

# Progressive Discipline Guide



2025 Edition

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Progressive discipline is the process of using increasingly severe steps or measures when an employee fails to correct a problem after being given a reasonable opportunity to do so. It is intended to be fair and consistent, and to provide employees with an opportunity to change and/or improve. **A large portion of the success or failure of the attempted corrective action lies with you as the supervisor; your leadership, guidance and support of the staff member is critical as we move through these steps.**

Generally, the progressive discipline process includes four steps, although CBA language should be reviewed to ensure the specific process for that workgroup is followed. These general steps include a verbal warning followed-up with an email, written warning or letter of direction, final warning or letter of reprimand and/or suspension, and termination. Steps can be skipped when situations are egregious, and some serious situations don't require progressive discipline at all.

In addition to CBA language, we must also consider and follow board policies and procedures. Personnel policies and procedures are located [here](#) and at [fpschools.org/about/policies-and-procedures/5000s-personnel](http://fpschools.org/about/policies-and-procedures/5000s-personnel). [Policy 5281](#) Disciplinary Action and Discharge specifically states grounds for disciplinary action or discharge.

**Human Resources must be included** in each step of progressive discipline. We are here to support you through this process. Chelsea Vanderford can assist with all classified issues and Mandie McAfee can assist with all certificated issues. After the letter of reprimand, the HR department must assume the lead role in progressive discipline as we approach possible suspension and termination. We appreciate the opportunity to discuss situations and review letters of discipline prior to them being delivered.



**When discipline is a potential outcome of a meeting/conversation with a union member, they MUST be offered the opportunity to have *their choice* of union representation with them at the meeting, even if this requires you to reschedule. This is referred to as “Weingarten Rights.”**

**LEAVE WITHOUT PAY progressive discipline** should be coordinated with Rhonda Grissom, Leave Coordinator. Please contact her when you become aware a staff member is out of leave or coming close to being out of leave to get the process started.

**Section 3.4 (E) INVESTIGATIONS/DISCIPLINARY ACTION**

- (1) Any complaint or accusation made against an employee which could result in disciplinary action or have an adverse impact on the employee's evaluation will be called to the attention of the employee within ten (10) working days of said complaint. Any complaint not called to the attention of the employee may not be used as the basis for any disciplinary action against the employee.
- (2) A certificated employee, at the employee's option, shall be entitled to have present a representative of the Association during any hearing called by the District, or an authorized agent of the District, wherein the certificated employee has a reasonable expectation that they might be disciplined or penalized.
- (3) Investigations of certificated employees resulting from complaints or accusations made against them shall take place in an expeditious manner. Materials gathered as a result of an investigation shall not be placed in the employee's personnel file until the investigation is concluded.
- (4) Certificated employees shall not be disciplined without just cause. The District agrees to follow a policy of progressive discipline and any disciplinary action taken against an employee shall be appropriate to the behavior which precipitates said action. Formal discipline shall be in private, with the exception of representation rights guaranteed by statute. The specific grounds forming the basis for any disciplinary action shall be provided to the employee in writing prior to any formal disciplinary action and the employee will be provided the opportunity to respond. Failure to employ a substitute shall not be considered a disciplinary action and shall not be grievable.

**Section 3.4 (F) DISCHARGE OR ADVERSE AFFECT (IMMEDIATE)**

If the District administration considers the immediate discharge of a certificated employee or the immediate adverse affect of their contract, the employee shall be notified and be given the opportunity to discuss the situation with the administrator in charge of personnel before action is taken. The employee may be accompanied and represented by a representative of the Association at this meeting. If, after generally reviewing the case, action is taken to recommend immediate discharge of the individual or immediate adverse affect upon their contract, they shall be notified in writing, consistent with the Agreement and any applicable statutes.

1. FPEA Verbal Warning recap email template
2. FPEA Letter of Direction template
3. FPEA Letter of Reprimand template

## **PSE – paras, Nutrition Services, IT, Maintenance, and some ELC staff**

PSE CBA linked [here](#).

### **Section 9.1. DISCHARGE OF EMPLOYEES**

The District may discipline and discharge any employee subject to this Agreement for justifiable cause.

**Section 9.1.1.** Employees will be provided information on the basis for any anticipated disciplinary action, and given the opportunity to respond, before discipline is imposed. The District will make a good faith effort to investigate and bring complaints to employees' attention in a timely manner after any complaint is received by the District.

### **Section 9.1.2.**

The Association will be notified prior to the District issuing any formal discipline to an employee.

### **Section 9.1.3.**

Before terminating any employee for performance deficiencies, the District will first provide the employee with notice of such deficiencies and a reasonable opportunity to improve. The District will provide notice to the Association when an employee is placed on a plan of improvement. A reasonable plan of improvement shall be provided prior to any notice of termination. The plan of improvement will be based upon the specific circumstances and performance deficiencies demonstrated by the employee but shall include at least the following elements:

1. Notice of specific performance deficiencies.
2. Notice of the length of the plan of improvement.
3. Notice of the specific goals for employee improvement.
4. Notice of assistance to be offered to the employee, as appropriate, to allow the employee to meet the specified performance goals.

Lack of necessary improvement during the established improvement period, as specifically documented in writing with notification to the employee, or lack of sustained improvement following completion of the improvement period, constitutes grounds for termination of employment. The provision shall not apply in situations where employees are within their probationary period terminated or otherwise disciplined for misconduct.

### **Section 9.2.**

The issue of justifiable cause shall be resolved in accordance with the Grievance Procedures of this Agreement.

1. PSE Non-disciplinary letter of direction template
2. PSE Letter of Direction template
3. PSE Letter of Reprimand template

**Article 5.3** Any complaint or accusation made against an employee which could result in disciplinary action will be called to the attention of the employee within ten (10) working days of said complaint. Any complaint not called to the attention of the employee may not be used as the basis for any disciplinary action against the employee.

**Article 5.4** An employee, at their option, shall be entitled to have present a representative of the Association during any hearing called by the District, or an authorized agent of the District, wherein the employee has a reasonable expectation that they might be disciplined or penalized.

**Article 5.5** Investigations of employees resulting from complaints or accusations made against them shall take place in an expeditious manner. Materials gathered as a result of an investigation shall not be placed in the employee's personnel file until the investigation is concluded.

**Article 5.6** Employees shall not be disciplined without just cause. The District agrees to follow a policy of progressive discipline and any disciplinary action taken against an employee shall be appropriate to the behavior which precipitates said action. Formal discipline shall be in private with the opportunity for representation to be present. The specific grounds forming the basis for any disciplinary action shall be provided to the employee in writing prior to any formal disciplinary action and the employee will be provided the opportunity to respond. Failure to employ a substitute shall not be considered a disciplinary action and shall not be grievable.

**Article 5.7 DISCHARGE OR ADVERSE AFFECT (IMMEDIATE).** If the District administration considers the immediate discharge of an employee or the immediate adverse affect of their employment, the employee shall be notified and be given the opportunity to discuss the situation with the administrator in charge of personnel before action is taken. The employee may be accompanied and represented by a representative of the Association at this meeting. If, after generally reviewing the case, action is taken to recommend immediate discharge of the individual or immediate adverse affect upon their employment, they shall be notified in writing, consistent with the Agreement and any applicable statutes.

**Article 5.8** Upon termination, the employee is entitled to cash out any accumulated vacation up to thirty (30) days. An employee may not cash out more than 30 total days of cumulative personal leave or vacation during their last two years of employment prior to retirement if doing so would result in excess compensation liability under Department of Retirement System (DRS) rules.

**Article 5.9** When possible, an employee shall give at least two (2) weeks written notice when terminating from District employment. The employer is obligated to give a minimum of two (2) weeks' notice to the employee prior to a layoff or two (2) weeks' salary in lieu thereof.

1. FPESP Verbal Warning recap email template
2. FPESP Letter of Direction template
3. FPESP Letter of Reprimand template

## **Article 13 – Discipline, Discharge or Termination**

### **Section A Just Cause**

The Employer has the right to discipline and discharge any employee for just and sufficient cause (see Appendix B). Any dispute regarding the appropriateness of discipline may be resolved in accordance with the grievance procedure of this Agreement.

### **Section B Progressive Discipline**

A progressive disciplinary policy will normally be followed by the District when deemed necessary to discipline an employee. Discipline may include, but is not necessarily limited to, the following steps, which are listed in order from least to most severe: (1) verbal warning(s), (2) written warning(s) or reprimand(s), (3) suspension, (4) termination. Any disciplinary action taken against an employee shall be appropriate to the behavior which precipitates said action, and the District may impose discipline at a higher step up to and including termination if the District determines that the conduct is of sufficient severity to warrant such discipline. Other forms of discipline including but not limited to demotion may also be appropriate under the circumstances.

In respect to discharge or suspension the District shall normally give at least one (1) written warning letter of the complaint against such employee (except employees on probation) to the employee and a copy of same to the Union, except that no warning letter need be given to an employee before they are discharged or suspended if the cause of such discharge or suspension is for theft, criminal conduct, dishonesty, insubordination, being under the influence of drugs or alcohol while on duty, inappropriate behavior toward students or coworkers, and/or issues of parallel magnitude as determined by the District.

### **Section C Termination**

Any employee terminating voluntarily shall give the District two weeks written notice stating reasons for the resignation.

1. IUOE Verbal Warning recap email template
2. IUOE Letter of Direction/Warning template
3. IUOE Letter of Reprimand template

## **Teamsters – bus drivers, dispatchers, routers and mechanics**

Teamsters CBA is linked [here](#).

**Section 14.1** The employer may discharge or suspend any employee for just cause, but no employee shall be discharged or suspended unless a written warning notice shall have been previously given to such employee of a complaint against him/her concerning their work conduct, except that no such prior warning shall be necessary, if the cause for discharge or suspension is a more serious concern, including, for example, the following conduct:

1. dishonesty, (including, but not limited to, theft, falsification of records, including time records);
2. drinking related to their employment, the use or possession of unlawful controlled substances or otherwise violating District Policy and Regulation relating to alcohol and drugs (provided that such discipline or discharge shall not violate valid federal regulations governing drug testing of drivers);
3. recklessness or disorderly conduct (including, but not limited to, destruction and damage of District property or the property of other employees);
4. non-compliance with Federal or State regulations or Franklin Pierce School District procedures, regulations and policies.

The above is not intended to be an exhaustive list.

A copy of such warning notice shall be mailed or faxed to the Union at the time it is given to the employee.

The District and Union acknowledge that the principle of progressive discipline is one way to solve and correct work conduct issues. Consistent with District policies and procedures and the principles of just cause, any discipline imposed for misconduct and other performance issues will be proportional to the magnitude, severity, and frequency of the misconduct.

Progressive discipline may include, but is not necessarily limited to, the following steps, which are in order from least to most severe: (1) verbal warning(s), (2) written warning(s) or reprimand(s), (3) suspension, and (4) termination. Any disciplinary action taken against an employee shall be appropriate to the behavior that precipitates said action, and the District may impose discipline at a higher step up to including termination if the District determines that the conduct is of sufficient severity to warrant such discipline. Other forms of discipline including but not limited to demotion may also be appropriate under the circumstances.

The District will notify the Union when they are investigating an employee. Following investigation of allegations of employee misconduct, the District will make a good faith effort to issue any corrective action within thirty (30) working days following the conclusion of the investigation. The District will inform the employee and the Union if the District needs additional time to determine whether corrective action is necessary.

Consistent with its obligations under state and federal law, the District will provide employees an opportunity for a pre-determination meeting to discuss any evidence and findings prior to imposing severe discipline. Following any pre-determination meeting, the District will notify the employee and Union of its decision.

Any disciplinary notice shall clearly indicate the nature of the discipline being imposed (e.g., “verbal warning,” “written warning,” or “suspension”).

**Section 14.2** An employee may request an investigation of their discharge or suspension or any warning notice. Any such protest shall be presented to the District in writing within ten (10) working days after the receipt of notice by the employee of the discharge, suspension or warning notice; and if not presented within such period, the right of protest shall be waived.

**Section 14.3** An employee on justifiable suspension is severed from the payroll and receives no benefits for the period of suspension.

**Section 14.4** Any employee terminating voluntarily shall give two weeks written notice when possible.

1. Teamsters Verbal Warning recap email template
2. Teamsters Letter of Direction template
3. Teamsters Letter of Reprimand template

## **Non-Represented Staff – Professional Technical staff and Administrators**

NR handbook is linked [here](#).

Without a CBA, the District must rely on board policy and procedure. This group and process includes AFPP – Association of Franklin Pierce Principals.

**Policy 5281 Disciplinary Action and Discharge** states:

### **Grounds for Disciplinary Action or Discharge**

Staff who fail to fulfill their job responsibilities or follow the reasonable directions of their administrators, or who conduct themselves on or off the job in ways that affect their effectiveness on the job may be subject to disciplinary action or discharge. Behavior, conduct, or action that provides sufficient cause may warrant disciplinary action or discharge. Such behavior, conduct, or action may include, but is not limited to:

- A. Incompetence;
- B. Inefficiency;
- C. Misappropriation or misuse of district property;
- D. Neglect of duty;
- E. Insubordination;
- F. Conviction/guilty plea of any crime which adversely affects the employee's ability to perform a job including any felony crime involving:
  - 1. The physical neglect of a child;
  - 2. The physical injury or death of a child;
  - 3. Sexual exploitation of a child;
  - 4. Sexual offenses;
  - 5. Promotion of a minor for prostitution purposes; or
  - 6. The sale or purchase of a minor child.

Employees are required to report in writing to the superintendent any conviction or guilty plea of the above referenced crimes (and of any other crimes that are workplace related) within five days of conviction or guilty plea;

- G. Malfeasance;
- H. Misconduct;
- I. Inability to perform job functions;
- J. Willful violation of district policies, procedures, laws, or regulations;
- K. Mistreatment, abuse or assault of fellow workers, students, or members of the public;
- L. Conflict of interest;
- M. Abuse of leave;
- N. Unlawful harassment, verbal abuse, physical abuse, or sexual misconduct toward staff, students, or members of the public;
- O. Manufacture, possession, distribution, sale, or being under the influence of alcohol, controlled, illegal, addictive or harmful substances, including anabolic steroids;
- P. Conduct (whether on the job or off the job) that has a substantial negative impact on performance;
- Q. Mental or physical inability to perform the essential job duties;
- R. Intemperance;
- S. Intentional discrimination or harassment;
- T. Vulgar speech or actions;

- U. Use of habit forming drugs without pharmaceutical prescription by a doctor of medicine licensed to practice in the state of Washington;
- V. Use of alcoholic beverages on district premises or at a district sponsored activity off the district premises;
- W. Use of district supplies and equipment for personal betterment or financial gain or other improper purposes;
- X. Falsification or omission of material information from district records or any report or statement required of or submitted by the employee. This includes, but is not limited to, providing false information to the district (i.e., timesheets, application materials, during formal investigations);
- Y. Engage in the obstruction of justice, which includes witness intimidation, retaliation, destruction of evidence, or engaging in conduct to compromise an investigation or inquiry of misconduct; or
- Z. Engage in any other conduct that lacks educational value/legitimate professional purpose and harms students.

In the event that allegations or charges are made against a staff member for misconduct with minors, the superintendent may contact the Child Protective Services central registry for evidence regarding whether the staff member is an adjudicated or admitted perpetrator of child abuse or neglect. Appropriate reports will also be made to law enforcement, the Office of the Superintendent of Public Instruction, and the student's parents or guardians, as required by law.

#### **Nondisciplinary dismissal**

Nonrepresented classified employees and certificated administrators may be subject to nondisciplinary dismissal for behaviors such as, but not limited to refusal to provide proof of vaccination or refusal to obtain a medical or religious accommodation. The option to use nondisciplinary dismissal does not obligate the district to do so or in any way limit or prevent the district from pursuing other responses as determined by the superintendent or designee.

#### **Abuse and Sexual Misconduct**

The district will not enter into any contract that is contrary to law to suppress information about verbal or physical abuse or sexual misconduct by a present or former employee and will comply with all legal requirements regarding such misconduct.

The district, or an individual acting on behalf of the district, shall not provide a recommendation of employment for a current or former employee, contractor, or agent that the district or individual acting on behalf of the district knows or has probable cause to believe has engaged in sexual misconduct with a student or minor in violation of the law. District/school employees, contractors, and agents are also prohibited from providing a recommendation of employment to a current or former employee, contractor, or agent that the employees, contractors, or agents know or has probable cause to believe engaged in sexual misconduct with a student or minor in violation of the law. This does not prohibit the routine transmission of administrative or personnel files but does prohibit doing more than that to help the current or former employee obtain new employment.

1. NR Verbal Warning recap email template
2. NR Letter of Direction template
3. NR Letter of Reprimand template

## **FPEAAA – Coaches and Extracurriculars**

FPEAAA agreement linked [here](#).

**Section 2.1(C)** An employee, at their option shall be entitled to have present a representative of the Association during any meeting called by the District, or an authorized agent of the District, wherein the employee has a reasonable expectation that they might be disciplined or penalized.

**Section 2.1 (D)** Employees shall not be disciplined without just cause. Any action taken against an employee shall be appropriate to the behavior which precipitates said action. Formal discipline shall be in private. The specific grounds forming the basis for any disciplinary action shall be provided to the employee, in writing, prior to any formal disciplinary action. Any complaint or accusation made against an employee which could result in disciplinary action or have an adverse impact on the employee's evaluation will be called to the attention of the employee within ten (10) working days. Not returning an employee to a position or stipend for the next season or activity shall not be construed as discipline.

**Section 2.1 (E)** Each employee shall have the right to inspect their own personnel file at any reasonable time. The employee shall have access to all material in the file except those items from the confidential college placement file. Non-confidential file material shall be reproduced for the employee if requested. The employee shall pay for the expense of such reproduction. The District shall send the appropriate employee a copy of any letters of complaint within ten (10) working days of receipt of said complaint and, if such letter is placed in the personnel file, the employee may answer the complaint and attach the answer to the letter. All derogatory materials from the employee's personnel file shall be removed at the request of the employee three (3) calendar years after the letter is placed in the file except those items disallowed under State statute. This provision shall not be construed to prohibit the District from maintaining records of investigations or discipline in files other than the employee's personnel file, nor shall this provision be construed as a limitation on matters which may be considered by the District or an arbitrator in determining the appropriate level of discipline for an act of employee misconduct. Such request must be made in writing to the Director of Human Resources. The employee's annual evaluation shall be exempt from this provision. Employees shall have the right to respond, in writing, to any material contained in their personnel file. Materials gathered, as a result of an investigation, shall not be placed in the employee's personnel file until the investigation is concluded.

**Section 2.1 (F)** Investigations of employees resulting from complaints or accusations made against them shall be completed within thirty (30) days of the incident giving rise to the investigation except in cases involving outside agencies, lack of employee cooperation, or other circumstances beyond the District's control. Nothing herein shall be construed to limit the District's authority to determine whether to offer a new contract to an employee in a subsequent season.

1. FPEAAA Verbal Warning recap email template
2. FPEAAA Letter of Direction template
3. FPEAAA Letter of Reprimand template