
Medicine Hat Public Library
Category: Human Resources

Policy No. HR.12
Title: Employee Discipline
Date Approved: 2005 12 07

Purpose: To ensure fair and equitable disciplinary action for all Library employees and outline a procedure for positive and meaningful discussion to reduce the need to utilize disciplinary action. Inherent in this policy is the expectation that all Library employees will conduct themselves in a professional manner toward their jobs, their colleagues, and members of the public as outlined in the Code of Conduct.

1. Principles:

- 1.1. Information concerning rules, regulations, performance standards, and policies applicable to employees of the Medicine Hat Public Library must be available to all employees. Employees must be aware of the consequences of infractions and the general procedures followed in the application of discipline. An employee cannot, in most instances, be disciplined for unsatisfactory performance, or breaches of rules and regulations unless it can be demonstrated that the employee was reasonably aware of what was expected.
- 1.2. The onus is on the employer to provide justification for applying discipline.
- 1.3. Employees must be made aware that their work performance or conduct is unsatisfactory and then be given the opportunity and assistance to improve, unless the severity of the infraction warrants immediate disciplinary action.
- 1.4. In the event an employee is not maintaining satisfactory job performance or conduct, a determination must be made regarding the employee's capacity to improve.
- 1.5. It is each supervisor's responsibility to maintain a record of work-related concerns for every employee, to be filed in the employee's temporary personnel file. Lack of documentation may result in disciplinary action being overturned should the matter be challenged. Documentation should occur as soon after an incident as possible.

2. Except in the case of serious misconduct, an informal meeting between employee and supervisor is the initial step in dealing with a job performance or conduct problem. These meetings involve recognizing the problem in its early stage, discussing the matter with the employee, and assisting the employee in achieving the expected job performance standards or conduct.

If applicable, a time period within which the problem is to be addressed should be established and a date set for a further meeting or an evaluation.

Where applicable, the employee may be directed by their supervisor to attend professional counselling sessions. If the employee refuses to attend the counselling sessions and job performance or problem conduct does not improve, the refusal shall be dealt with as a disciplinary matter. Any cost to the employee for the sessions shall be covered by the Medicine Hat Public Library.

3. Performance evaluations allow supervisors to outline employees' areas of strength and areas requiring growth. They provide a structure for discussing performance expectations

and a non-threatening environment to discuss performance issues. Regular evaluations document growth and change in employee performance. This is the first level where problems concerning job performance or conduct are formally documented and discussed.

All job performance or conduct problems raised in an evaluation should have been expressed to the employee prior to the evaluation in an informal meeting, allowing the employee an opportunity to alter his/her work behaviour before a written record is generated.

4. If informal meetings and evaluations do not resolve the issue, the following disciplinary procedure is followed, where the objective of all but the final stage is to encourage improvement.
 - 4.1. Written Reprimand
 - 4.2. Suspension
 - 4.3. Discharge
5. At any meeting within the formal disciplinary procedure the employee has the right to have a union representative, or an advocate or peer, present to observe and document on the employee's behalf. In the case of 4.2 or 4.3, attendance of a union representative (if applicable) is essential at all meetings involving the employee.
6. At all stages in the formal disciplinary procedure written notice shall be presented to the employee and signed by the employee to indicate receipt of the same. Refusal to sign shall be documented and signed by presenter. A copy of the notice shall be forwarded to the Union (if applicable). In the case of 4.2 and 4.3, a copy of the notice shall also be forwarded to the Human Resources Committee.
7. Written reprimand is usually applied in instances where the employee has failed to respond to positive support through meetings and evaluations, but may be the initial step if the infraction is sufficiently serious.
 - 7.1. The infraction and expectations for improvement are discussed with the employee and documented. A time-period within which the problem is to be corrected should be established and follow-up taken.
 - 7.2. The employee is informed that failure to correct the situation could result in further disciplinary action.
8. Standard suspension, with defined duration, is appropriate when a written reprimand fails to resolve the problem or where the initial infraction is of a sufficiently serious nature. Standard suspension allows the employee to review his/her behaviour or attitude and make the necessary adjustments before returning to work. An employee who is on suspension may not take paid leave and is not allowed in Library staff areas unless specifically requested by the Library Board, Human Resources Committee, or Chief Librarian. Detailed documentation is required for all suspensions. The employee shall be interviewed and issued a written notice of the suspension and the reasons for the same. Such suspension is without pay.
9. Indefinite suspension is appropriate only if the employee is suspended pending an

investigation. Circumstances requiring indefinite suspension include situations where the employee could be a hazard to property, other persons, or him/herself, or instances where the employee is incapable of performing required duties. Such suspension is with pay.

- 9.1. Investigation notice is issued informing the employee that discipline may be applied with respect to the incident, that incident details are under investigation, and that appropriate discipline, if required, shall be applied after such investigation is complete.
 - 9.2. Both the supervisor and employee sign the investigation notice to acknowledge receipt. A copy of the notice is kept in the Administration office until action is taken or grievances or appeals are dealt with.
 - 9.3. The investigation team is comprised of the Chair of the Human Resources Committee, the Chief Librarian (or alternate if deemed necessary), and a union representative where the employee under investigation is a union employee or a peer where the employee under investigation is a non-union employee. In the case of an investigation of the Chief Librarian, the Board will form an investigation team.
 - 9.4. Investigation results:
 - 9.4.1. No action to be taken: Letter issued informing the employee and all copies of the investigation notice destroyed.
 - 9.4.2. Action warranted: circumstances documented and letter issued informing the employee of the reason(s) for the disciplinary action taken.
10. Where a discharge is deemed appropriate a letter shall be issued to the employee outlining the terms and reasons for discharge. Discharge may result from:
- 10.1. An employee's lack of response to attempts to modify behaviour or job performance.
 - 10.2. A 'culminating incident' where the infraction would not normally result in discharge but in consideration of other documented problems with the employee, justifies dismissal. The documentation of the incident prior to the 'culminating incident' must specify all previously documented incidents of discipline and contain a warning that the next incident will be considered a culminating incident and result in discharge.
 - 10.3. A single infraction of a sufficiently serious nature.
11. Where discipline is applied, a written notice with all the following information shall be generated:
- 11.1. Type of infraction
 - 11.2. Details of infraction
 - 11.3. Discipline applied; if a suspension is applied include the dates during which the suspension will be served.
 - 11.4. Mitigating factors lessening the severity of the discipline
 - 11.5. Aggravating factors increasing the severity of the infraction or discipline, including the dates and the discipline applied for similar infractions
 - 11.6. Other action taken including meetings, evaluations, training, etc.

At a meeting, the employee will be requested to sign the document to acknowledge receipt. A copy of the notice shall be given to the employee and a copy shall be placed in the employee's personnel file.

12. Factors which may affect the degree of discipline:
 - 12.1. Seriousness of the infraction
 - 12.2. Effect or potential effect of the infraction
 - 12.3. Prior warnings and discipline
 - 12.4. Impulsive versus premeditated acts
 - 12.5. Provocation
 - 12.6. Misunderstanding
 - 12.7. Employee Record

13. Exceptions to the discipline process:
 - 13.1. Innocent absenteeism
 - 13.2. Incarceration in prison
 - 13.3. Inadvertent or unforeseeable conflict of interest
 - 13.4. Insubordination where:
 - 13.4.1. The employee perceives a safety risk
 - 13.4.2. The order constitutes an illegal act

14. Appeals
 - 14.1. Non-union employees have the right to appeal disciplinary action through the Human Resources Committee and in accordance with Board Policy HR.2.
 - 14.2. Union employees have the right to appeal disciplinary action in accordance with Collective Agreement.

15. If there are no further infractions, all documentation related to disciplinary action shall be removed from the employee's personnel file after 24 months and destroyed.