

Personnel Supervisors' Guide to Discipline

(NOTE: "Supervisor" as discussed in this section refers to person or persons responsible for personnel supervision.)

Employees are expected to perform and conduct themselves in a credible manner. For the most part, this is what occurs. However, in some cases it may be necessary to correct an employee who has not observed some standard of performance or conduct. Generally, correction is accomplished through constructive recommendations or verbal admonishment, but occasionally an employee does not respond to verbal correction and a more serious form of administrative action is needed.

Employees respect, or even prefer, a supervisor who is firm yet fair in all dealings with them. Discipline, if administered in a just, prompt and consistent manner, can actually be a morale booster. Although the major purpose of discipline is to create better habits and stands or work among employees, at times separation is required in the interest of service to the public.

A personnel system based on merit provides the right management to take necessary disciplinary action. The philosophy of merit also requires that there be "just cause" for administering the discipline. To better understand the term "just cause," consider the seven questions that follow, which were prepared by the Denver Regional Office of the Office of Personnel Management. The answers should be examined in any anticipated disciplinary action.

1. Was the district's rule or managerial order reasonable related to the orderly, efficient and safe operation of the district's business?
2. Did the supervisor give to the employee forewarning or foreknowledge of the possible or probably disciplinary consequences of the employee's conduct?
3. Did the supervisor, before administering discipline to an employee, make an effort to discover whether the employee did, in fact, violate or disobey a rule or order of management?
4. Was the supervisor's investigation conducted fairly and objectively?
5. During the investigation, did the supervisor obtain substantial evidence or proof that the employee was guilty as charged?
6. Has the supervisor applied the rules, order and penalties evenhandedly and without discrimination to all employees?
7. Was the degree of discipline administered by the supervisor in a particular case reasonably related to (a) the seriousness of the offense and (b) the record of the employee with the district?

If it is determined that the just cause exists, the following steps should be taken in all disciplinary actions:

1. **Get all the facts.** Get a complete statement from all persons involved. Review the employee's record for previous related offenses.

2. **Weigh the evidence.** Fit the facts together. Consider whether statements of employees have been influenced by opinions or feelings. If there are inconsistencies in the evidence or insufficient facts, investigate further.
3. **Decide on a course of action.** Determine seriousness or actual existence of the offense and how discipline should be administered, if appropriate.
4. **Take action.**
 - a. Charges dropped: Notify employee in writing
 - b. Verbal reprimand: Speak to employee in private. Be firm but considerate and understanding. Be specific.
 - c. Written reprimand; Be specific. Cite appropriate rules or regulations.
 - d. Removals, suspensions, fines, demotion: Be sure there is a sound basis for the action. Prepare written notification. Serve charges on employee.
5. **Evaluate results.** Determine whether the action taken has achieved the desired results.

The District Board of Supervisors should have full knowledge of all disciplinary actions that are taken. In all steps of the above disciplinary actions.

Written Notifications

Simple justice requires that employees who are to be disciplined be given advance notice of such action and be given the opportunity to reply in advance of the imposition of penalty. It is a principle of good management that employees clearly understand the reason for discipline. This understanding can best be accomplished by a written notice of disciplinary action.

The following checklist can be used to insure that the employee is treated fairly and understands the reasons for the action.

- ? Is the notification specific as to the rule, regulation or policy that was violated?
- ? Does the notification clearly state that the employee can present a defense?
- ? Is the employee given sufficient time to respond? (at least 10 working days)
- ? Does the notice state to whom the defense should be directed?
- ? Does the notice state the effective date of the disciplinary action?

To insure that a disciplinary action notice is received by the employee, it should be hand delivered or mailed "Certified Mail – Return Receipt Requested," and should include a place for the employee's signature.

Grievance Procedure

It should be the policy of all districts that employees be treated fairly and equitable in all respects. Those employees who feel that they have not been so treated should have the right to present their grievances to the appropriate officials for consideration. Employees should have the right to present their grievances on their own behalf or through representatives of their choice. There should be a system that will permit employees to present formal and informal complaints. The filing of a grievance should not be considered as reflecting unfavorable on an employee's performance or loyalty.

The following procedure is suggested for processing formal and informal grievances.

1. Whenever possible, grievances should be resolved informally. Every effort should be made by the employee and supervisor to come to an agreeable resolution of the grievance within a reasonable period of time (a minimum of 10 working days). Complaints which the supervisor does not have the authority to resolve should be referred to the District Board immediately.
2. Unsuccessful attempts at an informal resolution of a complaint should be followed by a formal grievance. The employee should prepare a written statement which states the grievance, describes the remedial action being sought, and provides all information available in support of the complaint.

Upon receipt of written grievance, the supervisor should make all reasonable efforts to resolve the complaint. If the grievance is not resolved, it should be forwarded to the Chairman of the District Board or his designee, within seven days of receipt, along with a statement of efforts made to resolve the problem.

The District Board should render its decision on the grievance within 15 days of receipt or, if this is not possible, at the next scheduled board meeting.

At Will Employment Statement

Wyoming recognizes at-will employment. That is, that an employee is hired at-will and that employment can be terminated at the will of either party. If employees are to be at-will employees, the employee policy and position descriptions should clearly state such.

Example

This is not a contract of employment. Any individual may voluntarily leave employment upon proper notice, and may be terminated by the employer at any time and for any reason. Any oral or written statements or promises to the contrary are hereby expressly disavowed.

Example

The employment relationship is terminable at the will of either the employee or the district, at any time, with or without cause, and with or without notice. No employee, officer, agent or other representative of the district has any authority to enter into any agreement for employment for any specific period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts the foregoing provisions.

Exhibits

Exhibit 1: Sample Letter of Reprimand

BLUE SKY CONSERVATION DISTRICT
Box 555
Blue Sky, WY 85555

January 26, 2003

Mr. Edward Smith
Box 222
Blue Sky, WY 85555

Dear Mr. Smith,

This is a letter of reprimand for your being absent from duty on January 16, 2003 without officially approved leave. You failed to request leave as required by district policy and did not report your absence to the district office during that period.

You previously received a verbal reprimand regarding other unauthorized absences from duty. At that time your supervisor reviewed district policy with you regarding leave.

While I am limiting disciplinary action in this instance to a written reprimand, you are hereby warned that further unauthorized absences from duty may result in more severe disciplinary action.

Sincerely,

Marty L. Nibot
District Manager

Exhibit 2: Sample Letter of Suspension

BLUE SKY CONSERVATION DISTRICT
Box 555
Blue Sky, WY 85555

July 8, 2003

Mr. Edward Smith
Box 222
Blue Sky, WY 85555

Dear Mr. Smith,

This is to notify you that you will be suspended from duty without pay for three (3) workdays because of your absence from duty on June 23 and 24, 2003 without officially approved leave. You failed to request leave from your supervisor as required by district policy and did not report your absence to the district office during that period.

You have been verbally warned about your attendance record. On January 26, 2003, you were issued a written reprimand regarding your unauthorized absences. Continued absences in this manner may result in the termination of your employment.

Unless you can present evidence supporting why I should not take this action, your suspension will begin July 28, 2003 and end July 30, 2003, at the close of business. If you desire to present evidence to me on your behalf, you can arrange to meet with me by calling 555-5555 or 555-5552.

Sincerely,

Leslie J. Walker, Chairperson
Blue Sky Conservation District

Exhibit 3: Sample Letter of Termination

BLUE SKY CONSERVATION DISTRICT
Box 555
Blue Sky, WY 85555

September 9, 2003

Mr. Edward Smith
Box 222
Blue Sky, WY 85555

Dear Mr. Smith,

This is to notify you that your employment with the Stone Creek Conservation District will be terminated because of your continued absences from duty without officially approved leave, the most recent incident being the period September 2-3, 2003. You failed to request leave from your supervisor as required by district policy and did not report your absence to the district office during that period. You have received sufficient warning that your continued absences without officially approved leave could result in our terminating your employment.

Unless you can provide evidence supporting why I should not take this action, your termination will be effective September 9, 2003, at the close of business. If you desire to present evidence to me on your behalf, you can arrange to meet with me by calling 555-5555 or 555-5552.

Sincerely,

Leslie J. Walker
Chairperson
Blue Sky Conservation District