

Progressive Discipline

ESBOCES Human Resources Department

August 2024

If it's not in writing...

It does NOT exist.

Document.

Document.

Document.

What is Progressive Discipline?

Progressive Discipline Is an Improvement Plan

Progressive discipline is an employee disciplinary system that provides a graduated range of responses to employee performance or conduct problems. Disciplinary measures range from mild to severe, depending on the nature and frequency of the problem. For example, an informal coaching session might be appropriate for an employee who is tardy or violates a minor work rule, while a more serious intervention—or even termination—might be called for if an employee commits serious misconduct or doesn't improve a performance problem after receiving several opportunities to do so.

Most large employers use some form of progressive discipline, although they don't necessarily call it by that name. Whether they are referred to as positive discipline programs, performance improvement plans, corrective action procedures, or some other title, these systems are all similar at their core, even if they vary in the details. All are based on the principle that the organization's disciplinary response should be appropriate and proportionate to the employee's conduct.

The Benefits of Progressive Discipline

Using progressive discipline can help you get employees back on track. Done right, progressive discipline can:

- allow supervisors and administrators to intervene and correct employee behavior at the first sign of trouble
- enhance communication between supervisors and employees
- help supervisors achieve higher performance and productivity from their employees
- improve employee morale and retention by demonstrating that there are rewards for good performance and consequences for poor performance
- ensure consistency and fairness in dealing with employee problems, and
- lay the groundwork for fair, legally defensible employment termination for employees who cannot or will not improve.

Progressive discipline also helps you avoid the consequences of allowing workplace problems to continue unchecked. If you don't intervene, the employee may not know that his or her behavior

or actions are unacceptable. Not only will you have lost an opportunity to help the employee improve, but ESBOCES will continue to suffer the consequences of the employee's problem, which could result in reduced productivity and profits, quality control problems, lost opportunities or customers (i.e., district subscription to CoSers), low employee morale—and sometimes, costly litigation.

Progressive discipline requires you to let employees know what you expect; to be fair, consistent, and objective in imposing discipline; to include employees in the process of improvement; and to document your actions and decisions properly. By following these actions, you'll ensure that employees who are unable to or unwilling to improve won't have the legal ammunition to fuel a lawsuit. Regardless of the steps you need to take along the continuum of progressive discipline, you must be consistently respectful to employees.

A Framework for Progressive Discipline

A progressive discipline system or policy provides a basic framework for handling employee problems fairly and consistently, but it's only a start. To get the best results from progressive discipline, you can't just move mechanically from one disciplinary measure to the next until it's time to bring an employee up on charges (i.e., Section 75 or 3020-a charges). Instead, you must involve the employee in the process. The employee's engagement in improving his or her performance, behavior, or attitude will ultimately determine whether progressive discipline is successful.

What is a letter of reprimand? A letter of reprimand is a formal letter documenting an employee's unsatisfactory conduct or performance. You should issue a letter of reprimand when an employee has committed a serious offense or has had multiple and repeated infractions. A letter a reprimand can be issued at Level 4 or if the offense is serious enough to warrant the reprimand. Please consult with Human Resources for clarification on specific incidents. Letters of reprimand must be copied to HR so that it is placed in the employee's personnel file.

What is a letter of counsel? A letter of counsel is an informal letter to document a meeting or verbal conversation. This letter can be placed in the building or department level file and/or be sent to Human Resources to be placed in the personnel file, but it is not required.

General Steps

- Step 1: Gather Information

You need to know what's really going on before you can decide how to address it. Some situations are relatively clear cut. For example, an employee has been showing up to work late, missed a deadline, or failed to follow required safety procedures. However, if it's tough to tell exactly what the problem is or who's causing it, you may need to investigate a bit before deciding what to do. This can happen if, for example, one employee accuses another of misconduct.

- Step 2: Assess the Severity

How is the employee's problem affecting the company? It's important to determine the answer to this question before you impose discipline, for several reasons: it will help you choose an appropriate disciplinary measure; give you a basis for objective, consistent disciplinary decisions; and allow you to communicate to the employee the importance of the problem and why it has to change.

- Step 3: Decide How to Respond

The point of progressive discipline is proportionate response, meaning choosing a disciplinary measure that reflects how serious the problem is. In choosing a disciplinary measure, consider:

- The effect of the behavior: What impact is the behavior having on other employees, customers, business opportunities, and so on?
- The frequency of the behavior: A first-time problem calls for less formal intervention, while repeat offenders warrant a heightened response.
- The employee's disciplinary history: If you've already disciplined the employee for the same problem, increasing the intensity of supervision and discipline will be necessary.
- The legality of the behavior: Illegal behavior calls for more serious discipline and ***immediate*** action.

- Step 4: Prepare to Talk to the Employee

Plan ahead for your meeting, so you don't respond emotionally, and so you're ready to explain the problem and why it has to change. Make sure you have a few concrete examples of what the employee is doing wrong. You should also be prepared to explain exactly how the employee needs to improve and why. You might find it helpful to bring a copy of ESBOCES policies, the employee's job description, performance appraisals, or other documents where these expectations are clearly stated. (See the *Leveled Responses* template to help you prepare for an employee meeting)

- Step 5: Meet with the Employee

This is where your preparation will pay off in an honest, respectful session that paves the way for improvement. When you meet, you'll want to start by telling the employee what the problem is and how it's affecting the company. If you've already discussed this problem with the employee, you should briefly review those conversations.

You should listen carefully to the employee's response, both to make sure that discipline is in order and to find out why the problem is happening.

Once you and the employee have talked about the problem, it's time to start thinking about solutions. Help the employee come up with ways to solve the problem and get back on track. An employee who helps develop the action plan is much more likely to stick to it. After you come up with a general plan for improvement, talk about the details, especially what needs to happen, by when.

- Step 6: Document

There are many important reasons why you must put disciplinary decisions in writing. Of course, you'll want written proof that the employee was aware of the problem and received a fair chance to improve if the issue ever ends up in court. But documenting disciplinary decisions also helps you make sure you and the employee agree about what happened and what the employee will do about it. It creates a record for you or the employee's future managers and helps you identify patterns of problems on your team. Documentation can range from your personal notes, to a memo to the employee, to a memo to your director and/or Department of Human Resources. (See *Level 1-4 Framework* for more guidance on progression of documentation.)

- Step 7: Follow-up

Remember, the ultimate goal of discipline is to fix the problem and improve the employee's performance. You'll need to check in often on the status of the action plan and work closely with the employee to ensure a positive outcome. Progressive discipline is a process, not a single meeting or document. To get the most out of it, you need to stay involved until the problem is solved.

Level 1 – 4 Framework for Administrators & Supervisors

Use the template provided to prepare for your meeting!
It will be helpful when it comes time to document the meeting.

Level 1. INCIDENT CONVERSATION:

The first time inappropriate behavior is presented, speak to the employee as if (s)he were one of your best employees who simply made a mistake. You may decide to use an expression of concern, but make sure to include all substantive parts of the message:

- a. I noticed this: _____ . Is everything all right?
- b. This behavior is a problem because: _____ .
- c. It is my expectation that: _____ .
- d. End with, “I am just telling you because (1) I would want to know or (2) I believe you are the kind of person who wants such feedback so you can continue to be the best you can be.”

Whether the employee admits to the behavior or not, note whether the employee promises/commits that this will not occur in the future. Memorialize this conversation via a follow up email.

Level 2. PATTERN OF BEHAVIOR CONVERSATION:

- a. Use all parts of Level 1, except the “expression of concern.”
- b. Frame the conversation as a “**pattern of behavior.**”
- c. End with the understanding that the issue will be documented if it happens again or if it is serious enough now—end by telling the employee that you will be sending him/her a memo summarizing your discussion with him/her.

Level 3. BROKEN TRUST MEETING WITH FOLLOW-UP MEMO:

- a. Very CALMLY sit the employee down for a conversation with the same elements as above.
 - i. Observation of most recent event and reminder of the first two incidents.
 - ii. Frame the discussion in terms of a “**broken trust.**” Be aware that the employee may want to maintain focus on the content of the most recent event, including extenuating or mitigating circumstances. If necessary, refocus on patterns and trust (based upon previous conversations). End with expectations.
- b. Prepare a follow-up memo without exception—two previous conversations are sufficient. If there has been no change in behavior/conduct, it is absolutely reasonable to memorialize the previous two conversation and the current one in a memo to the employee. Be sure to reference all previous conversations (with dates and other specific data).

Level 4. CALL HUMAN RESOURCES FOR SPECIFIC PROCEDURES

Based on the nature of the misconduct, the response may include:

- a. a formal meeting preceded by an invitation to bring union representation. If the conduct or performance issue is egregious, it will likely result, at minimum, in a counseling memo in file.
- b. an investigation that requires the preservation of evidence (**sexual harassment or anything regarding a state or federally protected class MUST be forwarded to HR immediately**).
- c. Do you need a witness? If there are witnesses to an incident, perform both a face to face interview with the witness(es) and then ask the individual(s) to provide you with a detailed written statement of their recollection of the events.

IMPORTANT ITEMS TO REMEMBER

If you believe that the conversation at ANY stage may not result in improved behavior or if you have reason to believe that the information discussed at this meeting will either immediately or eventually lead to disciplinary steps, be sure to include a union representative. If the employee refuses to have a union rep present, be sure to do the following:

- Proceed with the meeting by telling the employee that you are willing to stop and adjourn the meeting if at any point they change their mind and decide they want a union representative present. You can adjourn the meeting for 5 minutes to see if a representative is available to join you immediately, or you can adjourn and reschedule to continue the meeting when a representative is available.
- Be sure to include in your follow-up memo (1) *“I suggested that you have a union representative present and you declined.”* (2) *“Even though you initially declined to have a union representative present, you later changed your mind and I afforded you the opportunity, by adjourning the meeting, to reschedule the remainder of the meeting when a representative was available to attend. The meeting did/will continue at TIME on DATE with UNION REP’s NAME present.”*
- You can insist that a union representative be present, even if the employee declines. When the meeting begins, the employee can tell the representative that they wish to continue the meeting with you without union representation. In that event, ask the representative to simply wait outside your office until the meeting has concluded. In this way, the representative is available and in close proximity in the event the employee changes their mind.

Example of Responses at Level 1 – 4

(Chronic Lateness)

Level 1. INCIDENT CONVERSATION:

In this example, an employee who generally arrives to work on time begins arriving to work 10 to 15 minutes late, once every 2 weeks or so. More recently, you observe that the employee arrives late to work every day this week. On Monday – Thursday the employee arrives between 8:15 and 8:25. This occasional lateness is now more frequent and it's time for a conversation. You have a conversation with the employee on Friday before the end of the day.

- a. *I noticed you have been arriving to work between 8:15 and 8:25 during this past week, including today. Is everything all right?*
- b. *This behavior is a problem because students and staff arrive for the beginning of the day, we start receiving calls from parents, and the rest of the agency's central offices open at 8:00. The work you perform is critical to the smooth operation of this building/main office, and when you are not here, that work either doesn't get done or falls on someone else.*
- c. *It is my expectation that you will resolve the personal issue that prevents you from arriving at work at the beginning of your scheduled work day. Additionally, if in the future you experience a similar situation or for some reason cannot arrive to work on time, please have a conversation with me in advance so I am informed and can review the situation with you. Thank you for being forthright by explaining your situation...*
- e. Use of this step depends on the situation. In this example, use of step "e" from the template doesn't make sense.

For purposes of this example, let's say the employee told you that they have been late to work because their spouse's car broke down, the repair requires a part that will be installed within two weeks, and for now they are sharing one car. The employee explains this is a temporary situation and just needs a little flexibility until the end of the month (two weeks from the date of this conversation). You tell the employee that you approve an adjustment to their schedule allowing them to arrive no later than 8:30 a.m. each day and to make up the time by taking only ½ hour for lunch. This arrangement ends on the 30th of the month, and on the 1st of the subsequent month, you expect the employee to arrive at work at 8:00 a.m.

The arrangement works, and on the 1st of the following month, the employee is back to working their regular 8:00 – 4:00 schedule. Two weeks later, you observe that they arrive at work at 8:20, and the following week, the employee arrives at work at 8:15 and 8:30 on two days.

Time for a level 2 meeting.

Level 2. PATTERN OF BEHAVIOR CONVERSATION:

Using the example above, the employee has not shown improvement in this area.

- a. *I noticed you have been arriving to work between 8:15 and 8:30 during the past two weeks. Is everything all right?*

The employee gives you a new reason for their lateness...

- b. Regardless of the new reason, frame the conversation as a “**pattern of behavior.**” Last month, you and I discussed the importance of you arriving to work on time. At that time, I made a concession, adjusting your schedule to provide flexibility for what you described as a temporary situation. You returned to your regular schedule as promised at the beginning of the month, and I was glad to have been able to provide some temporary flexibility to help you through a difficult personal situation. This situation that you described for me today is new. This is now becoming a pattern where circumstances in your personal life are interfering with the day to day operation of this office (notice we don’t say your personal life is interfering with your work). I empathize that this new situation presents a new challenge for you, and I trust you will find a solution so when we return to work on Monday you will arrive to work on time, on a consistent basis from thereon.
- c. End with the understanding that the issue will be documented if it happens again, or if it is serious enough, end by telling the employee that you will be sending them a memo summarizing your discussion.

For this particular situation, I would probably NOT do step C, but that decision would be based upon the response I get from the employee during this conversation.

Now fast forward three months later. You observe the employee is getting to work on time, when they come to work. During the past three months, the employee has called in using a ¼ sick day one to two times each week. Specifically, for the past six weeks it seems like the occurrence is more frequent, and you find your office chronically understaffed in the morning. In preparation for the meeting you will have with her, **quantify** the sick time used and revisit your notes from the first two meetings.

Level 3. BROKEN TRUST MEETING WITH FOLLOW-UP MEMO:

- a. Very CALMLY sit the employee down for a conversation with the same elements as above.

Add:

- i. Observation of most recent event and reminder of the first two incidents.

I scheduled this meeting with you to discuss your attendance. I have asked Mr. Pierce, your union representative, to join us. During the past 6 weeks you have called in to use a ¼ sick day on 10 occasions. I am deeply concerned about your attendance and its impact on this office.

Let’s review the past three months. I met with you on April 19th. That was the first time I spoke to you about attendance and timely arrival to work—at that time, you arrived to work late on 8 occasions between April 1 – April 19th. You explained that extensive repairs were required to your spouse’s car, that this impacted the commuting arrangement for you and your spouse, and you promised to be back to a regular schedule by April 30th.

I took you at your word, provided flexibility by temporarily adjusting your schedule to allow you to arrive 30 minutes later in the morning and take ½ of your lunch hour to make up the time. Then, only a few weeks after May 1st, you reverted to a pattern of arriving late to work. You and I met again and discussed the importance of managing personal issues so that they do not interfere with your work obligations. Since that conversation, you have taken seventeen (17) ¼ sick days – all in the morning, ten (10) of them within the past six (6) weeks. Can you explain the circumstances for which this pattern of attendance occurred?

The employee explains that their child has asthma and sometimes wakes up having an episode in the morning. Since the contract allows use of sick time for dependent children, the employee uses ¼ sick time to stay home with their child until the episode passes.

- ii. Frame the discussion in terms of a “**broken trust.**” Be aware that the employee may want to maintain focus on the content of the most recent event, including extenuating or mitigating circumstances. If necessary, refocus on patterns and trust (based upon previous conversations). End with expectations.

When we first spoke back in April, I explained that your absence negatively impacts the office and other staff members, and I expressed that you should communicate with me early on when you have an issue that will impact your timely arrival to work. Additionally, I provided flexibility and understanding based upon your situation then. Although you returned to a regular schedule May 1st, you shortly thereafter reverted to a pattern of showing up late to work, and I had to speak to you again. Now, as you described, you have another personal situation, and you are again absent from work as a result. I am not insensitive to the challenges of parenting a child with an illness such as asthma, but I also cannot be insensitive to the additional burden placed on other staff who arrive to work on time. These staff also have families and various personal demands from time to time, and yet they make arrangements so that these personal circumstances don’t interfere with their ability to perform their duties. I have provided you with flexibility, I have discussed these issues with you and took you at your word that you would take appropriate steps to get to work on time. At this point, I am left with no alternative but to begin documenting this pattern of absences from work.

- b. Follow-Up Memo without exception—two previous conversation are sufficient. If there has been no change in behavior/conduct, it is absolutely reasonable to memorialize the previous two conversation and the current one in a memo to the employee and copied to your Director. Be sure to reference all previous conversations (with dates, if possible).

NOTE: This situation will advance to your Director and to Human Resources if the attendance issues continue. In this illustration, we are still at level 3. The Director should be copied on the memo to the employee so that the Director is informed about the problem and has the history in the event it escalates to level 4.

Level 4. CALL HUMAN RESOURCES FOR SPECIFIC PROCEDURES

Based on the nature of the misconduct, the response may include:

- a. a formal meeting preceded by an invitation to bring union representation and counseling memo in file.
 - b. an investigation that requires the preservation of evidence (extreme situations—must be discussed with HR).
 - c. Do you need a witness? If there are witnesses to an incident, perform both a face to face interview with the witness(es) and then ask the individual witness(es) to provide you with a detailed written statement of their recollection of the events.
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IMPORTANT ITEMS TO REMEMBER REGARDING UNION REPRESENTATION

If you believe that the conversation at ANY stage may not result in improved behavior or if you have reason to believe that the information discussed at this meeting will either immediately or eventually lead to disciplinary steps, be sure to include a union representative. If the employee refuses to have a union rep present, be sure to do the following:

- Proceed with the meeting by telling the employee that you are willing to stop and adjourn the meeting if at any point they change their mind and decide they want a union representative present. You can adjourn the meeting for 5 minutes to see if a representative is available to join you immediately, or you can adjourn and reschedule to continue the meeting when a representative is available.
- Be sure to include in your follow up memo (1) *“I suggested that you have a union representative present and you declined.”* (2) *“Even though you initially declined to have a union representative present, you later changed your mind and I afforded you the opportunity, by adjourning the meeting, to reschedule the remainder of the meeting when a representative was available to attend. The meeting did/will continue at TIME on DATE with UNION REP’s NAME present.”*
- You can insist that a union representative be present, even if the employee declines. When the meeting begins, the employee can tell the representative that they wish to continue the meeting with you without union representation. In that event, you should ask the representative to simply wait outside your office until the meeting is concluded. In this way, the representative is available and in close proximity in the event the employee changes their mind.

Attendance by unit

- 1. BOCES Educators of Eastern Suffolk (BEES)**
 - a. Days Accrued Per Year: 15
 - b. Agency May Request Note After: 2 consecutive work days or 3 non-consecutive days within a week.
 - c. Conversion Language: A teacher who experiences serious illness of a member of the family or other extraordinary and/or unusual event(s) may make application to the Assistant Superintendent for Human Resources for the conversion of accumulated sick leave to personal days to be used during the aforementioned circumstance with the approval of the Chief Operating Officer. Prior to making application, the employee must have exhausted the current supply of personal days.
- 2. BOCES Educators of Eastern Suffolk - Para Educators/Sign Language Interpreters (PARA)**
 - a. Days Accrued Per Year: 12.50
 - b. Agency May Request Note After: 2 consecutive sick days or 3 non-consecutive sick days within the same week.
 - c. Conversion Language: A Para Educator/Sign Language Interpreter who experiences serious illness of a family member not covered by Section E(2) or other extraordinary and/or unusual event(s) may make application to the Assistant Superintendent for Human Resources for the conversion of accumulated sick leave to personal days to be used during the aforementioned circumstance with the approval of the District Superintendent or their designee. Prior to making application, the employee must have exhausted the current supply of personal days.
- 3. BOCES Staff Developers of Eastern Suffolk (Staff Dev)**
 - a. Days Accrued Per Year: 12
 - b. Agency May Request Note After: 3 days (consecutive or non-consecutive) within a week.
 - c. Conversion Language: Conversion is not covered in this contract.
- 4. Civil Service Employees Association - Adult Nursing Instructors Unit (ANI)**
 - a. Days Accrued Per Year: 11
 - b. Agency May Request Note After: 3 consecutive days.
 - c. Conversion Language: An employee may request unused sick leave be converted to personal days for documented emergency situations as defined on the Personal Day Request Form.
- 5. Civil Service Employees Association - BOCES 1, Unit #8768-01, Suffolk Educational Local 870 (CSEA)**
 - a. Days Accrued Per Year: 15
 - b. Agency May Request Note After: 2 consecutive working days or 3 non-consecutive working days within a week.
 - c. Conversion Language: An employee who experiences serious illness of a family member or other extraordinary and/or unusual event(s), may make application to

the Assistant Superintendent of Human Resources for the conversion of accumulated sick leave to personal days to be used during the aforementioned circumstance with the approval of the Chief Operating Officer. Prior to making application, the employee must have exhausted his/her current supply of personal days.

6. Civil Service Employees Association - BOCES Regional Data Processing Management and Supervisory Unit (DPMM)

- a. Days Accrued Per Year: 15
- b. Agency May Request Note After: After 4 consecutive working days, the Board may, if it has reasonable cause to believe that there is an abuse of sick leave policy, require an examination by an independent physician. Such examination is to be at the Board's expense.
- c. Conversion Language: An employee who experiences serious illness of a family member or other extraordinary and/or unusual event(s), may make application to the Assistant Superintendent of Human Resources for the conversion of accumulated sick leave to personal days to be used during the aforementioned circumstances with the approval of the Chief Operating Officer. Prior to making application, the employee must have exhausted his/her current supply of personal days.

7. Eastern Suffolk BOCES Administrative/Supervisory Unit (Admin Sup)

- a. Days Accrued Per Year: 15
- b. Agency May Request Note After: After 3 consecutive working days, ESBOCES may, if it has reasonable cause to believe that there is an abuse of sick leave policy, require an examination by an independent physician. Such examination is to be at ESBOCES' expense.
- c. Conversion Language: Accrued but unused sick leave days may be converted to personal time off if authorized by the Chief Operating Officer or his or her designee in cases of extreme emergency or a critical condition affecting the unit member or member of the unit member's immediate family.

8. United Public Service Employee Union (UPSEU)

- a. Days Accrued Per Year: 15 days (12 mo. employees) or 12.50 days (10 mo. employees)
- b. Agency May Request Note After: 2 consecutive working days, 3 non-consecutive working days within a week, or when taken before or after a long weekend or vacation period.
- c. Conversion Language: An employee who experiences serious illness of a family member or other extraordinary and/or unusual event(s) may make application to the Department of Human Resources for the conversion of accumulated sick leave to personal days. Such application will be reviewed and subject to the approval of the Chief Operating Officer or designee. Prior to making application, the employee must have exhausted his/her current supply of personal days.

9. United Public Service Employee Union - Adult Literacy Teachers and Adult Vocational Advisors Unit (Adult Lit)

- a. For Employees who work 30 or more hours per week*
 - i. Days Accrued Per Year: 6
 - ii. Agency May Request Note After: 2 consecutive working days, 3 non-consecutive working days within a week, or when taken before or after a long weekend or vacation period.
 - iii. Conversion Language: Not Applicable
- b. For Employees who work less than 30 hours per week*
 - i. These employees are timesheet pay only, and do not earn sick leave.

Here are some tips for addressing attendance issues with an employee who may have a medical condition:

Ask About the Cause

- Ask the employee if there's anything specific that's causing their absences, such as an underlying health issue or personal matter. While they aren't required to share health details, showing compassion may help you get to the root of the issue. You can also ask if there's anything you can do to help.

Review the CBA and Policy 5295

- Remind the employee of the attendance requirements based on their collective bargaining agreement and how their absences affect the team and organization. Your policy should clearly define what's considered excused and unexcused absences, how many absences are acceptable before disciplinary action, and how attendance will be tracked.

Schedule a Follow-up

- Set up a meeting to check the employee's attendance and provide any support they need.

Timeliness continuum for communicating with employee and/or documenting event

Event/Conduct/Incident

| | |
|--|---|
| <p>Before the sunsets today</p> | <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> |
| <p>By the end of the week</p> | <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> |
| <p>The next time a similar event occurs</p> | <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> |
| <p>Mid-year evaluation</p> | <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> |
| <p>End of year evaluation</p> | <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> |

Letter of Direction (Level 1)

NON-DISCIPLINARY

Employee's Name
Employee's Position
School/Department Name

Dear Employee's Name,

I am writing to follow up on our conversation today regarding [specific incident or behavior, e.g., your late arrival to work this morning]. As we discussed, your dedication to your role as [employee's position, e.g., a 3rd-grade teacher] is evident, and I appreciate the positive impact you have on our students and school community.

However, I wanted to express my concern about the incident, as [describe the impact of the behavior, e.g., arriving late disrupted the morning routine and affected the students' transition into the school day]. While I understand that situations may arise that are beyond our control, I trust that you share my commitment to ensuring that these disruptions are minimized as much as possible.

Please consider this letter as an expression of concern and a reminder of the importance of [specific expectation, e.g., arriving on time to maintain a consistent routine for your students]. I am confident that with your professionalism and dedication, this will not be a recurring issue.

If you have any concerns or need any support to prevent this from happening again, please do not hesitate to reach out. My goal is to support you in maintaining the high standards we all strive for here at [School Name].

Thank you for your attention to this matter and for your continued commitment to our students.

Sincerely,

Administrator's Name
Your Position

Sample memo

PLACED IN PERSONNEL FILE

Date

Employee's Name
Employee's Position
Department

Dear Employee's Name,

Subject: Letter of Reprimand for Attendance Issues

I am writing to formally address the issue of your consistent tardiness over the past few months. Your attendance record shows that you have been late to work on numerous occasions, averaging [number] minutes late per day. This pattern of behavior has had a noticeable impact on our team's productivity and the timely completion of our projects.

As you are aware, punctuality is critical to maintaining the efficiency and effectiveness of our operations. When team members are not present and ready to start work on time, it disrupts the workflow, delays scheduled meetings, and places additional strain on your colleagues who depend on your contributions. This is particularly significant in our department, where collaboration and coordinated efforts are key to our success.

During our meeting on [date], we discussed the reasons behind your tardiness and emphasized the importance of adhering to your scheduled work hours. While I understand that unexpected events can occur, it is essential to manage your time effectively and communicate any potential delays in advance.

To address this issue, we expect the following improvements:

- 1. Punctuality:** You must arrive at work on time, ready to start your duties promptly at [start time].
- 2. Communication:** If you foresee being late, you must inform your supervisor as soon as possible, providing a valid reason for the delay.
- 3. Consistency:** Maintain regular attendance without frequent lateness, ensuring that your attendance aligns with the company's standards.

Please consider this letter as a formal [reprimand or letter of counsel]. Continued tardiness will lead to further disciplinary action, which may include additional warnings, suspension, or even termination of employment if improvements are not observed.

We value your contributions to the team and believe that you can overcome this issue with the appropriate adjustments. Should you need any assistance or have any concerns that may be affecting your ability to arrive on time, please do not hesitate to discuss them with me.

Thank you for your attention to this matter. We look forward to seeing a significant improvement in your attendance.

Sincerely,

Your Name

Your Position

Sample memo

NOT REQUIRED TO BE PLACED IN PERSONNEL FILE

Date

Employee's Name
Employee's Position
Department

Dear Employee's Name,

Subject: Letter of Counsel for Poor Work Performance

I am writing to formally address concerns regarding your recent work performance. Over the past [specific period, e.g., three months], there has been a noticeable decline in the quality and consistency of your work, particularly in the areas of [specific areas of concern, e.g., reports, customer service, project deadlines].

As you know, maintaining a high standard of performance is crucial for the success of our team and the agency. Unfortunately, your recent performance has not met the expectations and standards set for your role. Specifically, [detail specific instances or metrics where performance has been lacking, e.g., "you have missed your X by an average of 20% for the last two quarters" or "there have been multiple district complaints about delays and quality of service"].

During our meeting on [date], we discussed these performance issues in detail. We identified several areas where improvement is needed and outlined a plan to help you achieve the required standards. Despite these efforts, there has been insufficient progress.

To address this issue and support your improvement, the following steps must be taken:

- 1. Performance Improvement Plan (PIP):** You are required to adhere to the Performance Improvement Plan established during our meeting. This includes specific, measurable goals and deadlines, which will be reviewed on a [weekly/bi-weekly/monthly] basis.
- 2. Training and Support:** Utilize the additional training and resources provided to you, including [specific training programs, coaching sessions, or tools].
- 3. Regular Check-ins:** Attend scheduled check-ins with your supervisor to discuss your progress, address any challenges, and receive feedback.
- 4. Meeting Deadlines:** Ensure all tasks and projects are completed on time and to the expected standard of quality.

This letter serves as a formal counsel. Continued poor performance will lead to further disciplinary action, which may include additional warnings, suspension, or potential termination of employment if significant improvement is not observed.

We value your contributions to the team and believe that you have the capability to meet these performance standards with the appropriate effort and support. Please take this matter seriously and make the necessary improvements to your work performance.

Should you have any questions or need further assistance, do not hesitate to reach out.

Sincerely,

Your Name
Your Position

Case Studies based on Levels 1-4

Case Study 1: Level 1 - Incident Conversation

Scenario:

Ms. Thompson, a 3rd grade teacher, arrives late to work for the first time. Her tardiness causes a delay in the morning routine, affecting the students' transition to the day.

Response:

Administrator: "Ms. Thompson, I wanted to speak with you briefly. I noticed that you were a bit late this morning. I know how dedicated you are to your students and the importance you place on starting the day on the right foot. I'm concerned because I understand how even a small delay can ripple through the morning routine. Is everything okay?"

Explanation:

The administrator approaches the situation as a one-time incident, acknowledging Ms. Thompson's generally strong performance and expressing concern for the impact on the students, rather than making it an immediate disciplinary issue.

Case Study 2: Level 2 - Pattern of Behavior Conversation

Scenario:

Mr. Garcia, a high school math teacher, has been observed leaving his classroom unattended during class time on multiple occasions. This has happened three times in the past month.

Response:

Administrator: "Mr. Garcia, I wanted to touch base with you about something that's come up a few times recently. I've noticed a pattern where you've had to step out of your classroom during instructional time. I know how committed you are to ensuring your students are focused and engaged, and I'm concerned that this pattern might start to disrupt the learning environment. If it happens again, we may need to document it, but I'm confident we can address it together before it reaches that point. Is there something going on that I should know about?"

Explanation:

The conversation frames the issue as a pattern of behavior, with the administrator maintaining a supportive tone. The teacher is made aware that future incidents will be documented, but the conversation is still approached with an assumption of professionalism.

Case Study 3: Level 3 - Broken Trust Meeting with Follow-Up Memo*Scenario:*

Ms. Lee, a middle school science teacher, has been repeatedly neglecting to follow the school's safety protocols during lab experiments, despite multiple previous discussions about the importance of these procedures.

Response:

Administrator: "Ms. Lee, I need to have a serious conversation with you. We've discussed the importance of following lab safety protocols several times, but it appears that these procedures are still not being consistently followed. This is not just about the rules; it's about the trust that we place in you to keep our students safe. I'm concerned that this trust is being broken, and we cannot afford to compromise on safety. I'll be following up with a formal memo to document this conversation, and we need to ensure that this issue is corrected immediately."

Follow-Up Memo:

A detailed memo is sent to Ms. Lee summarizing the conversation, reiterating the broken trust, and clearly stating the expectations moving forward.

Explanation:

The administrator frames the conversation in terms of broken trust, which signals the seriousness of the situation. The follow-up memo serves as a formal record of the conversation, ensuring the issue is documented.

Case Study 4: Level 4 - Call Human Resources for Specific Procedures*Scenario:*

Mr. Johnson, a physical education teacher, has been accused of inappropriate conduct towards students. The allegations are serious and require a formal investigation.

Response:

Administrator: "Mr. Johnson, we need to have a formal meeting regarding some serious concerns that have been raised. I'm advising you to bring union representation to the meeting, as we'll be discussing allegations that require a thorough investigation. In the meantime, we'll need to preserve any relevant evidence, and I'll be coordinating with Human Resources to follow the proper procedures. This is a very serious matter, and it's important that we handle it with the utmost care and integrity."

Explanation:

The situation is escalated to a formal meeting, and the teacher is advised to bring union representation. The administrator follows proper procedures, ensuring that the investigation is conducted professionally and that evidence is preserved.

NOTE: If the allegation is sexual in nature or violates a federally protected class, this will need to be handed over to the Human Resources department to conduct the investigation. Please contact HR for clarification before proceeding.

