



PROGRESSIVE DISCIPLINARY PROCEDURE

PURPOSE:

To establish guidelines for the administration of discipline. The intent of this policy is to outline constructive steps used to facilitate, change or modify job conduct and/or improve the future performance of employees. If these efforts are not successful, this policy or the applicable collective bargaining agreement outlines counseling procedures. Greater New Beginnings Youth Services, Inc. remains an “at will” employer and this policy is not intended to diminish that status.

POLICY:

Greater New Beginnings Youth Services, Inc. ("GNB") is committed to the fair and consistent treatment of employees, based on the facts and circumstances involved in any particular case. GNB policy guidelines are designed to provide equitable and fair treatment for all employees without regard to race, color, religion, creed, gender, marital status, sexual orientation, national origin, age, disability, medical condition, veteran status, political affiliation or any other protected classification or protected activity.

In addition to providing equitable treatment to our employees, the hospital recognizes its responsibility for ensuring quality services. These responsibilities create the need for standardized policy guidelines, departmental procedures and general and/or job-specific standards of performance. GNB will initiate appropriate disciplinary action to any member of its workforce who fails to comply with any Federal or California law or regulation, or GNB policies, procedures and standards for performance or conduct.

Collectively, these factors result in mutual expectations regarding job performance, professional conduct, and equitable treatment. It is the responsibility of employees and managers alike to ensure that all policies and standards of performance are observed and GNB management will strive to ensure equitable treatment of employees is achieved. Therefore, in an effort to ensure employees are aware of conduct issues and/or performance concerns hampering their ability to demonstrate adequate performance, sustained over time, disciplinary measures are sometimes taken to reinforce the importance of the improvements needed.

While the intent of the organization is to assist employees in recognizing performance issues inconsistent with organizational or departmental expectations by using one or more of the following potential disciplinary steps, it is not necessary that all steps are used or that they be sequential. Instead, it is management's role to consider the evolving circumstances and make a determination as to the appropriate level of discipline called for in each case, based on past and present issues. While most minor incidents might involve the use of more than one disciplinary warning, other performance issues or incidents may be so serious as to warrant immediate

suspension or termination. And, where an investigation is needed to determine the facts and potentially the appropriate level of discipline, an employee may be placed on suspension pending investigation, so events can be considered and appropriate determinations and/or conclusions reached. So while the objective of a disciplinary process is to ensure the employee is aware of performance concerns that require improvement, and may provide the employee an opportunity to demonstrate improved skills or conduct sustained over time, sometimes an on-going pattern of related and/or unrelated issues may result in more significant disciplinary actions up to and including immediate termination, depending on the circumstances.

Any disciplinary action taken is to be the result of a timely and objective appraisal of the facts, and should be reasonably related to the offense. Appropriate description of the problems, improvements needed and the disciplinary action taken is very important documentation to ensure objectives have been met. Disciplinary action should be shared with the employee as privately as possible. The action taken is confidential and all parties should not discuss personnel actions with other personnel unless they have a business need to know.

Nothing in this policy guideline is intended to alter the at-will status of employment with GNB. Either the employee or GNB may terminate the employment relationship at any time with or without prior notice for any reason or for no reason at all. GNB also reserves the right to terminate any employment relationship, to demote or to otherwise transfer or assign an employee for business reasons as operational needs change, but these (or similar) actions taken are not disciplinary in nature.

A. Additional Consideration – Introductory Period of Employment

Managers, supervisors and employees should recognize the intent of an employee's initial 90-day introductory period of employment and use it appropriately. This is an initial period to assess the skills and abilities of the individuals new to their specific job duties, and if a mis-match is recognized during this first 90 days of employment with GNB, a supervisor need not utilize progressive steps to resolve the concern and a termination could result before the end of the introductory period. This is also an opportunity for the employee to assess their interest in their new job, and to learn new duties and responsibilities. Many jobs are more complex than can be thoroughly evaluated in the first 90 days of employment, so after that time, these disciplinary guidelines will be used by the supervisor to determine the appropriate measures to take.

B. Definition of Discipline

The intent of a disciplinary process is to help employees improve upon unsatisfactory performance or inappropriate conduct, thereby promoting more effective job performance and consistency in following work rules and business standards.

Discipline may include, but is not limited to, the use of one or more employment-related penalties, based on the seriousness of the events, behaviors or conduct. The most severe outcome — involuntary termination — is used when the violation or issues are very serious and often (but not always) after other steps in the disciplinary process have not led to sufficient or sustained improvement in performance or conduct.

C. Documentation

Approved forms (Disciplinary Action Notice (DAN) may be found in the GNB Office, Completed forms will be incorporated into the employee's personnel file.

Disciplinary documentation (including termination Disciplinary Action Notice) should be signed by the manager and employee. The employee's signature does not indicate agreement, only receipt and confirmation of the discussion. If the employee refuses to sign, then so note and include another supervisor's signature as a witness to providing a copy of the documentation to the employee. An employee may include comments on the form or submit documentation later to provide their response, if desired. The original document is given to the GNB Office for inclusion in the personnel file, a copy is given to the employee, and a copy may be retained by the manager. Likewise, if an employee disagrees with the actions taken, and the matter conforms to the definition of a grievance, then refer to those policy guidelines for instructions on how to proceed.

D. Categories of Offense Requiring Discipline

When an employee has violated a policy or procedure (work rules, etc.), engaged in inappropriate conduct, or is not meeting the position expectations for standards of performance, the supervisor may apply the appropriate corrective disciplinary action based on the seriousness of the offense. Disciplinary action may include one or more steps, ranging from a brief counseling conversation (documenting minor performance concerns) through and including an involuntary termination for a serious violation(s) or ongoing patterns of unacceptable performance.

Offenses usually fall into one of two categories as explained below:

1. **Minor offenses and performance problems:** The employee may be counseled orally, warned orally and/or in writing, or given other disciplinary actions before involuntary termination. The following steps can be considered for inclusion, but not all steps are required:
 - a. Oral Warning — documented
 - b. Written Warning
 - c. Suspension
 - d. Involuntary termination

The employee is expected to observe certain standards of job performance and good conduct in their interpersonal and ethical behavior toward others. When performance or conduct does not meet GNB standards or management's expectations, the employee should be notified and given reasonable opportunity to correct the deficiency if circumstances warrant and the employee appears capable of making the needed improvements. When the employee is either unable or unwilling to make the needed corrections, or to sustain improved performance over time, disciplinary action up to and including termination may be implemented.

Disciplinary action may be taken for a variety of reasons and may differ based on the circumstances. Examples include, but are not limited to: unsatisfactory quantity or quality of work, inappropriate display of temperament or lack of cooperation, excessive absenteeism and/or tardiness, failure to follow expectations or procedures, failure to follow safety regulations, etc.

2. **Serious offenses:** Situations or events involving significant misconduct and/or major infractions of standing work rules or procedures that are not reasonable to allow. These events or circumstances may be regarded as so serious that no prior warnings are required before significant disciplinary action (perhaps even suspension or termination for a first offense). Examples include, but are not limited to:
 - a. Physical or verbal abuse of clients, staff, or others, which may include threats or inappropriate aggressive behavior, regardless of intent.
 - b. Failure to follow supervisor's direction in fulfilling an important job related task or assignment.
 - c. Falsification, alteration, misrepresentation or omission resulting in a failure to properly complete employer records or other documents such as timecards, client records, application for employment, etc.
 - d. Dishonesty or misrepresentation of the facts during an investigation.
 - e. Discriminating or harassing behavior against any client, vendor, independent contractor or staff member; and/or retaliation against other person for their lawful conduct.

- f. Use, possession, dealing, sale, furnishing or being under the influence of drugs or alcohol on or near the employer's premises or property while on duty; having the odor of alcohol on one's breath or person; objective signs of impairment which adversely affect job performance and/or safety of self or others.
- g. Sleeping or missing from authorized areas during working time.
- h. Theft or the unauthorized removal, misuse or damage of property belonging to the employer, client, visitor(s), staff or others.
- i. Unauthorized solicitation or distribution.
- j. Participation in dangerous or potentially harmful activities such as fighting, threats of violence or aggression; possession of firearms or other weapons on or near GNB property (to include in a vehicle parked on GNB property).
- k. Willful destruction of property or detrimental damage to property where intent or negligence is questionable. (may include access violations or defeating alarms or security systems designed to protect property such as supplies and medication).
- l. Violation of control mechanisms designed to protect confidential or privileged information, including the misuse or removal of lists or records. This includes failure to comply with GNB privacy policies and procedures.
- m. Compromising computer security or confidentiality of records, including the disclosure of the employee's user identification number or password or the use of another employee's user identification number or password; inappropriate use of the company's systems, including e-mail.
- n. Insubordination (i.e., not following the lawful instructions of a supervisor/manager).
- o. Leaving work assignment and/or work area without advance permission of the supervisor/manager or other permissible notice.
- p. Other conduct evaluated by management as detrimental to GNB property, its clients, vendors, employees, visitors, independent contractors and others.
- q. Failure to complete mandatory training, renew certifications/licenses in a timely manner, or other processes required ensuring competency.

Facts will be gathered and considered prior to final disciplinary decision and resulting employment action. Questionable willful violation, potential ramifications of the events/behaviors, seriousness of the offense(s), prior history of concerns and other situational matters should be considered. Under most circumstances, the GNB Executive Director should be consulted in advance of final disciplinary decisions, where practicable.

When immediate disciplinary action is deemed appropriate, but is not immediately possible because of the need for further investigation, the most appropriate action is to immediately place the employee on "suspension pending investigation" (with pay). The employee should not be allowed to continue working under such a situation since that may jeopardize others or the investigation; as well as others may inappropriately conclude that the act was condoned or not serious. *Refer to suspension pending investigation policy for further details.*

Supervisors who find it necessary to immediately suspend an employee must document the suspension noting the specific dates of leave. The Disciplinary Action Notice (DAN) must be given to the employee.

There are situations where an employee might have already had one or more performance concerns or improvement opportunities, or who have been previously disciplined and behavior/performance challenges resurface. In these cases, it is recommended that you contact GNB Executive Director for consultation.

PROCEDURE:

Managers considering disciplinary action or performance coaching with an employee are encouraged to contact the GNB Administration to ensure consistent administration of discipline throughout the organization. The GNB Administration helps to ensure that disciplinary procedures are conducted consistently, and comply with collective bargaining agreements and employment law.

Procedural steps listed below serve as guidelines for the administration of discipline.

1. Step 1— Oral warning (documented)

Oral Warnings are designed to bring to the employee's attention areas of job performance and/or behavior that are not meeting minimum performance standards or departmental expectations. Provide feedback and discuss strategies that will help support the employee in meeting expectations, preferably in a private setting. Refer to GNB Administration for Performance Improvement Plan that can be used before the formal disciplinary process.

In the coaching and counseling session, it is important that the supervisor clearly communicates those points covered in the preceding paragraph.

- a. ***Define the problem:*** Explain the problem and the importance of it being corrected.

- b. ***Give examples:*** Cite specific dates and/or examples so the employee has a frame of reference.

- c. ***Outline corrective action needed:*** Tell the employee what steps must be taken to overcome the problem.
- d. ***Offer Assistance:*** As an example, reread the procedural manual, additional training and/or orientation.
- e. ***Document the discussion and consequences if problems continue:***
Make notes of the discussion with the employee. Let the employee know that improvement is necessary in order to avoid any additional disciplinary action.

The Supervisor should maintain a notation of this oral warning session, such as a short note on the calendar indicating the specific date and time that a problem was discussed with the employee. Best to follow up this oral warning by either using the disciplinary action form or drafting a memo to the employee to express appreciation for their participation in the meeting and to outline the discussion briefly, including all the elements above.

This step may be repeated. It may be followed by Step 2, or it may be omitted in the case of more severe violations or offenses.

2. Step 2 — Written Warning

As in previous step, counsel the employee as described in Step 1 above. Include a warning that if this or other concerns continue, further discipline may include the possibility of either suspension or termination.

3. Step 3 — Suspension (optional)

May or may not be used as part of the disciplinary process. Contact GNB Executive Director and QA for a consultation to determine if appropriate. There are some issues (including skill or conduct problems) that may not warrant using unpaid time off the job as a penalty, since it will not necessarily help to improve performance.

4. Step 4 — Involuntary Termination

When and if the circumstances are so serious as to warrant termination, or when prior disciplinary step(s) have failed to resolve ongoing performance concerns, the GNB Executive Director (or designee) should be consulted prior to termination.

If the GNB Executive Director (or designee) is not immediately available, or if the

circumstances require more investigation to determine if termination is the appropriate disciplinary decision, the supervisor may place the employee on suspension pending investigation, which is generally unpaid administrative leave while the final disciplinary decision can be determined. The employee, upon being asked to return to work to learn of the disciplinary decision (if any), will begin by meeting with the Executive Director (often with GNB Facility Manager & QA present) to convey the conclusions reached. You may also advise the employee their access to computers may be discontinued since there is no expectation that they continue to work while on investigatory leave. Under rare circumstances (such as a termination for threatening behavior), the results of the decision can be communicated in another fashion, but only when accompanied by the employee's final pay and accrued benefits.

The employee should be given a thorough explanation as to why the termination is to take effect using the termination DAN (located in the GNB Office). The original termination DAN (including any further documentation) is to be sent to GNB Office for inclusion in the personnel file.

Once this decision is made, immediately deactivate computer, job site, and phone access. The supervisor should collect all GNB property from the employee before the employee leaves the premises, such as keys, I.D. badge, equipment, uniforms, etc. The employee's final paycheck with all monies due must be issued at the time of the effective date of termination.

When circumstances warrant it, the employee may be escorted out of the building or from site, to the extent possible in a discreet and respectful manner. If you are unable to give the employee access to their personal belongings at that time, then let the employee know that you will have those items delivered to the address of their choice within three (3) to five (5) business days.

PLEASE NOTE: AN INCOMPLETE EMPLOYEE FILE OBSTRUCTS THE CENTRAL OFFICE'S PERSONNEL DEPARTMENT FROM PERFORMING THEIR DUTIES. IT IS EXTREMELY IMPORTANT FOR US TO COMPLETE YOUR FILE, SO PLEASE MAKE THIS A PRIORITY TO OBTAIN ALL NEEDED DOCUMENTS.

Employee Signature: _____

Date: _____