Administrative Procedure 415
Employee Progressive Discipline

The Limestone District School Board is committed to building and sustaining positive working and learning environments for all staff and students. The Board believes that all employees are committed to acting professionally, with integrity and in the best interests of both students and the Board, and is therefore committed to ensuring acceptable employee conduct, behaviour and performance. The Board recognizes that it has a responsibility to inform employees of unacceptable behaviour and/or unsatisfactory performance in a timely and open manner. The Board supports the use of proactive, positive practices as well as the imposition of discipline, where appropriate, to allow employees to correct unacceptable conduct/behaviour and/or performance.

1. Purpose

1.1. The goal of progressive discipline is to constructively bring about a favourable change in behaviour, where necessary. The process of progressive discipline provides employees opportunities to correct or improve behaviour/performance prior to being dismissed.

1.2. Progressive discipline is founded on the principle of just cause, whereby the general expectation is that the least severe action necessary is used to correct undesirable behaviour.

2. Definitions

2.1. Progressive Discipline: a process intended to raise the employee's awareness of the problem and the need to change based on clear expectations and an escalation of consequences for failing to comply.

2.2. Unsatisfactory Performance: may either be action or inaction on the part of the employee, which is a form of misconduct, or the failure to satisfy job performance requirements, where reasonable, remedial efforts may return the employee to satisfactory levels of performance.

2.3. Non-Culpable Circumstances: a situation where an employee is unable to fulfill the requirements of the employment relationship due to circumstances over which they have no control.

2.4. Gross Misconduct: action or inaction on the part of the employee such that the employment relationship itself is repudiated or irrevocably damaged. Gross misconduct may include, but is not limited to:

- Falsifying employment information
- Wilful misconduct
- Negligence
- Sexual/physical assault
- Absence without leave
- Criminal activity
- Unethical behaviour

2.5. Verbal and/or Written Counsel: administrative action taken prior to initiating disciplinary action, which may include a verbal and/or written letter of counsel through which the employee is made aware of performance expectations, polices and/or procedures. The intent is to bring the problem to the employee's attention before it becomes necessary to issue formal disciplinary action, which must then be placed in the employee's personnel file.

2.6. Verbal/Written Counsel: may be the first step and is generally used to deal with offences of a relatively minor nature – for example, being late for work – particularly if it is a first-time offence. The verbal/written counsel provides an opportunity to discuss and understand the problem with the employee with a view to preventing similar behaviour in the future. Most disciplinary issues are resolved at this step.

2.7. Letter of Reprimand: a formal disciplinary letter given to an employee who has already received a verbal/written letter of counsel for the same or similar offence. However, a letter of reprimand can be given without any previous counsel if the offence is sufficiently serious.

2.8. Suspension: disciplinary action taking the form of an imposed absence from work, normally without pay.

2.9. Demotion: a transfer to a position in a lower salary grade due to the inability of the employee to meet established job requirements.

2.10. Dismissal: an involuntary ending of the employment relationship, which may be imposed for:

- Gross misconduct
- Unsatisfactory performance
- Non-culpable circumstances

3. Process

3.1. All incidents of misconduct and unsatisfactory performance should be brought to the employee's attention at the earliest possible opportunity.

3.2. Progressive discipline should be a coaching process involving some or all of the following, depending on the severity of the problem: verbal/written reminders, verbal/written warnings, varying levels of suspension, demotion and/or termination.

3.3. Prior to the imposition of discipline, employees must be informed of the unacceptable conduct, behaviour or performance.

3.4. Employees will be advised of their right to union representation prior to any meeting that may lead to disciplinary action.

3.5. Disciplinary action may only be taken after the incident has been thoroughly investigated and the employee has had an opportunity to respond.

4. Stages of Progressive Discipline

4.1. Under normal circumstances, where policies, procedures or professional practices are ignored or contravened, progressive discipline of employees is implemented in four stages: verbal warning, written warning, suspension(s), and dismissal. Discipline of volunteers is implemented in three stages: verbal warning, written warning, and dismissal.

4.2. Notwithstanding the above, more serious incidents may result in more severe disciplinary action for the initial occurrence up to and including dismissal.

4.3. Dismissal usually applies only where reasonable efforts to correct employee behaviour have occurred and the employee continues to demonstrate unsuitability for the position or where there has been an occurrence of intolerable misconduct, including, but not limited to: falsifying employment information, wilful misconduct, gross neglect of duties, physical or sexual abuse of students, unethical behaviour or criminal activity.

5. Unsatisfactory Performance

5.1. Unsatisfactory performance must be brought to the attention of the employee as soon as is reasonably possible.

5.2. When performance problems are identified, the following steps will be taken:

- The supervisor and the employee will review the job description and/or role expectations to ensure clear and unequivocal understanding
- Performance deficiencies will be clearly identified and expected performance standards established

- The employee will be advised of the timelines within which improvements are expected and a follow-up meeting will be held to assess progress.

6. Records of Disciplinary Action

6.1. All instances that result in disciplinary action must be thoroughly documented, including the date of the incident(s), a description of the incident(s), witness statements, respondent statements and the resulting outcome.

6.2. Written records of disciplinary action must be placed in the employee's personnel file.

6.3. Notwithstanding the above, and in accordance with the respective Collective Agreement, at the written request of the employee, discipline may be removed from the employee's personnel file after a period of two years provided the employee has not been the subject of further disciplinary action within the two-year period following the initial discipline and depending on the reason for the discipline.

7. Responsibility for Discipline

7.1. Administrators/Managers are responsible for establishing performance standards and expectations. Although all forms of discipline are to be reviewed with Human Resources, verbal/written counsel and/or verbal/written reprimands may be done by administrators/managers. Suspensions and terminations are the responsibility of the Superintendent of Human Resources or designate.

8. Application

8.1. This Procedure applies to all unionized and non-unionized employees as well as volunteers.