

# EMPLOYEE DISCIPLINE

## Background

Each employee is expected to perform the duties and responsibilities required to fulfill the position for which the person is employed. Where an employee fails to meet these expectations or otherwise exhibits misconduct as to warrant discipline, the Superintendent or designate has the authority to apply disciplinary actions designed to restore a satisfactory level of productivity by the employee or to otherwise address employee misconduct and/or behaviours. Progressive discipline provides an opportunity to uphold the Division's mission and belief statements, alleviate any feelings of unjust treatment, and offer guidance and support to employees. The goal of progressive discipline is to correct poor behaviour or performance so as to create a better and more productive employee. The Division has established the following set of reasonable procedures for supervisors to follow in cases where it is determined that progressive discipline is appropriate.

## Definitions

*General Misconduct* is misconduct that is subject to progressive discipline, meaning that repeated or additional misconduct will result in increasing levels of discipline, up to and including termination of employment without notice, payment in lieu of notice, or severance pay. Examples of General Misconduct include, but are not limited to:

- Failing to meet an acceptable level of performance in carrying out one's job duties and responsibilities despite receiving feedback/appropriate guidance on job expectations.
- Leaving job tasks incomplete.
- Insubordination or failure to follow the instructions given.
- Failing to comply with the absence management process, arriving late, leaving early, or taking extended coffee breaks or lunch breaks.
- Disrespectful comment or conduct towards an employee, student, or parent at workplace.
- Attending to personal affairs during work time, which may include but are not limited to, excessive personal use of cell phone or chatting with other employees.
- Discrimination or harassment.
- Failing to maintain confidentiality while handling confidential information or documents in accordance with FOIP.
- Attendance at work under the influence of alcohol or drugs.
- Failing to follow the dress code appropriate to the employee's position. It is expected that all staff dress in a professional manner.
- Failing to wear appropriate personal protective equipment.
- Failing to lock-out/tag-out broken equipment or inappropriate use of any equipment that results in damage or accident.
- Failing to report to the Supervisor a workplace accident that results in lost work time or medical care.
- Failing to protect Division's assets or follow safety protocols with regards to setting alarms, key control etc.
- Abuse of any Policies/Administrative Procedures/Benefits offered by the Division.
- Inappropriate/personal use of division property, including buildings and vehicles.
- Other (as determined by the Superintendent).

*Gross Misconduct* is a single act of misconduct that is of such a serious nature, which will result in immediate termination of employment without notice, payment in lieu of notice, or severance pay. Examples of Gross Misconduct include, but are not limited to:

- Theft.
- Discrimination or harassment.
- Fighting/Assault/Violence or an attempt at violence.
- Possession or use of alcohol or controlled substance on Division's property (includes school buses) and premises.
- Possession or use of a firearm or other weapon on Division's property and premises.
- Falsifying a company document/record or submitting a document/record that contains false or misleading information for payment or reimbursement, which would result in personal gain for the employee.
- Other (as determined by the Superintendent).

There could be acts of misconduct that are not specifically listed above. For acts of misconduct that are not listed, Supervisors must consult the authorized representative from the Human Resources Department to determine whether it is General Misconduct or Gross Misconduct.

## **Procedures**

These procedures apply to all employees that work for the Division. In the event an employee violates Division policy, procedures, or exhibits problematic behaviour, in most circumstances the Division will consider progressive discipline. This Administrative Procedure in no way fetters the Supervisor or the Superintendent from taking any of the actions described below, disciplinary or administrative measure, or exercising any right or power under the *Education Act* where employment related action is warranted.

### **1. Verbal Warning**

- 1.1 In a private conversation with the affected employee, the performance or behaviour must be clearly stated. Always provide the employee the opportunity to explain their side of the situation.
- 1.2 Certificated teaching staff must follow the process laid out in the *Code of Professional Conduct for Teachers and Teacher Leaders*.

### **2. Letters of Concern, Expectation, Direction, and/or Reprimand**

- 2.1 State the type of letter issued.
- 2.2 Alert the employee to the problem and specify the problem behaviour.
- 2.3 Remind the employee of any previous verbal or written admonitions provided relating to the issue.
- 2.4 Reiterate the expectations.
- 2.5 Advise the employee of the consequences associated with further disciplinary infractions.
- 2.6 Contain other information deemed pertinent.
- 2.7 All concerns will be investigated by appropriate personnel before determining if discipline will result. Letters of Concern, Expectation and Direction are not deemed disciplinary letters. Letters of Reprimand are deemed disciplinary letters.
- 2.8 Where a unionized employee is facing a disciplinary consequence, they have the right to union representation before discipline is issued.

### 3. Suspension

3.1 If the problem persists following the Letter of Reprimand, the Superintendent or designate can suspend the employee with pay. A written letter will be given to the employee at the time of suspension outlining the job expectations and future consequences if they are not met, including termination.

### 4. Termination

4.1 If the employee is unwilling to make the necessary changes to behaviour or performance and all previous steps have failed to elicit the necessary response, termination of employment will be taken.

4.2 Certain violations such as threat of violence, theft, fraud and illegal use or sale of drugs will be grounds for immediate termination.

5. Supervisors must obtain advice from the Human Resources Department relative to the contents and wording of any Letter of Concern, Expectation, Direction and/or Reprimand prior to the letter being issued.

6. Any letter issued will be discussed with the employee by the Supervisor upon issuance.

7. Any Letters of Concern, Expectation, Direction and/or Reprimand must be forwarded to the Human Resources Department for inclusion in the employee's personnel file, and the letter will indicate a copy has been so forwarded.

8. Employees who have a letter placed on their personnel file have the right to provide a written response to the letter within seven (7) days and that response will be attached to the letter and kept in the personnel file.

9. The Supervisor is to document to their own working file the date and description of any conversations with, or verbal warnings given to, the employee relative to the behaviour of concern.

10. This administrative procedure will not restrict the Superintendent or designate from taking any action including: verbal warning, letter(s) of Concern, Expectation, Direction, and/or Reprimand, suspending or terminating the service of a staff member, without first adhering to the above-described steps. Such action(s) may be taken where the Superintendent or designate has reasonable grounds for believing that the actions or practices of a staff member endanger the safety of students, constitutes a neglect of duty, breach of trust, or a refusal to obey a lawful order given by or on behalf of the Board.

11. Suspensions and terminations will be carried out in accordance with applicable legislation and only by the Superintendent or designate. No decision made under this Administrative Procedure is appealable to the Board.

Reference: Section 33, 52, 53, 197, 204, 213, 214, 215, 222, 225 *Education Act*  
*Code of Professional Conduct for Teachers and Teacher Leaders* - Government of Alberta

Related APs: Employee Responsibilities and Conduct (AP 400)  
Harassment Free Work/School Environment (AP 170)  
Performance & Probationary Reviews - Support Staff (AP 433)  
Supervision & Evaluation - Teachers (AP 412)  
Tobacco, Alcohol and Drugs (AP 165)  
Working Conditions Related to School Support Staff (AP 431)