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PROGRESSIVE DISCIPLINE GUIDELINES

A. General Criteria

First, was the employee adequately warned of the consequences of his/her conduct before disciplinary action was taken? A warning may be given orally or in writing. An exception may be made for certain conduct, such as serious insubordination, coming to work drunk, drinking on the job, or stealing employer property. Sufficiently serious offenses should be corrected immediately which may or may not be preceded by a graduated warning system.

Second, was the rule or order reasonably related to efficient, orderly and safe operation of the job? Irrelevant, capricious rules or orders will be set aside by an arbitrator hearing the case.

Third, did management investigate before administering the discipline? The investigation should be made before the decision to discipline is made. If a suspension or discharge is lodged against the offender, specific reasons must be given in writing which must be supported with evidence after an investigation.

Fourth, was the investigation conducted fairly and objectively? Allegations should be supported by facts, not hearsay or impressions.

Fifth, in the investigation, did the employer obtain sufficient evidence of proof that the employee was guilty as charged? Usually the degree of proof required is a "preponderance" of the evidence or "clear and convincing" evidence, especially in cases of discharge.

Sixth, has the employer applied its rules, orders and penalties openhandedly and without discrimination? If enforcement has been lax in the past, management cannot suddenly reverse its course and begin to crack down without first warning employees of its intent.

Seventh, was the degree of discipline reasonably related to the seriousness of the offense and to the employee's past record? If employee A's past record is significantly better than that of employee B, it would be proper to give A a lighter punishment than B for the same offense.

Management decisions in taking disciplinary actions will be upheld more frequently if a program of progressive discipline is established in every department. The procedural steps required by state law and union contracts and the standards of "just case" will be met if the program is routinely administered by attentive, informed supervision.

B. Guidelines

The following guidelines are suggested to aid department management in establishing a program of progressive discipline.

First, the employer must prescribe rules of conduct which are reasonably comprehensible by all employees, enforceable, related to the department's function, applicable to all employees and which do not unduly infringe upon an employee's private life. These rules must be consistent with the collective bargaining agreement between the department and the union.

Second, all persons in supervisory positions and particularly, first-line supervisors should know the rules of conduct and the required to carefully observe them. Each management-level supervisor should be well-acquainted with the understanding that disciplinary remedies are corrective not just punitive.

Third, the rules of conduct should be carefully explained to all employees. This is especially important in the case of new employees. An employee cannot be expected to conduct him/herself appropriately if he/she is excusably ignorant of rules h/she is expected to obey. Rules may be directly publicized in employee handbooks or through bulletin board notices. Employees may also be taught the rules in job-indoctrination courses. Additionally, employees should be made to understand that rules will be applied seriously and consistently and without discrimination.

Fourth, a regular warning procedure for infractions of rules should be worked out and applied. Failure to warn an employee, before taking disciplinary action, of the consequences of violating a rule is one of the most frequent reasons given in arbitration hearings for setting aside disciplinary lay-offs, suspensions, discharges. Sometimes all warnings are in writing, with a copy handed to the employee and one filed in the employee's record in the personnel office. Sometimes first warnings are given orally but a written record of the warning is filed in the employee's employment records. Warnings prior to taking disciplinary actions are given in all but the most serious cases for offenses. The rules should clearly state which

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offenses are considered serious enough to result in immediate discharge – for example, malicious and deliberate acts of vandalism, instigating fighting resulting in physical harm, proven dishonesty.

Fifth, wherever possible, discipline short of discharge should be used. The purpose of progressive discipline is to discourage employees from engaging in offensive conduct. Supervisors should not allow behavior to progress to a “last straw” situation before taking any action. Disciplinary actions short of discharge are recommended for first, non-serious offenses or for minor infractions of rules. Usually, the actions taken will range from oral or written reprimands to suspension, depending on the severity of offense or on the number of offenses that an employee has committed in the past. Each situation should be evaluated in the light of the employee’s past record. Careful supervision must be emphasized. Equally important is the need to keep adequate, updated employee records. The number of recorded warnings and reprimands affect an employee’s chances from promotion or future employment. Suspension if accompanied by lack of compensation during the period of suspension.

Sixth, avoid arbitrary or hasty action when confronted with a situation requiring discipline. Employees must be judged by the same standards. Rules must apply equally to all. This does not mean, however, that the same penalty must always be given for the same offense. The pattern of enforcement must be consistent. This should be true whether discipline is decided on a case by case basis or by a rule book.

Seventh, progressive discipline does not mean that each disciplinary action that’s taken must necessarily be more severe than the preceding one, regardless of the offense involved. What progressive discipline does mean is that progressively more severe penalties may be imposed on an employee each time any given offense is repeated. However, if a particular employee is a chronic offender or rules in general, then the frequency of unrelated offenses and their seriousness may result in harsher discipline. Discharge of a chronic offender has been upheld in a situation where it was eventually proved that progressive discipline would have little corrective value.