory or unacceptable work performance and/or behavior, it may be beneficial or necessary to remove the employee from the workplace while management carries out its’ investigation. Circumstances that would warrant removal of the employee from the work environment include, but are not necessarily limited to, the following:

- a) Situations which may result in an employee being a hazard to himself, other people and/or City property.
- b) Situations where an employee is incapable of performing his duties (i.e., reporting for duty under the influence of alcohol).
- c) Situations where an employee’s behavior may have a negative impact on the City’s reputation.

In these circumstances, the manager should suspend the employee, either with or without pay depending on a review of all of the circumstances, pending the outcome of the internal investigation. If an employee is suspended pending the outcome of an internal investigation, the manager should issue the employee an “Investigation Notice”. The notice itself is not disciplinary but is simply a formal letter informing the employee of the following:

- a) That discipline may be applied with respect to an incident;

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- b) That the details of the incident are under investigation; and
- c) That the appropriate discipline, if required, will be applied after such investigation is complete.

3) Just Cause

Once the internal investigation has been completed, the manager should review all of the information gathered through the investigation process and determine whether or not he or she has just cause, on the balance of probabilities, to take some form of disciplinary action. In determining whether or not just cause exists, the manager should consider the following questions:

Is there a factual basis to warrant disciplinary action? If this question can be answered positively, the manager should consider the next question:

What is the appropriate disciplinary response taking into account all of the circumstances? In answering this question, the manager should consider any mitigating or aggravating factors that may exist and may influence his or her decision. Aggravating factors include circumstances that increase the culpability of an act of misconduct. Generally, if aggravating factors exist, they tend to increase the disciplinary action taken. Mitigating factors have the opposite effect and include circumstances that decrease the culpability of an act of misconduct. Generally, if mitigating factors exist, they tend to decrease the disciplinary action taken. The following list provides several examples of aggravating/mitigating factors that management should consider in each and every case. It should be noted that this list is not exhaustive and that other aggravating/mitigating factors may exist.

- a) How serious is the immediate offence of the employee which precipitated the disciplinary action taken by the employer?
- b) Was the employee's conduct premeditated, or repetitive; or instead, was it a momentary and emotional aberration, perhaps provoked by someone else?
- c) As management carried out its' investigation, did the employee cooperate and/or show any remorse for his or her unsatisfactory or unacceptable work performance and/or behavior?
- d) Does the employee have a record of long service with the employer in which he or she proved an able worker and enjoyed a relatively disciplinary free history?
- e) Has the employer attempted earlier and more moderate forms of corrective discipline with this employee, which did not prove successful in solving the problem?
- f) Is the discipline of this individual employee in accord with the consistent policies of the employer?

Managers are encouraged to consult with one of the City's Labour Relations Officers when attempting to determine whether or not just cause exists to take some form of disciplinary action and how to appropriately balance the unique aggravating/mitigating factors that exist in each case of unsatisfactory or unacceptable employee work performance and/or behavior.

4) Obtain Recommendations/Approvals

Once a manager has determined the appropriate disciplinary action to be taken, he or she must obtain approval for his or her recommendation as outlined in Section III of these guidelines.

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5) Apply Discipline

After the appropriate disciplinary action has been approved, the manager, in consultation with one of the City's Labour Relations Officers, should document the details of the unsatisfactory or unacceptable work performance and/or behavior and the disciplinary action to be taken in writing. Once the written notice is complete, the manager should meet with the employee and his or her Union representative to formally apply the approved disciplinary action. A copy of the written notice should be given to the employee and his or her Union representative. One copy of the written notice must be retained in the employee's personnel file in the Human Resources Department.