



Discipline and Documentation

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Discipline

- How do I protect myself and my organization?
- What are common pitfalls?
- How do I approach a disciplinary situation?
- How do I document events, activities, efforts & corrections.



How Do I Protect Myself & My Organization

1. Good (Current) Policy and Procedure
 - Identifies Expectations
 - Reasons for Disciplinary Action
 - Procedures (Employee and Employer Rights)
 - Employment Contract
2. FOLLOW IT!!!!!!
3. Communication / Documentation / No Surprises



Reasons to Discipline or Take Adverse Employment Action

- Performance
 - Job descriptions define expectations
- Violation of Policy
 - Up to date Written Policy and Procedure
- Business Need
 - Down Sizing

Common Pitfall

Adverse Action Rooted in, or Attributable to Discrimination

- Civil Rights (Title VII) 15+ employees
 - Race, National Origin or Ancestry, Gender, Religion, Pregnancy
- Disabilities (American with Disabilities Act) 15+ employees
 - Physical or mental Impairment that substantially limits one or more major life activities
 - Record of such impairment
 - Regarded as have such impairment
- Age (Age Discrimination in Employment Act) 20+employees
 - 40 years of age and older
 - Terms, Conditions, Privilege of Employment, Compensation, Benefits, Job Assignments and Training



Equal Attention and Application

- Avoid the tendency to focus on perceived “problem employees”
- “Problem Employees” who belong to a protected class will perceive discrimination if you aren’t consistent in application of policy and disciplinary procedures



Documentation

- Provides a written history of issues in question
- Highlights patterns and behavior that require correction
- Provides timely and meaningful feedback to employees & management
- Helps identify kinds of policies or training that should be implemented
- Must be timely, accurate and relevant



FOSA

- **Facts**
- **Objectives**
- **Solutions**
- **Actions**



Identify Facts

- What happened?
- When did it happen?
- Where did it happen?
- Who was involved?
- Use the five senses



The Incidents Diary

- Record of formal documentation
- Calendar, notebook or file
- Short, factual notes
- Specific and observable behaviors



Addressing Performance Problems

- Record concerns in incidents diary
- Share specific, observable facts with employee
- Establish objective for performance improvement
- Agree on solution
- Require action towards correction
- Document the interaction in incidents diary



Oral Warning

- Spoken, then documented
- Provide employee with copy
- Include specific objectives and solutions
- Define the consequences for failure to act



Written Warning

- Same format as oral warning
- Start with oral warning
- Add new FOSA
 - Describe current problem
 - State new objectives, solutions and actions
- Written, then spoken



Final Options

- Probation
- Suspension
- Demotion
- Administrative Leave
- Termination



Summary

- List specific **Facts**
- Focus on behavior
- **Objectives** communicate specific expectations
- Offer **Solutions** to help employee reach objectives
- Describe **Action** if objectives not met