Progressive Discipline System

Inspiration Ministries uses progressive discipline as a method of discipline, which uses graduated steps for dealing with problems related to an employee's job performance and conduct that do not meet clearly defined standards and policies. The ultimate objective of a progressive discipline process is to help employees resolve performance issues and correct conduct problems in the earliest stages. Using a progressive discipline system:

- Provides a consistent, objective and fair process for disciplining
- Promotes open communications between a supervisor and his or her employee
- Improves employee productivity
- Potentially increases employee retention through the resolution of issues
- Provides important documentation should a termination become necessary

It is essential that you carefully and accurately document every step and aspect of the disciplining process. Documentation provides evidence of what occurred, promotes consistency and objectivity, and is a necessary step for organizations to support decisions regarding employee discipline and termination. Additionally, because information relating to employee discipline may be used in lawsuits, accurate and complete documentation is extremely important.

Progressive Discipline Steps

Inspiration Ministries follows a simple step-by-step process of Progressive Disciplinary Action. The process allows for coaching opportunities, grace and leadership growth. The following is a simple outline of the process.

Coaching

For first offenses and minor infractions, a verbal discussion characterized as "coaching" is usually appropriate. The employee's supervisor should inform the employee of the infraction and clearly advise the employee of the conduct expected. Coach or coaching sessions are different from disciplinary actions because coaching sessions are used as a preemptive measure before the problem becomes too serious. Supervisor is able to offer tools to prevent serious issues in the future. It may be appropriate to clearly warn the employee that future infractions could result in discipline. Coaching can be documented with an action plan to help the employee but does not necessarily need HR involvement.

Example – A Supervisor observes an employee frustrated during the work day. The frustration escalates into harsh words and attitude toward other employees and managers. Supervisor decides to connect with employee at the end of the shift to determine what is wrong. During such conversation, Supervisor explains there are more productive ways to deal with frustration. He/she offers tools to reduce frustration and explains he/she does not want to see it worsen.

SPECIAL NOTE: In cases of Caregiver Misconduct, state regulation must be followed. Although this policy follows such guidelines, Caregiver Misconduct investigation may or may not follow the Progressive Discipline Model exactly depending on the infraction.
1. **Verbal Warning (NO HR representation is needed)**

A verbal warning is appropriate for a more serious or continuous offense where coaching is inadequate. It could also be a next step following coaching. When issuing a verbal warning, the Supervisor should clearly advise the employee regarding what is needed to remedy the employee's infraction and advise the employee that more severe disciplinary consequences up to possible termination will follow if the infraction is repeated. Supervisor will then complete Employee Corrective Action Form to communicate to HR.

**Note:** When a record of discipline is placed in an employee's personnel file, Supervisor should not keep a separate record of the incident.

*Example* – Employee previously coached regarding frustration/anger issues has been observed displaying frustration with staff and residents repeatedly. The Supervisor explain the fact that the employee and Supervisor have already discussed these issues. At this time, Supervisor clearly states if the conduct does not stop, the employee will receive a written warning. Supervisor then documents said conversation and action on the Employee Corrective Action Form found on the intranet page.

2. **Written Warning with Action Plan (HR should be consulted but NO representation is needed)**

A written warning is appropriate following the verbal warning. During this step, the Supervisor will meet with the employee after consulting with HR. HR may or may not be present depending on the infraction. When issuing a written warning with action plan, the Supervisor should clearly advise the employee regarding what is needed to remedy the employee’s infraction, develop a written action plan to manage offences and advise the employee that more severe disciplinary consequences will follow including possible termination if the infraction is repeated. It is key to outline with employee the next step(s) in the Progressive Disciplinary Process. Supervisor will then complete Employee Corrective Action Form – Written Warning with Action Plan.

*Example* – Employee previously offered a verbally warned regarding frustration/anger issues has continued to displaying frustration with staff and residents repeatedly. The Supervisor after talking to HR, will explain the fact that the employee and Supervisor have already discussed these issues verbally. At this time, Supervisor clearly states in writing if the conduct does not stop, the employee will receive a second written warning with suspension. Supervisor also outlines an action plan to prevent the issue from repeating. Supervisor then documents said conversation and action plan on the Employee Corrective Action Form – Written Warning form found on the intranet page.

3. **Written Warning with Suspension (HR representation is needed)**

The next step in a progressive discipline system after verbal warning and written warning with action plan is the written warning with suspension (without pay). A written warning with suspension follows unsuccessful verbal warnings, or occurs when new problems arise that are severe enough to warrant suspension. Both Supervisor and HR will document and clearly discuss the infraction, dates and times of previous discussions, suspension period and possible training upon returning to work, and clearly advise the employee that more severe disciplinary consequences will follow including possible termination if the infraction is repeated. The written warning with suspension (still includes the action plan) will be clearly addressed to the employee and a copy placed in the employee's personnel file. Supervisor and HR should document an action plan to prevent future infractions upon returning to work. Supervisor will then complete Employee Corrective Action Form – Written Warning with Suspension.

*Example* – Employee previously served with a verbal and written warning with action plan regarding displays of frustration/anger has not stopped. Supervisor, after meeting with HR, will present written warning and 5-day unpaid suspension (including action plan). The action plan may
include demotion, transfer and a number of legal options. Supervisor presents previous conversations, which outlines the problem, previous attempts to correct and possible solutions. The employee is given the opportunity to express why he/she cannot seem to follow the action plan. At this time, Supervisor clearly states if conduct does not stop, the employee will receive a final written warning, with longer suspension without pay, and may be subject to training or probation upon returning to work. The employee will sign written warning understanding he/she has received such warning and understands next steps. The supervisor said documents such conversation and action on the Employee Corrective Action Form – Written Warning form found on the intranet page.

4. Final Written Warning with Suspension (HR representation is needed)

Inspiration Ministries allows for one final written warning as part of its progressive discipline program. This written warning should include the previous documents and action plans. An appropriate suspension (longer than previous written warnings) without pay will be determined by Supervisor and HR. A clear expectation should be stated verbally and in writing that the next step is termination.

This step is included to allow the employee to determine if he/she wants to continue their employment with Inspiration Ministries, while also allowing Inspiration Ministries the appropriate time needed to ensure documentation and legal requirements are in order for termination. In the event employee returns from suspension with the decision not to continue employment with Inspiration Ministries, this is considered voluntary termination and all benefits will be lost.

Example – Employee previously served with a written warning with suspension for displays of frustration/anger has not adhered to an action plan or stopped as previously warned in writing. Supervisor, after meeting with HR, will determine appropriate suspension timeframe of no less than 15 days and no more than 30 days. HR will present final written warning with suspension, with Supervisor as a witness. The suspension starts immediately and has a defined timeframe with clear parameters of return. HR will ask if the employee wants to continue employment with Inspiration Ministries or will ask the employee if they need to think about it. HR also clearly states the next step (which is termination). Employee signs final written warning with suspension.

5. Termination

Inspiration Ministries’ final course of action within the progressive discipline program is termination of employment. This means all options and coaching to rectify disciplinary action(s) have been exhausted. Inspiration Ministries should have clear documentation available to support this decision. If needed, documents will have been reviewed by a legal advisor at this point. Previous documentation provided to the employee should be presented to the employee and should be of no surprise to the employee. Termination must be handled by Inspiration Ministries HR and witnessed by Supervisor.

**SPECIAL NOTE:** In cases of Caregiver Misconduct, state regulation must be followed. In such cases provided the Caregiver is found guilty of Misconduct, the decision to terminate the Caregiver will be reached at the time of infraction.
Termination meeting should be:
1. Scheduled at the beginning of the shift
2. Include documentation supporting termination:
   a. Termination Letter
   b. Final Paycheck
   c. Benefits Summary
   d. Unemployment Compensation
   e. Appeal/Grievance Processing
3. Handled professionally and with dignity
4. Include security (if necessary)

**Grievance Programs**

It is important to provide a grievance procedure which allows employees a formal and fair avenue through which to seek a forum and possible action if the employee thinks he or she has been wronged in some way. Inspiration Ministries allows for a formal procedure and does not handle such grievances internally. The Board of Directors will mediate such grievances.

Below is the step-by-step grievance process:

1. Employee completes “Inspiration Ministries Grievance Form” with supporting material that is submitted to the Board of Directors Chair.
2. The Board of Director Chair will review with one other Board Member who has been trained to manage the grievance process.
3. Board of Director Chair and Designated Board Member will meet separately with the employee, Inspiration Ministries Supervisor(s) and Inspiration Ministries HR to review the grievance and supporting documents.
4. Board of Directors Chair and Designated Board Member will present case at the next Board meeting for a Board vote. President is not able to vote on such grievances.
5. Grievance outcome will be provided to the employee in writing and mailed via certified mail to ensure receipt. Board decision is final.

Note – If the grievance is only with the Inspiration Ministries Supervisor, the employee may file the same grievance internally with Inspiration Ministries HR. In this event, the Inspiration Ministries HR representative will investigate and report results to the employee.

**Laws Relevant To Termination**

There are two statutory schemes relevant to termination of employment. First are the statutes—federal, state, and local—that prohibit discrimination in employment or restriction of an employer’s right to discharge an employee. Second are the statutes that address benefits available to employees who lose their jobs.
Statutes Prohibiting Discrimination in Employment

- **Title VII of the Civil Rights Act of 1964** prohibits discrimination in employment on the basis of race, color, sex (including pregnancy and certain protections for lesbian, gay, bisexual, and transgender (LGBT) individuals), religion, and national origin. Many states and some local governments have similar laws prohibiting discrimination based on these classifications. State and local statutes may affect employers that are too small to be covered by federal law.
- **The Americans with Disabilities Act (ADA)** prohibits discrimination against persons who are disabled, so long as the person is qualified to perform the job at issue. Employers are obligated to provide “reasonable accommodation” to disabled employees so long as the accommodation does not impose “undue hardship” on the employer.
- **The Age Discrimination in Employment Act (ADEA)** prohibits discrimination against individuals age 40 and older on the basis of their age. The Older Workers Benefit Protection Act (OWBPA), which is part of the ADEA, also addresses pension benefits for older employees and prescribes a strict mechanism through which employees may waive ADEA claims. Many states have similar statutes. At least one state protects all employees against age discrimination, including younger employees.
- **The Uniformed Services Employment and Reemployment Rights Act (USERRA)** prohibits discrimination against a person on the basis of past military service, current military obligations, or intent to serve. Many states also provide job-protected military leave.
- **The Genetic Information Nondiscrimination Act (GINA)** prohibits discrimination in employment based on genetic information.

Termination of Benefits

Employee terminations are documented in two ways.

- **Voluntary Termination** - Voluntary termination of employment occurs when an employee submits a written or verbal notice of resignation to his or her supervisor or when an employee is absent from work for three consecutive workdays and fails to contact his or her supervisor (job abandonment). This also includes walking off the job site in the middle of a shift. If the employee provides a two-week notice of voluntary termination, he or she receives accrued paid time off. If said employee abandons job for whatever reason, he or she will receive no accrued paid time off. A full-time employee is also eligible for COBRA benefits. See COBRA benefit in employee handbook for details.
- **Involuntary Termination** - An involuntary termination is a form of termination where the employer/management decides to end the relationship with an employee for various reasons such as discharge or layoff. Involuntary termination may, but not in all cases, result in benefits being paid out to the employee such as COBRA, unemployment, and PTO/vacation pay-outs.

In the event either method of termination occurs, a letter of termination and/or benefit termination must be provided to a terminated employee. There are additional governing laws that provide guidance, such as COBRA, ACA and Fair Labor Act, regarding the administration and documentation of terminated benefits. Please see those laws for a full understanding.