

Model Policy: Progressive discipline and employee termination

Why you need this policy:

There's no point in having any policies, procedures, and standards unless you're prepared to discipline employees who disobey them. The problem is that discipline is not only unpleasant but likely to result in some form of legal grievance, especially if the employee belongs to a union. That means you'll end up having to defend your action before an arbitrator or court.

How this policy helps you:

Luckily, there's a technique you can use to make punishments stick if they're challenged later on. Better yet, this technique can help you straighten out wayward employees and avoid showdowns. The technique is called progressive discipline and it involves imposing a series of gradually sterner punishments. It usually starts with warnings for a first offense, mounts to suspensions and ultimately dismissal. At each stage you confront the employee, explain what he did wrong, impose the appropriate punishment and warn him to clean up his act.

How to use this policy:

You must establish a written policy or procedure giving you the right to use progressive discipline against your employees. This Model Policy is a fairly generic version, which allows for warnings, followed by suspension and ultimately termination. But you'll need to modify the Model Policy to reflect your own progressive discipline procedures and the terms of discipline provisions contained in any applicable collective bargaining agreements (if your employees are in a union). Warning: This Model Policy applies to employees who are not attorneys. Attorney discipline requires the development of separate policies and procedures dealing with the ethical and other professional issues that arise when the individual being disciplined is an attorney.

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ABC Law Firm

1. Statement of policy

Although ABC Law Firm is prepared to use discipline to enforce its Code of Conduct and organizational policies, procedures, and standards, management of ABC Law Firm will also, where circumstances permit, seek to apply discipline in a progressive manner that involves:

- Notifying employees of their wrongdoing;
- Providing employees a fair opportunity to correct their violations; and
- Imposing harsher discipline for repeat offenses up to and including termination when ABC Law Firm determines that progressive discipline has run its course and no longer offers a reasonable chance to redeem the employee.

2. Purpose of policy

ABC Law Firm has established this Progressive Discipline Policy to explain the organization will use progressive discipline to hold employees accountable and provide the basis for effective and fair enforcement of its Code of Conduct, policies, procedures, and standards.

3. Scope—Serious offenses subject to more immediate action

This policy applies to employee offenses that can be corrected. ABC Law Firm reserves the right to impose more serious penalties up to and including immediate termination without following the sequence provided under this progressive discipline policy in response to offenses ABC Law Firm deems highly serious and permanently damaging to the employer-employee relationship, including but not limited to, acts of violence, theft, deliberate violations of patient privacy or trust, insolence and insubordination. Such serious offenses may result in immediate termination without warning or suspension even if they represent an employee's first offense.

4. Verbal warning

Employees who commit a first offense will receive one verbal warning. Upon receiving a verbal warning, the employee will be given an explanation of the infraction and corrective action required, an opportunity to explain and notification that further offenses will result in more serious penalties. A note stating that the verbal warning was given listing the time, date and reason will be kept in the employee's personnel file.

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5. Written warning

Second offenses will result in a written warning which will be recorded on the ABC Law Firm disciplinary log. A copy of the warning will be sent to the employee, the ABC Law Firm human resources department and the union and kept in the employee's personnel file.

6. Suspension

Third offenses will result in suspension for a period considered appropriate under the circumstances. A copy of the suspension notice will be sent to the ABC Law Firm human resources department and the union and kept in the employee's personnel file.

7. Termination

Fourth offenses will result in immediate termination. The supervisor responsible for the employee will be informed immediately and he/she will remove the employee from the site. A copy of the termination notice will be sent to ABC Law Firm human resources department and the union. In addition, the employee shall be given an opportunity to contest the dismissal at a hearing to the extent required by an applicable collective bargaining agreement.

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