

Administrative Procedures

<p>AP-513</p> <p>PROGRESSIVE DISCIPLINE</p>	<p>Date of implementation: Fall 2017</p> <p>Date of update: April 18, 2019</p>
	<p>Related Administrative Procedures:</p> <p>AP-503 Professional Growth, Supervision and Evaluation</p> <p>AP-509 Employee Complaints and Grievances</p>

Purpose: To set and maintain standards of conduct within the Division and, in doing so, ensure that all employees are treated fairly and consistently. It is designed to help and encourage all employees to achieve and maintain satisfactory standards of conduct, rather than a means of imposing penalties.

Scope:

This procedure applies to all individuals employed in the Division. This procedure does not limit or amend the provision of any collective agreement or other contract.

1) Procedure:

The Division expects that all employees will be conscientious and motivated by self-respect and professionalism to conduct themselves in a manner that achieves this goal. When there are instances of unacceptable behavior or willful violation of Division policies, practices or procedures, it is the Division's responsibility to provide disciplinary action that is consistent, proper, fair and equitable, and in a manner that maintains the dignity of the employee. Each step of the disciplinary process serves to increase the awareness that the end result, if unsatisfactory behavior continues, is dismissal.

The Division adopts the concept of non-disciplinary coaching of an employee, where appropriate, prior to the initiation of the progressive discipline procedures. Employee coaching is a nonjudgmental stance whereby the supervisor inquires, probes for details, and encourages thinking about patterns, possibilities and connections. Coaching promotes the employee's professional growth and supervisors are encouraged to use coaching to attempt to resolve potential issues prior to implementing the first stage of progressive discipline.

The disciplinary procedure is normally only used where other interventions have failed to produce the required improvement or when the conduct matter is sufficiently serious to require immediate formal action. The employer may, at its discretion, repeat lower levels of discipline prior to advancing to the next level.

For newly appointed employees who are in their probationary period, the Division retains the discretion to vary the procedure accordingly in respect of formal warnings, up to and including termination for a first breach of conduct rules.

Prior to initiating progressive discipline, the employer shall ensure that all potential needs for accommodation have been identified and that accommodations, up to undue hardship, are explored and implemented.

2) Progressive Discipline

- a) The Division adopts the method of progressive discipline, but recognizes that there may be instances of a serious nature where the Division may need to make decisions related to employment in a manner other than what is outlined here. The Division will ensure that the disciplinary action taken is commensurate with the severity of the offence.
- b) Supervisors are encouraged to consult with Human Resources prior to initiating any employee discipline.
- c) Levels of progressive discipline are as follows:
 - i) Verbal Warning
 - ii) Written Warning
 - iii) Suspension
 - iv) Dismissal
- d) Discipline of a Teacher
 - i) A teacher who is the subject of employee discipline shall be made aware of their right to have a Saskatchewan Teachers' Federation (STF) representative present.
 - ii) Termination of a teacher's contract will be carried out in accordance with Section 210 of *The Education Act, 1995*.
 - iii) The Division recognizes the right of a teacher to appeal any disciplinary action taken by the Division against a teacher as outlined in Sections 216, 217 and 217.1 of *The Education Act, 1995*.
- e) Discipline of a CUPE Employee
 - i) A CUPE employee who is the subject of employee discipline shall be made aware of their right to have a union representative present as per the Collective Bargaining Agreement.
 - ii) Discipline of a CUPE employee will be carried out in accordance with this procedure and is subject to the provisions of the CUPE Collective Bargaining Agreement.
 - iii) Termination of a CUPE employee's employment will be carried out in accordance with this procedure and is subject to the provisions of the CUPE Collective Bargaining Agreement.
- f) Discipline of all Out-of-Scope and Exempt Employees
 - i) Discipline of all out-of-scope and exempt employees will be in accordance with this procedure. An out-of-scope or exempt employee, who is the subject of employee discipline, may request the support of a colleague or other person.

g) Documentation

- i) Documentation consists of all notes created prior to and at each step of the disciplinary process that outline the facts of an incident or issue resulting in a verbal warning, copies of letters of reprimand or warning, suspension notices or termination letters.
- ii) All letters of warning, suspension or termination will be initiated by the Superintendent or designate and prepared with Human Resources.
- iii) All letters will include the reasons for the warning, suspension or termination, as well as dates indicating period given for performance improvement, suspension period or termination date.

h) Confidentiality

- i) To ensure the privacy of the employee, all documentation relating to disciplinary actions will be placed in the employee's personnel file and kept in a secure place.

i) Review

- i) If an employee, who does not have access to a Grievance Procedure or an equivalent process, feels that they have been wrongfully accused or disciplined or are not content with the results of an investigation, they may request a review of the decision by Human Resources within ten (10) working days of the disciplinary action.
- ii) The request for review must include:
 - Details of the discipline
 - Events surrounding the discipline
 - Why the employee feels the discipline is not warranted or appropriate.
- iii) Human Resources shall review and respond to all written requests for review within ten (10) working days.
- iv) Any further appeal shall be made within fourteen (14) days to the Director of Education as described in AP-516 General Appeals Procedure.

References: Current Collective Bargaining Agreements