

7.18: PROGRESSIVE DISCIPLINARY ACTION

I. Purpose

The Progressive Disciplinary Action policy defines the process for correcting single and repeat problems with behavior such as but not limited to attitude, performance, conduct or attendance. DCCC expects all employees to be aware of and to follow workplace policies and rules for the well-being of our students, employees, vendors and business operations. All employees are expected to comply with the procedures of this policy.

Progressive Discipline is a step-by-step process designed to modify unacceptable employee behaviors, which also allows for discipline to start at a higher step based on the severity and circumstances of the situation. For example, one incident of profanity overheard by others is different from profanity in anger directed at others; poor judgment in wearing inappropriate clothing in the workplace is different from overlooking a key safety protocol on handling toxic materials. In any case, the Supervisor should assess the employee's understanding of the rules and expectations, their willingness to follow them, any systems failures and workplace obstacles interfering with compliance, such as equipment malfunctions, and whether the action was the result of an excusable mistake, an inexcusable error or deliberate action.

II. Policy

Below are the steps of DCCC's Progressive Disciplinary Action Policy and Procedures. DCCC reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling, and/or training, the employee's work record, and the impact the conduct and performance issues have on the operation of the organization.

III. Disciplinary Actions and Procedures

1. Step One – Counseling and Verbal Warning:
The Counseling and Verbal Warning creates an opportunity for the immediate supervisor to schedule a meeting with an employee to bring attention to the existing attitude, performance, conduct or attendance issue. The supervisor must discuss with the employee, in detail, the nature of the problem or the violation of the College's policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve performance and resolve the problem.
2. Step Two – Written Warning:
Although DCCC hopes that the employee will promptly correct any attitude, performance, conduct, and/or attendance issues that were identified in Step One, DCCC recognizes that this may not always occur. The Step Two-Written Warning involves more formal documentation of the attitude, performance, conduct, and/or attendance issues and consequences.

During Step Two, the supervisor and next level manager will meet with the employee to review any additional incidents

or information about the attitude, performance, conduct, or attendance issues as well as any prior relevant corrective action or performance improvement plans. During Step Two, the supervisor, along with the department head, will outline the consequences for the employee of his/her continued failure to meet performance or conduct expectations.

A formal Performance Improvement Plan (PIP) requiring the employee's immediate and sustained corrective action will be issued within five (5) business days of the Step Two meeting. A warning statement will be included that states the employee may be subject to additional disciplinary action, up-to and including termination, if immediate and sustained corrective action is not taken.

3. Step Three - Suspension:
When attitude, performance, conduct or safety incidents are so problematic and harmful, the most effective action may be to suspend the employee immediately, bypassing steps one and two. In addition, a suspension may also occur if the employee has not improved after receiving a written warning. In either case, all suspensions must be approved by the Human Resources Department

Depending on the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state, and local wage-and-hour employment laws. Exempt and Non-exempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. Due to the Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. Human Resources will provide guidance so that the discipline is administered without jeopardizing the FLSA exemption status.

4. Step Four – Recommendation for Termination of Employee:
The last and most serious step in the Progressive Disciplinary Procedure is the recommendation to terminate employment. Generally, DCCC will try to exercise the progressive nature of this policy by first providing counseling, verbal warning, a written warning, or suspension from the workplace before proceeding to a recommendation to terminate employment. However, DCCC reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, as an at-will employer, employees may be terminated without prior notice or disciplinary action.

IV. The Appeal Process

The purpose of the Appeal Process is to provide insight into extenuating circumstances that may have contributed to the employee's performance and/or conduct issues while allowing for an equitable solution. If an employee wishes to appeal the disciplinary action, they can do so by writing a letter to the HR Department outlining the reason(s) for their appeal. All appeals must be received by the Human Resources Department within five (5) business days from the date the said discipline. Human Resources will have fifteen (15) business days to respond.

V. Documentation and Issues Not Subject to Progressive Discipline:

1. Whenever disciplinary action ensues, the employee will be provided copies of all progressive discipline documentation, including all PIPs. The employee will be asked to sign copies of the documentation attesting to his/her receipt and understanding of the corrective action outlined in these documents. Failure to sign copies of the respective corrective action does not constitute removal of the disciplinary action. All disciplinary documentation will be placed in the employee's official employment file, located in the Human Resources Department.
2. Behavior that is illegal is not subject to progressive disciplinary action. Serious offenses, including, but not limited to, physical or sexual assault, and theft will not be tolerated and will result in immediate termination.

VI. Conclusion

The Progressive Disciplinary Action Policy has been established to provide a structured process for supervisors to address performance deficiencies and/or any other negative behaviors in the workplace. This policy has been designed consistent with Delaware County Community College's (DCCC) organizational values, human resources (HR) best practices, and federal, state, and local employment laws. Employment with DCCC is at-will and either DCCC or the employee may end the relationship at any time.