

10.03.04 Employee Discipline

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Policy / Purpose:

It is the policy of Wallace Community College – Selma (WCCS) to ensure compliance with all federal and state laws relating to employee working conditions, including but not limited to the [Students First Act](#), Code of Alabama 16-60-111.4, and Code of Alabama 16-60-111.7 and Alabama Community College System (ACCS) Board Policies.

It is the policy of WCCS, in accordance with Alabama's [Students First Act](#), to have a proactive and supportive approach to handling employee discipline that follows a progressive discipline plan. The central focus is to (1) identify the problem, (2) address the problem directly, (3) work out a shared plan to remedy and resolve the situation in the least punitive way, and (4) monitor progress. Given that all situations differ, all disciplinary action is handled on a case-by-case basis; however, supervisors are required to appropriately investigate issues prior to issuing discipline.

Scope:

This policy applies to all WCCS employees during any activity involving the College, including the workday. In addition, visitors, vendors, contractors, and all other non-employees are expected to recognize and comply with College policies.

Definitions:

Employee: For the purposes of this standard, an employee is a person currently employed or a former employee whose employment terminated within the preceding year.

Position: For the purpose of this policy, a position means a job that is performed by an employee of WCCS.

Details:

1. **Flexibility in Imposing Discipline:** Discipline imposed depends upon the seriousness of the performance/behavioral issues and the impact such behavior or lack of performance is having on the College. The College values all employees and will seek remedies prior to recommending termination unless the offense is so great that termination is the appropriate action. The College seeks to resolve employee issues first before seeking termination. The College uses the following progressive discipline process in the management of employee behavior. However, the College elects the right to skip steps in this process depending on the seriousness and impact of the behavior.
2. **Disclaimer:** Some incidents (including one-time incidents) may be severe enough to merit formal discipline action. The seriousness of the offense and the employee's disciplinary and performance history will be considered when determining the level of discipline to be applied. All decisions escalating disciplinary action to a higher level of discipline will be made in consultation with the Senior Personnel Officer (SPO) and the President.

3. **Expectations for Performance and Behavior:** All employees are expected to meet performance standards and to conduct themselves appropriately in the workplace. When an employee fails to maintain acceptable standards of performance, service, and/or conduct, formal discipline may be necessary to ensure that individuals operate in a manner to achieve the College's institutional goals and objectives.
4. **Employee Discipline Steps:** The following Disciplinary Steps are followed as referenced in the Procedures below.
 - a. **Step 1:** Documented verbal warning.
 - b. **Step 2:** Written warning outlining specific problems with the employee and outlining desire for the employee to improve. This step must include a Performance Improvement Plan (PIP). The PIP must be shared with the Human Resources Office.

NOTE: *This step may also include an unpaid suspension (refer to Suspensions/Administrative Leave Section).*
 - c. **Step 3:** Termination of employment. Terminations of employment are recommended to the Senior Personnel Office and the President. Terminations require the President's approval.
5. **Suspensions/Administrative Leave:** Upon recommendation from the Supervisor and the SPO, the President may suspend an employee, without pay, for up to 20 workdays. Per the [Students First Act](#), the employee proposed for suspension will have an opportunity to present evidence and argument, either in person or in writing, to the President with respect to the proposed suspension within a deadline established by the President. Upon receipt of evidence and/or argument or upon expiration of the established deadline, the President will issue a final decision on the proposed suspension. Upon the President's final decision, employees do not have appeal rights for suspensions unless the suspension is in excess of 20 workdays. Before a suspension is imposed, the employee will receive adequate notice of reasons for proposed suspension(s).
6. **Grounds for Immediate Termination:** Notwithstanding this policy, certain serious misconduct will be grounds for immediate termination of employment by the President or SPO. Nothing in this policy will be construed to limit the College's ability to terminate the employment of any employee at any time and for any reason, other than as required by law or pursuant to contract. Likewise, all employees remain free to separate from the employment relationship at any time and for any reason.
7. **Retention of Disciplinary Documents:** All documentation related to an employee's formal discipline action must be maintained in that employee's personnel file.
8. **Extension of Discipline Process:** An employee is expected to have sustained improvement during the Employee Discipline process. Should an employee be away from work for an extended and continuous period of time under any of the College's leave policies, the disciplinary action step may be extended by the time the employee was away from work and the employee would be given the opportunity to demonstrate improved behavior once the employee returns to work. Extending employee discipline is done in consultation with the Human Resources Office.

9. **Performance Reference of Internal Applicants:** If an employee is applying for another position within the College, the hiring supervisor may contact the employee's current supervisor for a performance reference. The hiring supervisor will consider all corrective action received by the employee within the preceding 12 months, severity of the action, and current acceptable behavior. This information may be a deciding factor in the hiring decision.

Procedure(s):

When the supervisor determines a performance or behavior issue exists, they are required to take the following steps prior to Employee Discipline. It is important that the process is applied in a fair and consistent manner. Progressive discipline may be initiated at any step.

1. **Collection of Facts:** The supervisor will collect all relevant facts in a fair and objective manner within ten (10) calendar days of being alerted to the concern. The supervisor will review all relevant documents; speak with any witnesses regarding conduct/actions and obtain written statements as appropriate; and review how the employee was notified of a violation if the employee had been notified. If enough facts are collected to warrant further investigation, the employee will be afforded a due process meeting. (More complex investigations should be conducted in coordination with the Human Resources Office. Based on the severity of the concern, the employee may be placed on a paid or unpaid administrative leave or may be terminated. See 5 below).

NOTE: *Discipline may be initiated at any step.*

2. **Documented Verbal Warning:** The supervisor will speak with the employee about the situation to determine if outside factors or extenuating circumstances may have influenced the employee's actions. This meeting or conversation is considered the due process meeting and must be communicated as such. The purpose of this meeting is to verbally make the employee aware of concerns regarding the employee's performance or behavior and to determine whether further action is needed. The supervisor will verbally express clear expectations for performance or behavior going forward pending the outcome of the investigation. This conversation must be documented by the supervisor. This verbal confirmation confirms that an unsatisfactory performance and/or behavior has occurred and expectations for performance and/or behavior have or have not been given to the employee. The supervisor must explicitly communicate to the employee that 1) this is a documented verbal warning and 2) any further performance and/or behavior issues will result in additional disciplinary action.
3. **Written Warning:** If the matter has not been resolved through a Documented Verbal Warning (copy to HR), or when the matter is considered sufficiently serious to begin the discipline process at this step, the supervisor will meet with the Human Resources Office to discuss the situation. If applicable, Human Resources will prepare a written warning letter. This letter will identify the date of any prior verbal warning and summarize the performance or behavioral concerns, efforts toward improvement, expectations, and establish a time to follow-up with the employee to ensure that sustained performance and behavior is maintained. The Written Warning will explicitly communicate to the employee that 1) this is a written warning and 2) any further performance and/or behavior issues will result in termination of employment.

In addition, a written Performance Improvement Plan (PIP) will generally accompany a Written Warning. The PIP includes a corrective action plan with a timeline to be implemented and consequences for failure to improve. Refer to the Performance Management Policy for additional information.

4. **Suspension/Administrative Leave:** Upon recommendation from the supervisor and the SPO, the President may suspend an employee, without pay, for up to 20 workdays. Employees do not have appeal rights for suspensions unless the suspension is in excess of 20 workdays. Before a suspension is imposed, the employee will receive adequate notice of reasons for proposed suspension(s). Refer to [Students First Act](#) (Title 16, Chapter 24C, Section 16-24C-6), if applicable.

A paid or unpaid administrative leave may be issued during an internal investigation with review and consultation by the President and the SPO and in compliance with the [Students First Act](#) (Title 16, Chapter 24C, Section 16-24C-6). During the administrative leave, the supervisor will remind the employee that they are expected to be available to the employer during their regularly scheduled hours of work, should not be at the workplace, and should not conduct any business on behalf of the College.

5. **Termination:** A letter of termination issued by the President (probationary employees) or SPO (non-probationary employees) when the matters have not been resolved through prior steps; when an additional problem has been identified since the Final Written Warning letter was issued; or in the case of grounds for immediate termination. A history of progressive discipline may be considered in determining whether termination of employment is warranted. The letter will summarize any prior efforts to resolve the problems and discuss other dismissal items of interest such as final pay, benefits, return of College property, etc.

Termination of employment decisions of any employee, whether under this discipline policy or for grounds for immediate termination, must have review and consultation by the SPO and President.

6. **Immediate Termination of Employment:** Based on the severity of the concern, immediate termination of employment may be appropriate in compliance with the Students First Act (Title 16, Chapter 24C, Section 16-24C-6).

Discipline Appeal Procedures

1. Employees may follow the [Students First Act](#) for appeals, if applicable.

Additional Provisions / Information:

Refer to the [Students First Act](#).