



Policy HR 8.9 Progressive Discipline

Adopted by the Library Board of Trustees: 01/24/2013

This policy establishes a protocol for working through and resolving employee behavior and conduct issues that negatively impact library service and negatively affect the workplace. Generally, discipline should be progressive in nature and is intended to encourage the employee to correct his/her conduct or behavior. This policy on progressive discipline is for guidance of supervisory personnel only.

The Library recognizes that each disciplinary decision and termination must be judged on its own particular facts. Fairness and common sense dictate that these unique situations will be reviewed and decided in the context of surrounding circumstances. Discipline may be initiated for various reasons, including, but not limited to insubordination or violation of the Library's policies. The severity of the disciplinary action generally depends on the nature and severity of the offense and the employee's overall work record, and may range from one or more verbal notices to termination.

I. Factors considered prior to implementing progressive discipline

The Library will consider a number of factors when considering discipline. They include, but are not limited to:

- a. The seriousness of the offense;
- b. The number of offenses committed;
- c. The results of a fair and impartial investigation;
- d. Consideration of any mitigating circumstances;
- e. The employee's prior work history; and
- f. Consideration as to whether the proposed discipline is proportional to the seriousness of the offense.

The determinations of the underlying facts and the appropriate level of discipline or corrective action under the circumstances are at the sole discretion of NOLS.

2. Steps in progressive discipline

Generally, progressive discipline proceeds as follows:

- a. Verbal notification: In the case of a less serious offense or unacceptable trend in behavior and/or conduct, under normal circumstances an employee shall be notified verbally at least once by his or her supervisor of the problem to be resolved and the need for correction. Verbal reprimands are only issued with prior approval from the Library Director or designee. A supervisor may or may not choose to make notation of a verbal warning part of the employee's personnel file. If the verbal warning has been noted in the employee's personnel file, the warning shall be removed from the file after six (6) months if no further incidents relating to the same issue(s) occur.

- b. Written notice: If the problems or offenses continue after the employee is given verbal notification, a written notice may be issued, and a copy placed in the employee's personnel file. Written notices are only issued with prior approval from the Library Director or designee. An employee may be given a written notice without a previous verbal notification if the facts in the instance warrant such action. The written notice shall be removed from the employee's file after one (1) year if no further incidents relating to the same issue(s) occur.
- c. Suspension without pay: An employee whose unacceptable conduct is not resolved following verbal and written notices may be suspended for up to four weeks without pay or benefits. The employee's supervisor will determine the length of the suspension in consultation with the Library Director or designee. If the supervisor, manager or Director believes a situation exists requiring the suspension of an employee, the supervisor, manager or Director shall thoroughly document the reason for such action, explaining how the employee's continued presence at the work site could be detrimental to the Library or cause public harm. The employee will be given written notice prior to the suspension.

Suspension without pay may be implemented without imposition of a verbal and written notification if the employee misconduct is egregious enough to warrant such action or in other severe circumstances. Prior approval by the Director or designee is required before a suspension is implemented.

The employee will be offered an informal opportunity to meet with the Director or designee to discuss the charges and the facts on which the charges are based, offer defense and mitigation and correct any misunderstandings of fact. The employee may provide information at this meeting verbally or in writing. The Director or designee will establish a reasonable deadline for receiving additional information from the employee, and the Director or designee will carefully consider this information before deciding whether a suspension without pay should be imposed. Upon consideration of the entirety of the circumstances, the Director or designee shall send a letter to the employee explaining the findings and the action to be taken. The employee shall be notified either by hand-delivering the letter, or when the employee is not available, by certified mail to the employee's last known address.

The record of a suspension shall be removed from the employee's personnel file after three (3) years if no further incidents relating to the same issue(s) occur.

- d. Termination: Should an employee fail to adequately respond to verbal and written notifications of unsatisfactory conduct, or in the event of an extremely serious offense, the employee's employment may be terminated. The employee will be given written notice prior to termination.

If the misconduct is egregious enough, termination may be implemented without imposition of verbal and written notifications or suspension.

Prior approval by the Director or designee is required before a termination is implemented. The employee will be offered an informal opportunity to meet with the Director or designee to discuss the charges and the facts on which the charges are based, offer defense and mitigation and correct any misunderstandings of fact. The employee may provide information at this meeting verbally or in writing. The Director or designee will establish a reasonable deadline for receiving additional information from the employee, and the Director or designee will carefully consider this information before deciding if termination should be imposed.

Upon consideration of the entirety of the circumstances, the Director or designee shall send a letter to the employee explaining the findings and the action to be taken. The employee shall be notified either by hand-delivering the letter, or when the employee is not available, by certified mail to the employee's last known address.

3. At-will employees excepted

Nothing in this policy modifies NOLS's employment at-will policy. Therefore, unless otherwise provided, at-will employment may be terminated for any lawful reason at any time, with or without notice.

4. Administration

The Library Director shall be responsible for the administration of this policy.