

Administrative Procedure #303 - EMPLOYEE PROGRESSIVE DISCIPLINE**Staff**

EMPLOYEE PROGRESSIVE DISCIPLINE**BACKGROUND**

A clear and consistent discipline procedure is an element of good workplace practice and will assist in promoting fairness, consistency in the treatment of all employees and encourage high standards of employee conduct at work.

PROCEDURES

1. In the event that it becomes apparent an employee is not meeting acceptable standards of conduct and behaviour, the following steps shall be taken:

1.1 Obtain advice as needed, initiate discussion with the supervisor and the superintendent regarding the type of disciplinary action and whether a full investigative process is to proceed.

1.2 Meet with the Employee:

1.2.1 The supervisor shall initiate a meeting with the employee to present them with concerns regarding conduct and behaviour in the workplace. The aim of this meeting is to advise the employee of the disciplinary process and their opportunity to respond at a formal meeting to follow.

1.2.2 The supervisor shall immediately gather all pertinent facts and verify accuracy (all documentation to be maintained in supervisor's working file).

1.2.3 The supervisor will meet with the employee in order to provide them the opportunity to respond to the perceived concerns and possible disciplinary proceedings. All discussions are held in a confidential, professional manner. Applicable standards of conduct, role descriptions, and policies are to be referred to where appropriate.

1.2.4 The discussion shall be documented and the notes held in a working file with the supervisor. If a formal letter is the outcome, the employee shall be informed that the letter is being placed in the employee's personnel file. The employee has the right to attach a written response to the formal letter.

1.2.5 While there is no time limit for the meeting, in the interest of fairness to the employee, it shall be done in a timely manner. The outcome of the meeting will result in the following range of disciplinary actions in order of severity:

1.2.5.1 no action;

1.2.5.2 verbal warning – documented and retained in the supervisor's working file;

1.2.5.3 letter of concern; or

1.2.5.4 letter of reprimand.

2. If in the opinion of the supervisor, a letter of concern or reprimand is deemed necessary, factors regarding the offense must be examined in order to determine which option is chosen:

2.1 Effect or Potential Effect of Offense: If the effect or the potential effect of an employee's actions is significant, the written letter will tend to be more severe and will be a letter of reprimand rather than concern. Factors to consider include safety implications, impact of the trust the supervisor has in the employee, amount and value of damage caused, impact on the board or school's image, to the public, harm or potential harm to a student or colleague, and the level of the employee's responsibility and general degree of negligence.

2.2 Prior Warnings and/or Documentation: Where an employee has previously received correction for an offence, more severe action should result for a future occurrence of a similar nature.

2.3 Impulsive versus Premeditated Acts: In addition to considering all other factors, one would judge that a premeditated act would result in a more severe disciplinary letter than an impulsive act.

2.4 Provocation: The determination of whether or not an employee was provoked into action may affect the degree of disciplinary letter applied. While provocation does not absolve the employee of responsibility for the employee's actions, the existence of provocation is to be included in the content of any letter.

2.5 Misunderstanding: Where an employee is involved in a breach of policy or procedure or provides poor performance, the supervisor is to make a reasonable effort to ensure the employee is aware of and understands what is expected of the employee. Lack of knowledge and/or understanding of what is expected in certain situations may indicate that a letter of concern is more appropriate than a letter of reprimand.

2.6 Uniformity of Application: It is extremely important the discipline letters for similar offences in similar circumstances be applied fairly and consistently for two reasons:

2.6.1 From an employee relations point of view, the employee's reaction will be better with the knowledge that the discipline is applied fairly and consistently to all employees.

2.6.2 It is more difficult to justify a disciplinary letter if it is inconsistent when compared with discipline given to other employees for similar infractions. Supervisors who apply disciplinary letters inconsistently may have this fact alluded to as part of the written response attached by an employee to the employee's letter of concern or reprimand.

2.7 Mitigating and/or Aggravating Circumstances: Where mitigating or aggravating circumstances do exist and enter into consideration of the degree of disciplinary letter applied, such circumstances must always be fully documented in the letter. This will show why a supervisor utilizes a letter more or less severe than the general standard and will assist in maintaining a consistent approach to the use of letters of discipline.



2.8 The following information will be included in any letter of concern or reprimand:

2.8.1 full name of employee;

2.8.2 employee number;

2.8.3 date and location of occurrence;

2.8.4 names of witnesses (if appropriate);

2.8.5 clear description of the offense;

2.8.6 reference to the policy, procedure, code of conduct, or standards of competent performance breached;

2.8.7 if a repeated offense, what past remediation has occurred;

2.8.8 copy noted to appropriate supervisor(s) and human resources personnel;
and

2.8.9 other pertinent information as outlined in the procedures.

3. A copy of the disciplinary letter will be sent to the Superintendent and placed in the employee's personnel file. The letter will advise the employee of the charter board expectations for future conduct and the employee's right to provide a written response to the letter on file.

4. The superintendent may suspend an employee or may recommend termination as per the process outlined in the Education Act. The employer's actions will also align with section 56 of the Employment Standards Code for all terminations of support staff. These actions may be taken independent of the issuance of disciplinary letters.

Legal Reference: Education Act,
Employment Standards Code 56

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