


Category:	Employee Accountability	INCA Community Services Personnel Policy 
Sub Category:	Disciplinary Policy	
Effective Date:		
Revised Date:	09/14/2017	
Forms:	Employee Consultation Report, Notice of Disciplinary Action (Written Warning), Performance Improvement Plan, Notice of Disciplinary Probation	
Responsible: Management, Human Resources		

Progressive Disciplinary Policy

Purpose/Introduction

Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies. Employees also have the responsibility to perform his/her duties to the best of his/her ability and to the standards as set forth in his/her job description or as otherwise established.

The adherence to rules and regulations is the utmost importance. Disciplinary action results from failure to abide by these established rules and regulations. When warranted, disciplinary action will be fairly, equitably, and consistently administered in accordance with policies and procedures.

Progressive Discipline Policy

INCA's progressive discipline policy and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues. It has been designed consistent with INCA's organizational values, human resource best practices and employment laws.

Outlined below is INCA's progressive discipline policy and procedure. INCA reserves the right to determine the appropriate level, combine or skip progressive 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 or training, the employee's work record, and the impact the conduct and performance issues have on the organization.
- Discipline may include oral and written warnings, personal improvement plans, probation, and suspension with or without pay, demotion and discharge.

Employee Consultation (Verbal)

- When a member of management detects the need to meet with an employee regarding

performance issues, the appropriate management members will arrange to meet with the employee informally to discuss the problem(s). The focus of this meeting is to arrive at a clear understanding of expectations and a plan for achieving them.

- The appropriate management member should discuss with the employee the nature of the problem or the violation of company policies and procedures. Management is expected to clearly describe expectations and steps the employee must take to improve performance or resolve the problem.
- Within five business days of this meeting, the management member will prepare written documentation of an employee consultation. The employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action.
- A copy given to the employee and a copy retained by the appropriate management member. In addition a copy shall be placed in the employee's official employee file.

Notice of Disciplinary Action (Written Warning)

Although INCA hopes that the employee will promptly correct any performance, conduct or attendance issues that were identified during a consultation meeting, INCA recognizes that this may not always occur. The notice of disciplinary action involves more formal documentation of the performance, conduct or attendance issues and consequences.

- The appropriate management members will meet with the employee to review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his or 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 business days of a notice of disciplinary action meeting.
- A warning outlining that the employee may be subject to additional discipline up to and including termination if immediate and sustained corrective action is not taken may also be included in the notice of disciplinary action.
- The notice of disciplinary action shall be signed by the appropriate management member and the employee; a copy given to the employee and a copy retained by the appropriate management member. In addition a copy shall be placed in the employee's official employee file.

Disciplinary Probation

If performance does not improve within the time specified in the notice of disciplinary action, the employee will be placed on Disciplinary Probation.

- The appropriate Management member will provide a written document clearly labeled as "Notice of Disciplinary Probation". This document will include:
 - The issues,
 - a summary of previous actions taken to date,
 - performance expectations,
 - a time period in which improvement should occur
 - and a statement that failure to successfully meet performance expectations may result in termination.
- The employee will also be advised that his or her total performance will be monitored and evaluated during the period of probation; the failure to make immediate and sustained improvement may result in the employee's involuntary termination.
- Furthermore, if the employee is successful at meeting the terms of the probation but fails

<p>to sustain improved performance after the probation ends, he or she may be dismissed without further warning or probation.</p> <ul style="list-style-type: none"> • The Notice of Disciplinary Probation shall be signed by the appropriate management member and the employee; a copy given to the employee and a copy retained by the appropriate management member. In addition a copy shall be placed in the employee's official employee file. • The length of the probation period should be determined in consultation with the appropriate management member, human resource director and program director. • The employee will be informed of his/her rights to file a grievance under the Employee Grievance Procedures.
<p>Suspension</p> <p>There may be performance, conduct or safety incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the Human Resource Director or Executive Director may suspend the employee pending the results of an investigation.</p> <ul style="list-style-type: none"> • Suspensions that are recommended as part of the normal progression of this progressive discipline policy and procedure are subject to approval from the Human Resource Director and/or Executive Director. • Depending on the seriousness of the infraction, the employee may be suspended with or without pay in full-day increments consistent with federal, state and local wage-and-hour employment laws. • Nonexempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. • Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. Human Resource Director will provide guidance so that the discipline is administered without jeopardizing the FLSA exemption status. • Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee.
<p>Demotion for Cause</p> <p>An action which an employee is demoted to a lower job classification in response to poor performance issues.</p> <ul style="list-style-type: none"> • A vacancy must exist in the job classification which the employee is demoted. • In addition, the employee must be qualified in the job classification to which demoted. • Any employee, who is demoted, will have the salary reduced to the salary range to which he or she has been demoted. • Upon recommendation, the Executive Director shall effect demotions of an employee • The employee's rights to file a grievance under the Agency's Grievance Procedures
<p>Termination</p> <p>The last and most serious step in the progressive discipline procedure is a recommendation to terminate employment.</p> <ul style="list-style-type: none"> • Generally, INCA will try to exercise the progressive nature of this policy by first providing warnings, a final notice of disciplinary action or suspension from the workplace before

<p>proceeding to a recommendation to terminate employment.</p> <ul style="list-style-type: none"> • However, INCA reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. • Furthermore, employees may be terminated without prior notice or disciplinary action. • Management's recommendation to terminate employment must be approved by the Human Resource Director and Program Director. • Final approval is required from the Executive Director.
Appeal Process
<ul style="list-style-type: none"> • Employees will have the opportunity to present information within 5 business days after meeting that may challenge information management has used to issue disciplinary action. The purpose of this process is to provide insight into extenuating circumstances that may have contributed to the employee's performance or conduct issues while allowing for an equitable solution. • Appeals to disciplinary actions will be in accordance with the agency's Grievance Procedure. • Verbal consultations and written reprimands may not be appealed.
Definitions
<ul style="list-style-type: none"> • Behavior that is illegal is not subject to progressive discipline, and such behavior may be reported to local law enforcement authorities. • Similarly, theft, substance abuse, intoxication, fighting and other acts of violence at work are also not subject to progressive discipline and may be grounds for immediate termination.
Documentation
<ul style="list-style-type: none"> • The employee will be provided copies of all progressive discipline documentation, including all Personal Improvement Plans. • The employee will be asked to sign copies of this documentation attesting to his or her receipt and understanding of the corrective action outlined in these documents. • Copies of these documents will be placed in the employee's official personnel file.
Employment-At-Will Relationship
<p>Nothing in this policy provides any contractual rights regarding employee discipline or counseling nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between INCA and its employees.</p>
Dissemination of Policy
<p>The policy will be made available to all employees through the agency's website. The agency will educate and train employees and supervisors regarding the policy and any conduct that could constitute a violation of the policy.</p>