

MEMORANDUM

TO: Pam Eastwood, Human Resources Director

FROM: Town Employee Forum Working Group 5
Maggie Burnett, Group Leader

SUBJECT: Clarification of Disciplinary Action Policy

DATE: July 15, 2003

In our discussion of the steps of disciplinary action referred to in the Town of Chapel Hill Employee Handbook of December, 2001 (section 5, page 5) we find ourselves searching for clarification of the use of a final written warning. Where in the disciplinary steps should a final written warning be issued? Should it precede any disciplinary action (such as a suspension) or should it only be issued when recommendation for termination is the next step?

Use of Written Warnings in Disciplinary Actions: Policy Interpretation

The Town of Chapel Hill Discipline and Warning Actions Policy is intended to be progressive and corrective in nature; that is, actions by supervisors and managers are intended to be appropriate in severity to the issue under discussion, and the disciplinary or corrective action is intended to clearly inform the employee of the problem, indicate specifically what behavior or work performance is not acceptable, what correction of behavior or work performance is expected in the future, and what the consequences of either reoccurrence or failure to correct in the future will be.

The current policy lists disciplinary actions or sanctions which may be imposed as:

Disciplinary suspensions without pay
Involuntary demotions
Termination

The policy states that "counseling memos, warning letters, reprimand or negative performance evaluations are not disciplinary actions; however their content may include warnings that disciplinary action may be a consequence if performance is not improved or if the conduct is repeated."

There is a section in the current policy on written warnings which goes into detail about the corrective intention of these, in improving performance rather than punishment. It talks about warnings as including "more emphasis on an implicit or explicit "or else, specifying the next disciplinary action which will be taken if behavior or performance does not improve.

The section on Final Written Warning discusses this action as the "last stage before a serious disciplinary action, usually termination, is taken." It "spells out the specific steps the employee must take to avoid termination, often including a time limit for improvement".

First and final written warnings are often used to be absolutely sure that the employee understands the behaviors or work performance to be corrected and the steps needed to accomplish this, including any time frames involved. This is usually very effective in helping the employee who may not understand what he/she needs to do differently.

Since I have been working with the Town, I have advised department heads in a number of disciplinary cases to use either first or final written warnings in documenting discussions with employees about unsatisfactory behavior or work performance.

While the current policy does not specify a sequence or order for these various disciplinary actions, I have advised that they be used in different ways, depending on the severity of the issue being discussed.

I hope this interpretation is helpful in understanding the application of this policy. Generally speaking, department heads and supervisors consult with me before initiating action, so I have an opportunity to guide and advise them. I will be happy to discuss this further if it would be useful.

Prepared by Pam Eastwood
Director of Human Resources
Town of Chapel Hill
July 31, 2003