

Procedure: 4.4.1p. (III.T.1)

Positive Discipline

Revised: July 15, 2015; September 27, 2012; May 10, 2012; November 3, 2011

Last Reviewed: July 15, 2015

Adopted: February 6, 2008



I. PURPOSE:

It is the goal of the Technical College System of Georgia [TCSG] to emphasize quality and excellence in all aspects of System operations. As such, the System's Positive Discipline process is designed to promote a high level of employee discipline by correcting performance problems as they arise, building genuine employee commitment to the organization, and encouraging and promoting the development of effective working relationships between supervisors and their subordinate staff. The Positive Discipline process focuses on effective and timely decision-making coupled with individual responsibility and accountability.

The Positive Discipline process emphasizes an employee's responsibility and accountability for his/her own behavior and actions by communicating an expectation of change and improvement in a respectful, non-threatening way, while maintaining concern for the seriousness of the situation. Key aspects include recognizing and encouraging good performance, correcting performance problems through coaching and counseling, building commitment to high work standards and safe work practices, and promoting excellence in the delivery of services.

II. RELATED AUTHORITY:

State Board POLICY: 4.4.1. Positive Discipline
TCSG Procedure: 4.4.2p. Adverse Employment Actions
State Personnel Board Rules

III. APPLICABILITY:

All work units and technical colleges associated with the Technical College System of Georgia.

IV. DEFINITIONS:

Appointing Authority: In the System Office, the Commissioner of the Technical College System of Georgia as well as those manager(s) to whom the Commissioner has delegated the responsibility for directing associated work unit activities. In a technical college, the President or his/her designee shall serve in this capacity. **"At Will":** individuals considered to be "at will" employees may be discharged or may resign for any reason not specifically prohibited by law.

Business Day: Weekdays that administrative offices are open.

Covered Employee: An employee working under the terms of an employment contract. Also included are full-time or part-time salaried employees in an "at will" employment status who have been continuously employed for more than twelve (12) calendar months.

Decision Making Leave (DML): A Decision Making Leave is the third and final step of formal discipline, consisting of a formal discussion between work unit management and an employee about a serious work related problem. After the discussion, the employee is suspended from work with pay for the following day. He/she must then decide either to solve the immediate problem and

agree to perform at a fully acceptable level in all areas of the job or, instead, to resign and pursue other employment opportunities.

Designated Reviewing Official: an individual employed with the TCSG who has been authorized by the Commissioner to review and make final determinations on dismissals. Decisions by the Designated Reviewing Official shall be final.

Discussion Worksheet: The pre-meeting checklist portion of the Discussion Worksheet helps supervisors prepare for discussions with their subordinate staff about performance-related problems or issues pertaining attendance, behavior/conduct, safety, etc. The results of the meeting are recorded on the post-meeting summary portion of the document.

Dismissal: This employment action normally occurs when the progressive steps of disciplinary action have failed to bring about a correction in an employee's work performance, conduct, behavior or attendance. Dismissal is the appropriate action when a disciplinary problem reoccurs within the twelve (12) month period in which a Decision Making Leave is active or when a single offense is so severe that any other disciplinary action would not be the appropriate remedy.

Informal Coaching: Brief informal discussion(s) between a supervisor and an employee concerning the need to improve in the areas of attendance, work performance, behavior/conduct, safety, etc. Informal coaching may include corrective feedback or referral for additional training.

Non-Covered Employee: This term includes salaried employees in an "at will" employment status who have worked for less than twelve (12) months as well as temporary employees, hourly-paid employees, adjunct faculty, technical college presidents, and other employees who report directly to the Commissioner of the TCSG.

Performance Improvement Discussion: A structured discussion to address a specific problem with an employee in the areas of attendance, work performance, conduct, behavior, and/or safety. The objective is to ensure that the employee recognizes that a problem exists, to mutually develop an effective solution, and to avoid the need for formal disciplinary action.

Reminder 1: The first formal step of the disciplinary process involving a discussion between a supervisor and an employee concerning work-related problem(s)/difficulties and the need (for the employee) to change his/her performance, behavior, conduct, etc. During this discussion, the supervisor informs the employee that this is the first level of discipline and concentrates on gaining the employee's agreement to change his/her performance, behavior, conduct, etc.

Reminder 2: The second step of the disciplinary process in which the supervisor holds a formal discussion with the employee concerning work-related problem(s)/difficulties and the need to change his/her performance, behavior, conduct, etc.

Reviewing Manager: A manager charged with reviewing the performance plans and evaluations prepared by lower level supervisor(s) in his/her direct line of supervision. System Office: all work units not attached to a specific college, including but not limited to Quick Start, Adult Education, Technical Education, Administrative Services, and Data Planning and Research.

V. ATTACHMENTS:

Attachment: 4.4.1p.a1. TCSG Performance Management Matrix – Technical Colleges

Attachment: 4.4.1p.a2. TCSG Performance Management Matrix – System Office

Attachment: 4.4.1p.a3. Discussion Worksheet – Pre-Meeting Checklist

Attachment: 4.4.1p.a4. Discussion Worksheet – Post Meeting Summary

Attachment: 4.4.1p.a5. Reminder 2 Sample Memorandum

Attachment: 4.4.1p.a6. Decision Making Leave Sample Memorandum

Attachment: 4.4.1p.a7. Suspension With Pay Sample Letter

VI.PROCEDURES:

General Provisions:

1.The Positive Discipline process covers all employees working under the terms of an employment contract. Also included are all full-time and part-time salaried employees in an “at will” employment status who have been continuously employed with the TCSG System Office or an associated technical college for more than twelve (12) calendar months. Salaried employees in an “at will” employment status who have worked for less than twelve (12) calendar months, as well as temporary employees, hourly-paid employees, adjunct faculty, technical college presidents, and other employees who report directly to the Commissioner, Deputy Commissioner or Chief Operating Officer are excluded from coverage.

2.The Positive Discipline process is designed to address problems in such general areas as performance, conduct, behavior, attendance, and safety.

3.Each System Office or technical college supervisor and manager is responsible for communicating agency and college rules, practices, and expectations consistent with the guidelines set forth in this policy.

4.Neither the Positive Discipline policy nor this accompanying procedure is considered an explicit or implied contract between the System and any employee or group of employees. The System reserves the right to adapt, modify, or abandon the policy and procedure at any time for any reason, with or without advance notice to any employee.

5.Every individual initially appointed to or promoted into a supervisory or managerial position is expected to complete Positive Discipline Training within ninety (90) days of assuming his/her position. Each technical college as well as the System Office will conduct Positive Discipline training courses at regular intervals to ensure that all newly appointed or promoted supervisors and managers complete the training within the expected timeline.

6.A summary of the steps and activities associated with the Positive Discipline Process is outlined in the attached TCSG Performance Management Matrix’ (Attachments: 4.4.1p.a1 and 4.4.1p.a2.).

Informal Discussions:

“Positive Contacts” are designed to recognize good performance and serve to encourage staff to continue to perform their assigned tasks in an exemplary manner. Employees can be recognized informally (e.g., “pat on the back”), placing an employee on a special committee, providing expanded training opportunities, etc.) or more formally with written commendations (notes to the employee with copies to the President, etc.). All supervisors and managers are expected to review the performance of subordinate employees regularly and conduct Positive Contact discussions when appropriate. Positive contacts and other forms of recognition should be noted in an employee’s productivity file.

“Informal Coaching” serves to informally advise an employee of the need to improve in one or more specific areas. Generally, the outcome of a coaching session is not documented in a formal memorandum to an employee; however, supervisors are encouraged to make a note of this activity in an employee’s productivity file.

"Performance Improvement Discussions" are more serious conversations about performance problems before the need for a formal step of disciplinary action arises. A supervisor will prepare the Pre-Meeting Checklist portion of the Discussion Worksheet (Attachment: 4.4.1p.a3.) before the meeting. During the meeting, the supervisor will inform the employee that this is an informal discussion (i.e., not one of the three formal steps of disciplinary action) and seek to gain the employee's agreement to change and correct the problem. Following the meeting, the supervisor will document the discussion using the Post-Meeting Summary portion of the Discussion Worksheet (Attachment: 4.4.1p.a4.). He/she will provide the employee with a copy of the Post-Meeting Summary and a copy will be maintained in the employee's productivity file. The supervisor will provide positive feedback when improvement occurs and document the improvement on the supervisor's copy of the Discussion Worksheet.

Formal Disciplinary Action:

The formal levels of disciplinary action (i.e., Reminder 1, Reminder 2, and Decision Making Leave) represent increasingly serious and/or repetitive infraction(s) of established policies, rules, guidelines, and/or directives:

Reminder 1: After consultation with his/her immediate supervisor and HR Coordinator/Director, the supervisor will prepare for the meeting by completing the Pre-Meeting Checklist portion of the Discussion Worksheet document.

During the meeting the supervisor will inform the employee that this meeting is a Reminder 1, the first formal step of TCSG's Positive Discipline Process. The supervisor will seek to gain the employee's agreement to change and return to fully acceptable performance.

Following the Reminder 1, meeting the supervisor will complete the Post-Meeting Summary portion of the Discussion Worksheet. A copy of the Pre-Meeting Checklist portion of the Discussion Worksheet will be provided to the employee and the employee will be asked to sign the supervisor's copy to confirm that the discussion took place. A copy of the Discussion Worksheet will be maintained in the employee's productivity file. A Reminder 1 remains active for 6 months.

Reminder 2: Generally, there are three (3) situations/circumstances which may cause a supervisor to conduct a Reminder 2 discussion:

- when a problem arises within a six (6) month period following the issuance of an earlier Reminder 1 in the same category, or
- after an employee has received a maximum of three (3) Reminder 1s for unrelated problems within a period of six (6) months, or
- when a performance, conduct, or attendance problem is sufficiently serious to require this level of discipline, regardless of any previous coaching sessions or disciplinary discussions.

After consultation with his/her immediate supervisor and HR Coordinator/Director, the supervisor will prepare for the meeting by completing the Pre-Meeting Checklist portion of the Discussion Worksheet. During the meeting, the supervisor will inform the employee that this meeting is a Reminder 2, the second formal step of the Positive Discipline Process. The supervisor will again (or for the first time) seek to gain the employee's agreement to change and return to fully acceptable performance. Following the Reminder 2 meeting, the supervisor will complete the Post-Meeting Summary portion of the Discussion Worksheet, a copy of which will be given to the employee. In addition, the supervisor will prepare a memorandum (using Attachment: 4.4.1p.a5.) advising the employee of the Reminder 2 transaction. The employee will be asked to sign the supervisor's copy of the memorandum to confirm that the discussion took place. A copy of the

Discussion Worksheet and memorandum will be maintained in the employee's personnel file. In addition, a copy of the memorandum will be forwarded to the supervisor's manager. A Reminder 2 remains active for nine (9) months. Consistent with provisions of Paragraph V.I., the affected employee may request a review of the Reminder 2.

- **Decision-Making Leave (DML):** Generally, three situations may cause a supervisor to conduct a Decision Making Leave transaction with an employee under his/her supervision:
- when a problem arises within a nine (9) month period following the issuance of an earlier Reminder 2 in the same category, or
- after an employee has received a maximum of three (3) Reminder 2s for unrelated problems within a period of nine (9) months, or
- when a performance, conduct, or attendance problem is sufficiently serious to require this level of discipline, regardless of any previous coaching sessions or disciplinary discussions.

After consultation with his/her immediate supervisor, the HR Coordinator/Director, and manager of the college or System Office program area, the supervisor will prepare for the Decision Making Leave transaction by completing the Pre-Meeting Checklist portion of the Discussion Worksheet. During these discussions, the parties will determine the day on which the employee will be suspended from work and the manner in which the employee's work will be covered on that day.

On the day of the meeting the supervisor will tell the employee that he/she is being placed on a Decision Making Leave, the final step of the Positive Discipline process. The supervisor will advise the employee that immediately after the meeting concludes, he/she is to leave the workplace. Additionally, the employee should be instructed to spend the following day at home making a final decision about whether he/she can solve the immediate problem that triggered the Decision Making Leave and commit to maintaining fully acceptable performance in every area of his/her job or, instead, to resign and seek employment elsewhere.

The employee will be told that he/she will be paid for the day of Decision Making Leave and that if he/she returns with a commitment to solve the problem and maintain fully acceptable performance and another problem requiring disciplinary action arises, he/she will be dismissed.

Upon returning to work, the employee must advise his/her supervisor as to whether he/she has decided to solve the problem and commit to fully acceptable performance in every area, or, instead, resign. If the employee chooses to resign, a corresponding personnel action will be generated. If the employee decides to continue his/her employment, the supervisor will complete the Post-Meeting Summary portion of the Discussion Worksheet, a copy of which will be given to the employee. In addition, the supervisor will prepare a memorandum (Attachment: 4.4.1p.a6.) formally advising the employee of the Decision Making Leave transaction, including the notification that any further problem(s) requiring the delivery of formal discipline will result in his/her dismissal. The employee will be asked to sign the supervisor's copy of the memorandum to confirm that the discussion took place. A copy of the Discussion Worksheet and memorandum will be maintained in the employee's personnel file. In addition, a copy of the document will be sent to the supervisor's reviewing manager and, manager of the college or System Office program area.

A Decision Making Leave remains active for twelve (12) months. An employee may request a review of the Decision Making Leave by following the provisions of Section V., Paragraph I.

- An employee who has been placed on Decision Making Leave is not eligible to receive a performance-based salary increase during the performance plan year in which the disciplinary action was initiated.

Dismissal:

A dismissal normally occurs when the progressive steps of discipline outlined in the Positive Discipline Process have failed to bring about a correction in an employee's performance, conduct, behavior, and/or attendance. A dismissal is the appropriate action when a disciplinary problem reoccurs within the twelve (12) month active period of a Decision Making Leave or when a single offense is so severe that any other disciplinary action would not be an appropriate remedy.

The decision to dismiss a System Office employee or college employee reporting directly to the president must be approved by the Commissioner or designated manager. The decision to dismiss a technical college employee must be approved by the president. Presidents and/or college Human Resources Directors should consult with the Office of Legal Services or the TCSG Office of Human Resources prior to dismissing a covered employee.

The decision to dismiss a covered employee must be communicated (to the employee) in writing and include the proposed effective date as well as the right to review process outlined in Paragraph VI.I.

Skipping Disciplinary Steps

The Positive Discipline steps outlined in this policy are not required to be followed in sequence. Should an employee commit a serious offense, the employee may be placed on a Reminder 2 or Decision Making Leave. Additionally, if a pattern of repeating problems after the end of an active period of disciplinary action, progression to a more serious step of the Positive Discipline Process may be warranted.

Repeating Disciplinary Steps:

Generally, policy infractions or performance problems are classified into three broad categories: (1) attendance, (2) work performance, and (3) behavior/conduct. If an employee experiences problems in an unrelated area, he or she may receive more than one Reminder 1 or Reminder 2.

The maximum number of Reminder 1's that may be active at one time is three, with no more than one in each category. Should another performance problem occur in a category after an employee has previously received a Reminder 1, or after an employee has received three Reminder 1's in different categories within a period of six (6) months, the next step is a Reminder 2.

The maximum number of Reminder 2's that may be active at one time is also three, again with no more than one in each category. Should another performance problem occur in a category within nine (9) months after an employee has previously received a Reminder 2 in that category, the discipline level will escalate to Decision Making Leave.

Because the Decision Making Leave requires a total performance decision on the employee's part, an employee may receive only one such transaction in a twelve (12) month period. If a performance problem that would normally result in the delivery of formal discipline (i.e., Reminder 1, Reminder 2, or Decision Making Leave) occurs within the twelve (12) month period, the appropriate action is dismissal. However, the appointing authority or designee may consider any extenuating or mitigating circumstances before making a decision to dismiss an employee. Any such decisions should be made after consultation with the TCSG Office of Legal Services or the TCSG Office of Human Resources.

Note: If an employee is on an active Reminder 2 and experiences a disciplinary problem in an unrelated category, it is not appropriate to place the employee on a Reminder 1 for that offense

since he or she is already at the Reminder 2 level. In this case a second Reminder 2 would be the appropriate sanction.

Deactivation of Disciplinary Action:

The purpose of deactivation of disciplinary action is to recognize and encourage improved performance. If an employee maintains fully satisfactory performance during the active period of the respective disciplinary level, the employee may request the appropriate supervisor to remove the record of discipline. It is the employee's responsibility to request that the record of disciplinary action be removed. It is the supervisor's responsibility to acknowledge the employee's improvement and arrange for the removal of the documentation upon the employee's request.

Upon being notified by the employee that the active period has been completed (Reminder 1 – 6 months; Reminder 2 – nine (9) months; Decision Making Leave – twelve (12) months), the supervisor will note that the disciplinary action has been deactivated on all records in the employee's productivity file. The supervisor will also advise all individuals who were initially notified of the taking of the disciplinary action that the active period has been completed and that the disciplinary action has been deactivated.

If another disciplinary problem arises with an individual who has completed the active period for a previous disciplinary offense, the response to the new disciplinary transaction will be the same as that taken with an employee who has never had any disciplinary offenses.

Performance Management Program:

The Positive Discipline process and the System/technical college performance management process are closely linked. As such, the employee's performance appraisal rating will be influenced if the individual is on an active step of formal discipline.

Review Procedure

Reminder 2: A technical college employee who has been issued a Reminder 2 may request a review of the decision by the appropriate Vice President, or by the President if the Vice President participated in the review and approval of the disciplinary action. For staff in the System Office, the request for review will be directed to the appropriate Assistant Commissioner, Executive Director or, as applicable, the Commissioner.

To request a review, an employee must notify the designated individual within three (3) business days of the receipt of the Reminder 2 Memorandum. The employee's response may be in writing, in person, or both. The designated reviewing official should provide the employee with a written response within ten (10) business days of receipt of the review request. This decision of the reviewing official will be final.

Decision Making Leave: A technical college employee placed on a Decision Making Leave may request a review of the action by the President or his/her designee if the President participated in the review and approval of the Decision Making Leave. For staff in the System Office, the request for review will be directed to the Commissioner's Designated Reviewing Official. To request a review, an employee must notify the designated individual within three (3) business days of the receipt of the Decision Making Leave Memorandum. The response may be in writing, in person, or both. The reviewing official should provide the employee with a written response within ten (10) business days of receipt of the review request. The reviewer may repeal or modify the Decision Making Leave. The decision of the reviewing official will be final.

Dismissal: A technical college or System Office employee covered by the provisions of this policy and who has been notified of his/her proposed dismissal may request a review of this action by the Designated Reviewing Official. To request a review, an employee must notify the Designated Reviewing Official, in writing, within three (3) business days after receipt of the dismissal notice. The request should contain information and, as applicable, supporting material(s) which documents why the proposed dismissal should not be imposed. Any request for review that does not comply with these provisions will not be considered.

The Designated Reviewing Official will provide the employee with a written response no later than ten (10) business days following receipt of the review request. If a review is requested consistent with these provisions, the proposed effective date of the dismissal will be delayed until the final determination is issued. During this time period, the employee will remain in or be initially placed in a suspension with pay status. The decision of the Designated Reviewing Official in these matters is final.

NOTE: The Positive Discipline Process does not permit third party representation in these matters.

Crisis Suspensions

A "crisis suspension" (i.e., a suspension with pay) is not a formal level of disciplinary action. A crisis suspension may be used when an employee's inappropriate behavior is so serious that immediate removal from the workplace is necessary. Some examples are theft, threat of violence, destruction of college property, reporting to work under the apparent influence of alcohol or drugs, insubordination, and arrest. Additionally, an employee may be placed on suspension with pay in conjunction with an internal investigation initiated in response to a workplace complaint or when an employee's actions/behaviors may impact his/her ability to effectively perform his/her assigned job duties.

In these circumstances, the appointing authority or designee will notify the employee that he or she is being suspended with pay pending investigation for alleged misconduct and is being temporarily relieved of duty. This conversation is immediately followed the delivery of written notification (of this action) using Attachment: 4.4.1p.a7. Additionally, the employee shall be required to leave System Office/Technical College property immediately.

The investigation should be completed as soon as possible and appropriate disciplinary action initiated if findings are substantiated.

Status

This Positive Discipline policy is not to be considered an explicit or implied contract between the Technical College System of Georgia or any of its associated technical colleges and any employee or group of employees. The System reserves the right to adapt, modify or abandon this policy at any time and for any reason, with or without notice to any employee.

VII. RECORD RETENTION:

Records created or collected pursuant to this procedure shall be maintained in accordance with the Georgia Archive's Retention Schedule for State Government Paper and Electronic Records.

Positive Discipline Process

Attachment: 4.4.1p.a1- Performance Management Matrix- Technical College

ACTION Issue	Initiator	Consultation Prior to Action	Prior Approval	Location	Management Witness Required?	Documentation Required	Employee Signature Required	Documentation Distribution	Right to Review	Maximum Number Allowed	Length of Time Active	Responsibility for Deactivation	Eligible for Perf.-Based Increase
INFORMAL DISCUSSIONS													
POSITIVE CONTACT	Immediate/ Evaluating Supervisor	No	None	Anywhere	No	Productivity File Note Recommended	No	Productivity File	NA	No Limit	NA	NA	Yes
INFORMAL COACHING / CASUAL CONVERSATIONS	Immediate/ Evaluating Supervisor	No	None	Anywhere	No	Productivity File Note Recommended	No	Productivity File	NA	No Limit	NA	NA	Yes
PERFORMANCE IMPROVEMENT DISCUSSION	Immediate/ Evaluating Supervisor	No	None	Private Space	No	Discussion Worksheet	No	Productivity File	No	No Limit	NA	NA	Yes
FORMAL LEVELS OF DISCIPLINARY ACTION													
REMINDER 1	Immediate/ Evaluating Supervisor	HR Coordinator/ Director	Initiator's Immediate Supervisor	Private Space	Yes	Discussion Worksheet	Yes	Employee Productivity File	No	1 in each area – performance, conduct or attendance	6 Months	Employee	Yes
REMINDER 2	Immediate/ Evaluating Supervisor	HR Coordinator/ Director	Initiator's Immediate Supervisor	Private Space	Yes	Discussion Worksheet & Memorandum	Yes	Employee Personnel File Initiator's Supervisor	Yes	1 in each area – performance, conduct or attendance	9 Months	Employee	Yes
DECISION MAKING LEAVE	Immediate/ Evaluating Supervisor	HR Coordinator/ Director	Vice President	Private Space	Yes	Discussion Worksheet & Memorandum	Yes	Employee Personnel File Initiator's Supv./VP, President.	Yes	1	12 Months	Employee	No
TERMINATION													
TERMINATION	President	HR Coordinator/ Director & Office of Legal Services or TCSG HR Director	President and, as applicable, Commissioner	Private Space	Yes	Discussion Worksheet & Memorandum	Yes	Employee Personnel File, Initiator's Supv/VP, President	Yes	NA	NA	NA	NA

Positive Discipline Process

Attachment: 4.4.1p.a2. Performance Management Matrix- System Office

ACTION Issue	Initiator	Consultation Prior to Action	Prior Approval	Location	Management Witness Required?	Documentation Required	Employee Signature Required	Documentation Distribution	Right to Review	Maximum Number Allowed	Length of Time Active	Responsibility for Deactivation	Eligible for Perf.-Based Increase
INFORMAL DISCUSSIONS													
POSITIVE CONTACT	Immediate/ Evaluating Supervisor	No	None	Anywhere	No	Productivity File Note Recommended	No	Productivity File	NA	No Limit	NA	NA	Yes
INFORMAL COACHING / CASUAL CONVERSATIONS	Immediate/ Evaluating Supervisor	No	None	Anywhere	No	Productivity File Note Recommended	No	Productivity File	NA	No Limit	NA	NA	Yes
PERFORMANCE IMPROVEMENT DISCUSSION	Immediate/ Evaluating Supervisor	No	None	Private Space	No	Discussion Worksheet	No	Productivity File	No	No Limit	NA	NA	Yes
FORMAL LEVELS OF DISCIPLINARY ACTION													
REMINDER 1	Immediate/ Evaluating Supervisor	HR Director or Executive Dir of Legal Svcs.	Initiator's Immediate Supervisor	Private Space	Yes	Discussion Worksheet	Yes	Employee Productivity File	No	1 in each area – performance, conduct or attendance	6 Months	Employee	Yes
REMINDER 2	Immediate/ Evaluating Supervisor	HR Director or Executive Dir of Legal Svcs.	Initiator's Immediate Supervisor	Private Space	Yes	Discussion Worksheet & Memorandum	Yes	Employee Personnel File Initiator's Supervisor	Yes	1 in each area – performance, conduct or attendance	9 Months	Employee	Yes
DECISION MAKING LEAVE	Immediate / Evaluating Supervisor	HR Director or Executive Dir of Legal Svcs.	Assistant Commissioner or Executive Director	Private Space	Yes	Discussion Worksheet & Memorandum	Yes	Employee Personnel File Initiator's Supervisor Assistant Commissioner	Yes	1	12 Months	Employee	No
TERMINATION													
TERMINATION	Assistant Commissioner or Commissioner	HR Director or Executive Director of Legal Services	As Applicable, Commissioner	Private Space	Yes	Discussion Worksheet & Memorandum	Yes	Employee Personnel File, Initiator's Supervisor, Assistant Commissioner, Executive Director, Commissioner	Yes	NA	NA	NA	NA

ATTACHMENT: 4.4.1P.A3.

TCSG DISCUSSION WORKSHEET Pre-Meeting Checklist

Name of Employee: _____ Date: _____

Supervisor: _____

Type of Problem: Attendance Performance Conduct

Dates of any previous discussions about the problem: _____

Basic Issue / Overall Concern: _____

Desired Performance: _____

Actual Performance: _____

Impact: (The good business reasons why the problem must be solved) _____

Consequences: (The logical consequences the individual will face if he/she fails to correct the situation)

The Five Classic Questions:

- Did the employee clearly understand the rule or policy that was violated?
- Did the employee know in advance that such conduct would be subject to disciplinary action?
- Was the rule violated reasonably related to the safe, efficient and orderly operation of the business?
- Is there substantial evidence that the employee actually did violate the rule?
- Is the action planned reasonably related to the seriousness of the offense, the employee's record with the organization, and to action taken with other employees who have committed a similar offense?

Action (This discussion is intended to be):

- Performance Improvement Discussion
- Reminder 1
- Reminder 2
- Decision Making Leave

Employee acknowledgment of discussion (Reminder 1 only): _____

TCSG DISCUSSION WORKSHEET Post-Meeting Summary

Employee Name: _____

Discussion Date: _____

Action: Performance Improvement Discussion Reminder 1 Reminder 2 Decision Making Leave

Notification: Did you specifically advise the employee of the action (Performance Improvement Discussion, Reminder 1, Reminder 2, Decision Making Leave)? Yes No

Gaining Agreement: Did the employee agree to solve the problem / correct the situation? Yes No

Employee Assistance Program: Was the employee provided information about the EAP? Yes No

Summary of discussion: _____

Employee's solution (Action the employee will take to correct the situation): _____

Other solutions (Action to be taken by yourself or other people to help the employee solve the problem):

Employee's reaction: (Summary of employee's comments about the situation or the discussion):

Completed by: _____

Follow-up date: _____

Attachment: 4.4.1p.a5. Reminder 2 Memorandum

MEMORANDUM

TO: **[Name of Employee]**

FROM: **[Name of Supervisor]**

SUBJ: **Reminder 2**

DATE: **[Date]**

Please be advised that you have been placed on a Reminder 2 for the following reason(s) **[performance, attendance, behavior/conduct problems and/or policy violation(s)]**. **[This problem or Your overall performance]** was previously discussed with you **[As applicable – (in conjunction with your placement on a Reminder 1 on [date] or informally on [date(s) of any previous informal discussions]. [At that time or during these discussions]** I stressed the importance of what was expected of you and you agreed to correct the problem(s). Since then, **[describe the continuing problem]**.

Given that **[the continued poor performance, attendance, behavior/conduct problem(s) or policy violation(s) has/have had]** a detrimental effect on **[System Office, Quick Start, or Technical College operations and/or your co-workers]**, it is essential that you make the following change(s) in your performance without delay: **[describe desired performance]**. In addition, I expect you to follow all policies and procedures and perform every aspect of your job in a fully acceptable manner.

During our discussion today, you said **[restate the employee's agreement to correct the problem together with any other important comments and your response]**. I'm counting on you to solve **[this problem/these problems]** and perform all assigned duties and responsibilities in a fully acceptable manner given that any further issues requiring disciplinary action will result either in your placement on a Decision Making Leave (the final step of our disciplinary process)_or, if appropriate, dismissal from employment.

You have the right to request a review of this action by contacting **[the name of the reviewing official]** by telephone at **[telephone number]** or by mail at the following mailing address **[mailing address]** within three (3) business days of the receipt of this memorandum.

Please be advised that your decision to request a review of this action does not affect your commitment to me to solve the immediate problem and to perform every aspect of your job in a fully acceptable manner.

cc:

Attachment: 4.4.1p.a6. – Sample Decision Making Leave Memorandum

M E M O R A N D U M

TO: **[Name of Employee]**
FROM: **[Name of Initiator]**
SUBJ: **Decision Making Leave**
DATE: **[Date]**

This memorandum serves to confirm our discussion on **[date]** about **[describe performance problem]**.

[This problem was or These problems have been] previously discussed with you on **[date(s)]**. In addition, **[as applicable – you received a Reminder 1, the first step of our formal disciplinary process on (date) and/or you received a Reminder 2, the second step of our disciplinary process on (date)]**. In conjunction with **[this action/these action(s)]**, we discussed what was expected of you and you agreed to correct the problem(s). Since then, **[describe continuing problem(s)]**.

Given that your **[continued poor performance or attendance/ behavior/conduct problem(s) and/or policy violation(s)] [has had/have had] _**a detrimental effect on **[System Office, Quick Start, or Technical College operations and/or your co-workers]**, you were placed on Decision Making Leave on **[date]**.

During our follow-up discussion, I advised you that a Decision Making Leave was a formal disciplinary suspension and is the final step of our disciplinary process. I also informed you that while you would be paid for the day in question, you were required to use this day to make a final decision – either to solve the immediate problem(s) and commit to maintaining fully acceptable performance in every aspect of your job or, instead, to resign and seek employment elsewhere.

When you returned from your day of Decision Making Leave, you told me that you had decided to continue your employment with **[name of System Office or Quick Start work unit or Technical College]**. You further agreed that you would solve the immediate problem(s) and perform all assigned duties and responsibilities in a fully acceptable manner.

[or]

[When you returned from your day of Decision Making Leave, you told me that you refused to agree to solve the immediate problem(s) and perform all assigned duties and responsibilities of your job in a fully acceptable manner.]

As I advised you during our meeting, you must immediately correct the **[continued poor performance or attendance/behavior/conduct problem(s) or policy violation(s)]**

which led to the delivery of the Decision Making Leave. In addition, you must maintain fully acceptable performance in all areas of your job given that any further problem(s) that require the delivery of disciplinary action will result in your dismissal.

You may request a review of this action by contacting **[name of the reviewing official]** by telephone at **[telephone number]** or by mail at the following address **[mailing address]** within three (3) business days of the receipt of this memorandum.

Please be advised that your decision to request a review of this action does not affect your commitment to me to solve the immediate problem(s) and to perform every aspect of your job in a fully acceptable manner.

CC:

Employee's Acknowledgment of Receipt:

Employee's Signature

Attachment: 4.4.1p.a7. Suspension with Pay Sample Letter

_____, 20__

Dear _____:

This letter serves to notify you that effectively immediately, you will be placed on suspension with pay pending investigation for alleged misconduct. Before leaving today, please turn in all keys as well as your College Identification Card and all other personally assigned equipment.

Your placement in this employment status will continue for an initial period not to exceed forty-five (45) calendar days and will be governed by the following conditions:

1. unless requested to do so by _____, you are not to return to or visit any campus associated with _____ Technical College;
2. you must be available during normal business hours, Monday through Friday, _____ a.m. until _____ p.m. to be contacted concerning the status of the investigation or to meet with me or any other representative of the _____ Technical College on this matter.
3. by no later than the close of business today, you must provide _____ with a telephone number and/or cell number where you can be reached during these hours. If a meeting date and time is established to discuss the investigation, you will be expected to be present;
4. in the event of an illness or an emergency, you may request to use annual, personal, or sick leave by contacting _____ at _____; and,
5. during this time period, all paycheck(s) will be mailed to you at the above referenced mailing address.

Your failure to follow these directives may result in your movement to a non-pay status for the day(s) in question and the delivery of formal disciplinary action up to and including dismissal from employment.

Sincerely,

CC: Personnel File