



Procedural Guide: Progressive Discipline Model

Take the following steps to establish a routine of progressive discipline:

- 1. As soon as the supervisor perceives a worker's performance problem, they should issue an oral reprimand.** The supervisor should ask the worker if there are any long-term problems or skill deficiencies that need to be corrected. Keep the focus on objective, job-related factors. Supervisors should *not* ask if the employee has a disability or mental or physical ailment that affects their job performance. Doing so would violate the Americans with Disabilities Act. The supervisor should keep detailed notes of the conversation.
- 2. If the employee's behavior is the problem, the supervisor needs to gauge its severity and extent.** The progressive discipline system should have remedies based on various factors:
 - Whether the employee is a repeat offender
 - The dollar amount of the employee's mistake or misbehavior
 - If the problem is tardiness, how often and how late
 - Whether the employee's behavior has improved since the last incident.
- 3. If performance does not improve, deliver a final written warning, perhaps accompanied by probationary status for the employee.** The final warning should contain copies of the previous warnings, indicate specific areas in which the employee must improve and specify the time period within which the worker's behavior or performance must be corrected.
- 4. If the problem persists, the supervisor should notify the human resources department or other company authority.** In general, supervisors should not be given sole firing authority even though their input should be given weight. Someone else in the company should evaluate the full range of discharge-related considerations. Some companies suspend the employee while his performance is investigated by a human resources manager or other company official (other than the worker's supervisor). Witnesses are interviewed, and documents are analyzed. The employee is confronted with the facts revealed by the investigation and is allowed to present their side of the story. Regardless of whether there is a formal investigation, before taking any final action, your company should consider these questions:
 - Does the employee claim that a contractual relationship exists, and if so, does that assertion have merit?
 - Has the employee recently filed a workers' compensation claim, complained to a government agency about alleged workplace violations or taken any other actions that might make a discharge look like unlawful retaliation by the employer?
 - Is there an issue relating to good faith and fair dealing, especially if the termination involves a long-term employee?

Even if the answer to any of these questions is "Yes," you still can survive a challenge to a firing; however, you must be able to prove that the circumstances of the particular case justify your actions.