

## PROTOCOL FOR CORRECTIVE AND DISCIPLINARY ACTION

If an incident occurs and you believe that any form of discipline or corrective action may be appropriate, the following general guidelines and protocols should be followed.

*Discipline or corrective action includes:*

- Sick leave review requirements
- Letters of expectations
- Oral or verbal reprimand or warnings
- Written reprimands
- Suspensions
- Demotions
- Terminations

**NOTE: This is not intended to discuss the intricacies of every bargaining agreement, but is a general protocol.**

### PROCEDURE

- Incident occurs and management becomes aware of it; document the incident in writing
- Contact Human Resources for consultation
- Consider corrective action such as a letter of expectations, which is not disciplinary. Can be used with or without an investigation.
- Conduct an investigation (either the immediate supervisor, Human Resources, or another appropriate investigator)
  - a. Insure objectivity of investigator; no conflicts of interest
  - b. Interview all parties
    - i. Provide all interviewees a Tennessean Warning (mandatory; form attached)
    - ii. Provide the alleged wrongdoer an opportunity to have union representation present during an investigative interview; if the employee elects not to have union representation present, document in writing and have employee sign (does not apply for Excluded Administrators, Managerial Plan or Commissioner's Plan)
    - iii. DO NOT provide complaint or investigative materials to interviewees; provide sufficient information to individuals to allow them to meaningfully respond to allegations or facts
    - iv. Gather relevant documents from all interviewees
    - v. Look at prior performance appraisals, prior discipline history, if any, aggravating and mitigating circumstances etc.
  - c. Prepare a written report of the investigation with all documentation and notes of interviews conducted
- Provide copy to and consult with Human Resources as to the results of the investigation and appropriate course of action (no action; corrective action; discipline).
- Human Resources will consult with the System Office as necessary
- Implement action
  - a. Send notification of conclusion of investigation with no further action
  - b. Any corrective action, e.g. letters of expectation or sick leave review, must be reviewed by Human Resources prior to sending to insure consistency and compliance with CBAs
  - c. Any disciplinary action must be reviewed by Human Resources prior to implementation to insure consistency and compliance with CBAs
  - d. Each CBA is unique with respect to the process for implementing discipline; consult Human Resources to determine all appropriate actions to insure strict compliance with agreements (e.g. what goes in personnel file and what does not)
- Maintain an investigative file with all relevant documents including: initial report; investigative report; concluding letters; if necessary forward to Human Resources for storage
- Maintain confidentiality throughout; the only thing that is public information throughout the process is the existence and status of the investigation; any discipline and the basis therefore becomes public only after it is final, which means the conclusion of any and all grievance and/or arbitration proceedings related to the matter. (Note: see previous regarding the need to provide sufficient information to individuals to allow them to respond to allegations or facts.)

*For further specific information please contact Human Resources at 389-2015.*