

**Rogue Community College**  
**Classified Employee Progressive Discipline Manual**

## PREAMBLE

The Progressive Discipline Plan (PDP) is intended to be a tool for clear and predictable communication between management and classified when disciplinary action is pursued. The PDP is specifically related to governing disciplinary communication. As is reasonably required to maintain a productive work environment, management may still direct, correct, question, request, or otherwise provide oral or written supervisory feedback that is not considered disciplinary in nature. Prior to engaging in any step of the PDP, it is an expectation that this type of supervisory feedback will occur around issues of concern.

Rogue Community College (College) and Oregon School Employees Association, Chapter 152 (Association) have agreed to adhere to general progressive discipline procedures, but the parties recognize that some conduct is serious enough to immediately justify a more significant disciplinary response.

Depending on the seriousness of the infraction a supervisor may start at any level of the Progressive Discipline Procedure.

In the documents to follow in this notebook we present several disciplinary options and give examples of their use as guidelines to ensure that disciplinary problems are handled fairly but effectively to ensure staff are working in harmony to achieve the mission of the College.

## OUR MISSION

“The mission of Rogue Community College is each learner's success. We nurture hope, fill educational gaps and empower people to change their lives. Through teaching and service, we model respect, dignity and integrity and provide leadership that focuses on the individual. Rogue Community College enriches its community by embracing equality and diversity. We anticipate the changes in our dynamic world and take the necessary risks to assure access to all learners. We are a powerful force for quality of life in our region.”

## INTRODUCTION

You will note that the procedure consists of five (5) possible levels of discipline, ranging from verbal notice/counseling to termination. Again, it should be noted that progressive discipline is not inflexible. A supervisor is not required to begin at Level One (however, in practice you may find this is the level you normally begin with), nor is a supervisor required to utilize all five levels when disciplining an employee over a period of time. Supervisors are required, however, once a level of discipline is utilized, to adhere to the stated steps of that level. Unrelated violations by an employee may be considered as cumulative for purposes of applying discipline when such prior violations have been appropriately documented by the supervisor.

The College may suspend an employee with pay pending the outcome of an investigation into the employee's alleged misconduct.

## PROGRESSIVE DISCIPLINE SIMPLY STATED

1. The single occurrence of a minor or moderate infraction should receive minor / moderate discipline.
2. A repeat (or continuation or cumulative occurrences) of the same or other minor or moderate infractions.

- OR -

The single occurrence of a *more serious* infraction should receive *more formal* discipline.

3. The single occurrence of a *very serious* infraction

- OR -

The *repeat* of the *same moderately serious* infraction or the accumulation of minor or moderate infractions should *receive the most formal discipline* that is reasonably related to the offense.

## RECORD KEEPING

Letters, reports and warning notices that are negative or critical in nature of an employee's conduct, service, or character shall be removed from the supervisor's working file under the following conditions:

- After one (1) year from the date of the document upon written request of the employee.
- Documents will not be removed if a second document is entered for the same offense within one (1) year from the date of the original offense. The expiration date of the original document would then be the expiration of the second document.

Letters of reprimand that are negative or critical in nature of an employee's conduct, service, or character shall be removed from the employee's personnel file under the following conditions:

- After three (3) years from the date of the document upon written request of the employee.
- Documents will not be removed if a second document is entered for the same offense within three (3) years from the date of the original offense. The expiration date of the original document would then be the expiration date of the second document.

## DOCUMENTATION CHECKLIST

Documentation should contain all the significant elements surrounding an incidence of unacceptable employee behavior. When preparing your documentation, it will be helpful to review the following checklist to ensure completeness and accuracy:

- Did you record the incident promptly while your memory was still fresh?
- Have you indicated the date, time, location of, and witnesses to the incident(s) documented?
- Did you factually record the action or behavior exhibited?
- Have you been objective, recording observations and not impressions?
- Have you indicated specific rules or regulations violated?
- Have you listed the specific performance standards violated or exceeded?
- Did you indicate the other person(s) or work products involved or affected?
- Did you record the consequences of the action or behavior on the employee's total work performance and/or the operation of the work unit?
- Did you document your prior interaction(s) with the employee on his/her behavior?
- Did you indicate the employee's reaction to your efforts to modify his/her behavior?

## SELECTING CLEAR DIRECTIONAL PHRASES

### *Examples:*

- Please do the following by Friday...
- I insist that you ...
- You are directed to ...
- I would appreciate it if...
- I expect the following by ...
- You are required to ...
- The report is due by ...
- I insist you consider the following ...
- Regulations require that you ...
- It is important that you...
- Return the following to me by ...
- A satisfactory evaluation will require ...

## LEVEL ONE: VERBAL NOTICE

In general, a verbal notice may include any discussion with an employee designed to assist the employee to fully develop skills and abilities. The discussion may clarify standards, evaluate the employee's strengths and weaknesses, seek information, solve problems, or discuss why certain behavior or unsatisfactory performance is unacceptable. When there is a problem, this is usually the action taken to assist the employee in clarifying and remedying the problem. The supervisor documents the discussion with the employee and maintains a copy in the supervisor's file. A copy of the note is given to the employee.

### *Procedure*

1. The supervisor should meet with the employee to discuss the unsatisfactory performance and/or misconduct and to counsel the employee regarding the corrective action that must be taken to avoid further disciplinary action.
2. The supervisor should document the discussion and keep it in the supervisor's file.
3. The documentation is to be given/sent to the employee.
4. The documentation will not be sent to the personnel file. Record of this notice may be noted on the employee's annual evaluation form.

## LEVEL ONE: VERBAL NOTICE DOCUMENTATION

Please include the following information:

- Today's date
- Occurrence date / time
- Discussion date / time
- Supervisor's name / title
- Employee's name / title
- Occurrence location
- Nature of issue. Describe the issue in detail to allow for ready interpretation by other concerned parties.
- Summary of discussion, including any relevant employee input.
- Conclusion / action to be taken. Describe what remedy was requested of the employee to improve performance or change behavior.



## SUPERVISOR'S GUIDELINES FOR VERBAL NOTICE

### NATURE OF ISSUE:

- Describe in reasonable detail what the employee has done.
- Cite how this interferes with one or more of the following: employee's performance; the work environment; the business operations of the College or the well-being of other employees.
- Cite the rule, regulation, policy, law, standard of work or behavior that is involved.
- If the disciplinary action is related to previous Level One verbal warning records, a detailed reference should be made.

### CONCLUSION / ACTION TO BE TAKEN:

- Explain in reasonable detail what the employee must do to improve performance or change behavior. Attach a separate page if more detail is appropriate.
- Cite a reasonable date by which improvement must occur or no further violations must occur.

## LEVEL TWO: LETTER OF DIRECTION

A letter of direction is appropriate when the supervisor feels that previous attempts at improving performance have not resulted in the desired improvement, or where the inappropriate conduct is significant enough to require a written record of the inappropriate behavior and the direction given to improve the behavior. A letter of direction is delivered in writing by the employee's direct supervisor. The Letter of Direction is not sent to Human Resources, but kept in the supervisor's working file, and may be documented on the employee's annual evaluation.

### *Procedure*

1. A letter of direction provides notice to an employee that further disciplinary action will be taken unless the employee's behavior or performance improves.
2. The content of a letter of direction is essentially the same as that of the verbal notice. The employee is advised in writing of the need to improve and of the consequences of failing to improve performance. The employee may respond in writing to the letter of direction and have the response attached.
3. A copy is maintained by the supervisor in the supervisor's file and may be documented in the employee's annual evaluation, but is not sent to the personnel file.

LEVEL TWO: LETTER OF DIRECTION

Employee's Name: Title:  
Date of Employment: Location:  
Occurrence Detail: Date: Time:

EXPLANATION OF PROBLEM(S):

The problem(s) described above is/are serious enough to warn you that improvement is needed.

*Improvement Needed:* You are encouraged to think about this warning, resolve to change your behavior, and/or improve your performance. In order to avoid further disciplinary measures, it is recommended that you:

If you do not improve, it will be necessary to consider stronger disciplinary measures, including reprimand, suspension, demotion and termination. A copy of this notice will not be placed in your personnel file, but will be maintained in my working file. If you have any questions concerning this matter, or if you need help in improving your performance, you are encouraged to contact me. I would be happy to assist you.

You may respond in writing to this warning within ten (10) working days. If you choose to do so, your response will be attached to this notice.

\_\_\_\_\_  
SUPERVISOR'S SIGNATURE TITLE DATE

I have received a copy of this record. \_\_\_\_\_  
EMPLOYEE'S SIGNATURE DATE

cc: Supervisor's working file.

## SUPERVISOR'S GUIDELINES FOR LETTER OF DIRECTION

### EXPLANATION OF PROBLEM(S):

- Describe in reasonable detail what the employee has done.
- Cite how this interferes with one or more of the following: employee's performance; the work environment; the business operations of the College or the well-being of other employees.
- Cite the rule, regulation, policy, law, standard of work or behavior that is involved.
- Enter the dates of previous verbal notices, written warnings or written reprimands related to this violation.

### IMPROVEMENT NEEDED:

- Explain in reasonable detail what the employee must do to improve performance or change behavior. Attach a separate page if more detail is appropriate.
- Cite a reasonable date by which improvement must occur or no further violations must occur.
- The employee must be afforded the opportunity to respond in writing to the reprimand form. Any submitted responses should be attached.

### SIGNATURE/DATE:

- The employee should be requested to sign and date the form. If they refuse, so note on the form along with your signature and the date.
- The form should be completed after the supervisor meets with the employee.

## LEVEL THREE: WRITTEN REPRIMAND

NOTICE: An Associate Dean or Dean must be involved at Level Three and all levels thereafter.

The reprimand should fully disclose the nature of employee's violation and stipulate that the employee is to consider themselves on notice to correct this behavior immediately. This reprimand is generally written by the direct supervisor, but for added emphasis the warning can be undersigned by higher-level management. This step would be documented in the personnel file and may be noted on the employee's annual evaluation. Copies of the written reprimand go to the employee and to the Human Resources office.

### *Procedure*

1. The written reprimand is the College's official notification that an employee's performance or behavior is not meeting standard and that continuation or repetition of that performance may result in suspension, demotion, or termination.
2. The supervisor should meet with the employee to discuss the circumstances surrounding the unsatisfactory performance and/or misconduct and investigate the matter.
3. If, in the judgment of the supervisor, the employee should receive a reprimand, they would complete a *Reprimand Form* and submit it to the Associate Dean/Dean for review and approval.
4. If approved, the supervisor would meet with the employee to inform them of the decision to reprimand and to inform them of the corrective action that must be taken to avoid further disciplinary action. The employee will be requested to sign the *Reprimand Form*, signifying they have received and read it. The employee may respond in writing to the *Reprimand Form* and have the response placed in their personnel file. A copy of the response will be forwarded to the supervisor by Human Resources. The response must be received within ten (10) working days.
5. The supervisor will send a copy of the *Reprimand Form* to Human Resources for review and to be placed in the employee's file and documented in the annual evaluation.

LEVEL THREE: REPRIMAND FORM

Employee's Name:

Title:

Date of Employment:

Location:

Occurrence Detail: Date:

Time:

EXPLANATION OF PROBLEM(S):

The problem(s) described above is/are serious and is/are the cause for this disciplinary notice. In addition, if you have been warned previously, it is noted in number three (3) above.

*Improvement Needed:* You are encouraged to think about this reprimand, resolve to change your behavior, and/or improve your performance. In order to avoid further disciplinary measures, it is recommended that you:

If you do not improve, it will be necessary to consider stronger disciplinary measures, including suspension, demotion and termination. A copy of this reprimand will be placed in your personnel file. If you have any questions concerning this matter, or if you need help in improving your performance, you are encouraged to contact me.

You have the right to respond in writing to this reprimand within ten (10) working days to present information or arguments rebutting this disciplinary measure. If you choose to do so, your response will be attached to this notice.

The employee's signature below indicated only that the employee has received and read this document.

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

H/R Administrator's Approval: \_\_\_\_\_ Date: \_\_\_\_\_

cc: Supervisor's working file.

## SUPERVISOR'S GUIDELINES FOR A WRITTEN REPRIMAND

- The reprimand should be individually written, stating specific material facts, such as *Date, Time, Place, Witnesses to, and Actions* of the individual(s) involved.
- The reprimand should include a quotation of the, Regulation(s), Rule(s), Contract Provision(s), Performance Expectations or Order(s) violated or breached.
- The reprimand should outline all previous verbal and written reprimands or warnings.
- Be factual and to the point - provide the basis for the decision to discipline. Be objective, draw conclusions as appropriate based on the facts discovered during the investigation. Tell what you or others *saw, heard, touched, or felt*.
- It should be stated that this letter constitutes a Written Reprimand.
- It should state that the staff member is being given another opportunity to improve his/her performance-
- It should state that if the staff member does not improve, he/she will be subject to further disciplinary action. This is a critical point. The administrator must remain flexible, not stating what the further action will be.
- It is best to meet with the staff member and give them a be given a copy of the letter
- Forward a copy of the letter to the Human Resources Office to be included in the staff member's personnel file, and prepare to document the letter in the annual evaluation.

## LEVEL FOUR: SUSPENSION WITHOUT PAY/DEMOTION

Suspension is the temporary removal of an employee from duty without pay. Suspensions are normally made in cases involving gross misconduct or chronic behavioral or performance problems for which, in the view of the supervisor, there seems to be no other appropriate response. Demotion is the removal of an employee from a present position to one of lesser responsibility, or pay. Normally, demotions are proper if employees can no longer perform the duties of their present position, but may still function effectively at a lower level. A suspension or demotion is made after consultation with the Human Resources Department. A copy of the written record of the suspension without pay or demotion is forwarded to Human Resources for review and placement in the employee's personnel file and documented in the Employee's annual evaluation.

### *Procedure*

1. If unsatisfactory performance and/or misconduct occurs that, in the judgment of the supervisor, warrants consideration for a suspension or demotion, the supervisor and/or Associate Dean and a Human Resources administrator, if necessary, will hold a meeting with the employee to discuss the circumstances surrounding the infraction.
2. The employee shall be informed of the concern and that he/she has the right to have an association representative present at the meeting in accordance with Wiengarten rights.
3. If after the meeting and investigation of the circumstances the College believes there is sufficient justification for the suspension or demotion, the supervisor and/or Associate Dean will draft a suspension or demotion letter. The supervisor and/or administrator will contact Human Resources to review both the suspension or demotion letter and the decision to suspend or demote.
4. If approved, the supervisor and/or Associate Dean will meet with the employee to inform him/her of the decision to suspend or demote and to deliver a copy of the suspension or demotion letter.
5. The supervisor shall send a copy of the suspension or demotion letter to Human Resources to be placed in the employee's personnel file.
6. The employee may respond in writing to the suspension or demotion letter and have the response placed in his/her personnel file. A copy of the response will be forwarded to the supervisor by Human Resources. The response must be received within ten (10) working days.



LEVEL FOUR: DISCIPLINE RECOMMENDATION FORM  
(SUSPENSION WITHOUT PAY/DEMOTION)

1. Employee's Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Date of Employment: \_\_\_\_\_ Location: \_\_\_\_\_

2. It is requested that the above referenced employee receive the following discipline:

Suspension

Demotion

- \_\_\_ 1 day without pay
- \_\_\_ 2 days without pay
- \_\_\_ 3 days without pay
- \_\_\_ 4 days without pay
- \_\_\_ 5 days without pay
- \_\_\_ days without pay

Position: \_\_\_\_\_  
Range: \_\_\_\_\_  
  
Effective Date(s): \_\_\_\_\_

3. This disciplinary action is being recommended based on the following problem(s):

4. The above is an infraction of the following rule, regulation, standard of work, or behavior expected by the College.

5. In addition to the above cited problem(s), the employee has been disciplined in the past as follows (attach pages if necessary):

Date: \_\_\_\_\_  
Infraction: \_\_\_\_\_  
Discipline Received: \_\_\_\_\_

6. List specifically what the employee must do to change his/her behavior and/or improve his/her performance.

7. Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

H/R Administrator's Approval: \_\_\_\_\_ Date: \_\_\_\_\_

SAMPLE SUSPENSION OR DEMOTION LETTER

Date

Name

Address

City/State

Dear Mr. /Ms. /Mrs.:

On (date), a meeting was held with you to discuss the facts and circumstances regarding an incident that occurred on (date). Present at the meeting was (name, title; name title;) and I.

After discussing the incident with you and upon review, it has been determined that you will be suspended without pay from (date) through (date). The reasons and facts supporting this action are contained in the attached *Discipline Recommendation Form*.

A copy of this suspension letter and the *Discipline Recommendation Form* will be placed in your personnel file. You have the right to respond in writing to this disciplinary measure. If you choose to do so, your response will be attached to this letter.

Please be advised that you have the right to appeal this decision in accordance with Article \_\_\_\_ of the Classified Agreement.

The purpose of this disciplinary action is to impress upon you the seriousness with which Rogue Community College regards this matter and to give you the opportunity to reflect upon your future compliance with noted recommendations to improve your behavior and/or performance. Should you choose to continue not to improve, you will be subject to further disciplinary action, including termination.

Sincerely,

Associate Dean Name

Title

SUPERVISOR'S GUIDELINES FOR DISCIPLINE RECOMMENDATION  
(SUSPENSION WITHOUT PAY/DEMOTION)

1. Self explanatory.
2. Indicate the specific discipline being recommended and the effective date(s) of such discipline. For suspensions, list each of the dates the employee is to be suspended without pay.
3. Describe in reasonable detail what the employee has done.
4. Cite the rule, regulation, policy, standard of work or behavior involved.
5. List all warnings, reprimands, suspensions or demotions, related to this disciplinary action.
6. Explain in reasonable detail what the employee must do to improve performance or change behavior. Cite the date by which improvement must occur or no further violations must occur.
7. The signature of the employee, supervisor, and the Associate Dean are required before forwarding to Human Resources.
8. Forward to Human Resources in an envelope marked CONFIDENTIAL for review and approval.

## LEVEL FIVE: TERMINATION

Termination is the procedure which permanently removes an employee from service. This occurs when the employee has been given the opportunity to meet performance or behavior standards and has failed to do so or his/her conduct is so serious or egregious to justify termination. Utilized in cases where the nature of the offense is severe or the prospects for rehabilitation of employee's attitude are so remote, that it is in the best interest of employer and employee that the latter seek employment elsewhere. Such a decision can be made by the direct supervisor, but should have the endorsement of higher management. It is very important/especially in the presence of collective bargaining agreements, that the nature of the offense, all disciplinary measures taken, and employee response to the charges are fully documented.

Hiring and training costs of new employees makes the loss of an experienced employee very expensive. Therefore, where the College deems appropriate, it will explore retaining the employee. Termination is seldom used for the first offense unless the violation is so serious that no other response is appropriate. As stated earlier, the disciplinary action must fit the offense.

Termination is made only after consultation with the Human Resources Department.

Sometimes an employee may offer to resign instead of facing disciplinary action. By doing so, the employee loses the right to appeal

No employee can be compelled to resign; resignation must be voluntary. Otherwise, the employee may later claim the resignation was made under duress.

### *Procedures*

1. When an employee's conduct is serious or egregious, he/she has demonstrated a serious disregard of rules and/or policies of the College, committed a violation of law or intentionally or unintentionally endangered the health and welfare of students of the College for any reason, at any time on or off duty the supervisor may recommend immediate termination in lieu of those procedures outlined above.
2. If unsatisfactory performance and/or misconduct occurs that, in the judgment of the supervisor, warrants consideration for a termination, the supervisor and/or Associate Dean, and a Human Resources administrator, if necessary, will hold a meeting with the employee to discuss the circumstances surrounding the infraction and conduct and investigation into the circumstances and allegations.
3. The employee shall be informed that he/she has the right to have an association representative present at the meeting. The employee may also use other types of representation at this level provided at least three (3) days notice is given to the College. If other representation is requested, Human Resources must be informed. The OSEA and the employee will inform the College who will be representing the employee.

4. If, after the meeting and investigation, there is, in the supervisor's judgment, sufficient justification, the supervisor and/or Associate Dean will send a letter to Human Resources recommending termination. The documentation of previous disciplinary actions will be attached if available.
5. If approved by Human Resources, the supervisor and/or Associate Dean will send a *Pre-Termination* letter to the employee advising him/her of the recommendation to terminate and the date and time of the pre-termination meeting.
6. A pre-termination meeting will be held with the employee, supervisor and/or Associate Dean and a Human Resources administrator to discuss the recommendation to terminate. The employee shall be informed that he/she has the right to have an association representative present at the meeting. The employee may also use other types of representation at this level provided at least three (3) days notice is given to the College. If other representation is requested, Human Resources must be informed. The OSEA and the employee will inform the College who will be representing the employee.
7. If, after the meeting, there is, in the College's judgment, sufficient justification for the termination, Human Resources will prepare an appropriate letter to the employee notifying him/her of the termination.
8. A meeting may be held with the employee, supervisor and/or Associate Dean, and a Human Resources administrator, if necessary, to deliver the termination letter and to inform the employee of the decision to terminate.

LEVEL FIVE: TERMINATION

1. Employee's Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Date of Employment: \_\_\_\_\_ Location: \_\_\_\_\_

2. It is requested that the above referenced employee receive the following discipline:

TERMINATION

Effective Date: \_\_\_\_\_

3. This disciplinary action is being recommended based on the following problem(s):

4. The above is an infraction of the following rule, regulation, standard of work, or behavior expected by the College.

5. In addition to the above cited problem(s), the employee has been disciplined in the past as follows (attach pages if necessary):

Date: \_\_\_\_\_

Infraction: \_\_\_\_\_

Discipline Received: \_\_\_\_\_

6. Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

H/R Administrator's Approval: \_\_\_\_\_ Date: \_\_\_\_\_

SAMPLE PRE-TERMINATION LETTER

Date

Name

Address

City/State

Dear Mr. /Ms. /Mrs.:

This letter is to inform you of my recommendation to the Human Resources Administrator that you be terminated from your position of (title) with Rogue Community College. You are hereby notified that on (date) at (time), we will hold a pre-termination meeting with you to discuss the reasons to terminate. At that meeting you will be given the opportunity to present information or arguments rebutting the proposed disciplinary action. The meeting will be held at the (meeting location).

This recommendation to terminate is based upon your unsatisfactory work performance (see attached documentation), which constitutes violation of Administrative Regulation

\_\_\_\_\_.

Please be advised you have the right to have an Association Representative present at the pre-termination meeting, if you so choose.

If you have any questions concerning the above, please do not hesitate to call me at (phone number).

Sincerely,

Administrator Name

Title

## JUST CAUSE

Generally post-probationary employees may be suspended, demoted, or terminated for just cause. In situations where suspension, demotion, or termination are necessary, it is of importance the supervisor follows required standards of due process and be able to establish cause for the level of discipline administered. The following tests are applicable in determining whether an employer had just cause for disciplining an employee:

- Did the College give the employee forewarning or foreknowledge of the possible or probable disciplinary consequences of the employee's conduct?
- Was the College's rule or managerial order reasonably related to the orderly, efficient, and safe operation of the business?
- Did the College, before administering discipline to an employee, make an effort to discover whether the employee did, in fact, violate or disobey a rule or order of management?
- Was the College's investigation conducted fairly and objectively?
- Did the investigation result in substantial evidence or proof that the employee was guilty as charged?
- Has the College applied its rules, orders, and penalties evenhandedly and without discrimination to all employees?
- Was the degree of discipline administered by the College in a particular case reasonably related to:
  - the seriousness of the employee's, proven offense, and
  - the record of the employee in his/her service with the College?