

## PROGRESSIVE DISCIPLINE

## DISTRICT PROCEDURE

EMPLOYEE WARNING  
SYSTEM

The intent of Progressive Discipline is to notify an employee that non-performance or inadequate performance of job duties or misconduct must be corrected. This process allows and empowers an employee multiple opportunities to correct their behavior prior to a retention decision being made.

Metropolitan Community College shall may utilize the progressive discipline procedures outlined in this procedure when MCC believes it is appropriate. However, MCC may move forward with involuntary termination at any time without utilizing the progressive discipline procedures if it is determined in MCC's sole discretion that findings warrant immediate disciplinary action.

## PURPOSE

The purpose of this procedure is to outline the progressive discipline process for all employees of the Metropolitan Community College (MCC) to the extent this procedure does not conflict with any negotiated bargaining agreement.

## DUE PROCESS

Due Process serves as the cornerstone for MCC's progressive discipline policy. As defined, due process is the requirement that employees be treated equitably and objectively, as characterized by the following:

- Employees must understand supervisor expectations and the consequences of failing to meet performance standards.
- Application of rules/policy must be consistent.
- Discipline must be appropriate for the offense.
- The employee is given the opportunity to respond.
- The employee is given reasonable time to improve.

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Should an employee be notified by their supervisor that performance expectations or other job behaviors or conduct are not aligned with MCC's policies, procedures or expectations, the following progressive discipline steps are to be followed by the supervisor. Based on the circumstances and severity of an occurrence, any step or steps in the progressive discipline outline may be skipped. A severe sanction, up to and including termination, may be appropriate for a first or subsequent offense.

**Informal Verbal Warning:** This step in the progressive discipline process is an oral meeting discussing the non-performance of job duties or performance deficiencies and necessary steps to improve performance.

**Formal Verbal Warning:** This step in the progressive discipline process is an oral meeting discussing the ongoing non-performance of job duties or performance deficiencies and necessary steps to improve performance. A verbal warning is intended to help the employee improve performance and correct any inappropriate conduct. The supervisor will document the date, time and content of the meeting as well as issues discussed, recommendations made, and any action plans agreed upon and submit these in written form to the employee.

**Corrective Action:** This step in the progressive discipline process is the final step prior to a formal written warning being issued. The Corrective Action is a formalized document that outlines the continued non-performance of the employee, with defined steps and timelines for improvement. The employee is informed that further non-performance will result in a formal written warning. The Director of Employee Relations and Engagement shall be consulted of any corrective action stage prior to implementation. The corrective action becomes part of the employee's personnel file.

**Formal Written Warning:** This step in the progressive discipline process signifies a serious step in the process, where the employee is given a written statement of performance deficiencies and advised in writing that future non-performance may result in disciplinary action. During this stage of progressive discipline, the employee is placed on a probationary status where performance must improve and begin to meet the standards as set forth by the supervisor. The Director of Employee Relations and Engagement shall be consulted of any formal written warning stage prior to implementation. The formal written warning becomes part of the employee's personnel file. The warning will include: a summary of basis for the warning; a clear statement of expectations in the future; a warning that continued disciplinary action will be taken if the performance or conduct is not resolved and signatures from both the supervisor and employee. The employee should be provided a copy of the written warning and may attach a written statement to the written warning within three (3) business days from receipt.

This step will also include a Performance Improvement Plan (PIP). The purpose of this plan is to clearly state the deficiencies in performance, the expected corrected performance, and the time line in which performance must improve.

**Disciplinary Action:** At this stage the supervisor, in conjunction with the Director of Employee Relations and Engagement and the affected administrator has the following disciplinary actions available to them:

- **Final Written Warning:** This requires a final written outlining continued performance deficiencies with the clear understanding that without improvement in performance, involuntary termination will result.
- **Suspension:** The employee is barred for a period of time. Suspension may be paid or unpaid so long as it is not prohibited by law.
- **Temporary Demotion:** To the extent that it is not prohibited by law, the employee is transferred to a position with lower responsibility and is accompanied by a corresponding pay decrease not to exceed 10% of the annualized wage rate of the employee. A temporary demotion is to last no longer than 6 months.

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- **Decision Making Leave Day:** If the employee has continued performance deficiencies, the supervisor can grant a decision making leave day for which the employee will be compensated. Prior to the date being given, a supervisor shall provide a written summary of the employee's deficiencies, a copy of the most recent performance evaluation, a copy of any written warnings and Performance Improvement Plans, and a copy of this policy. During the leave, the employee will decide if they wish to continue employment. If so, they must take positive steps to correct past performance deficiencies. If an employee decides to continue employment, an evaluation (probation) period with specific performance standards will be established by the supervisor after a conference with the employee for a period of no less than three months and no more than six months. A supervisor will hold periodic meetings with an employee during a reevaluation period. If an employee fails to meet performance standards at any time during a reevaluation period, the employee shall be terminated immediately pursuant to MCC's termination policy. If an employee decides not to continue employment with MCC, the employee shall submit a written resignation, effective within ten (10) working days, to the employee's supervisor. If any employee fails or refuses at any time during the employee warning system process to agree to resolve the employee's performance deficiencies, the employee may be terminated immediately pursuant to MCC's termination policy.

**Termination of Employment:** Termination of employment is the final step in the progressive discipline process after all other progressive discipline steps have not yielded success. However, MCC may move forward with involuntary termination at any time without utilizing the progressive discipline procedures if it is determined in MCC's sole discretion that circumstances warrant immediate disciplinary action.

NON-USE OF THE PROGRESSIVE DISCIPLINE PROCESS

Progressive discipline is not warranted in every circumstance of non-performance, based on the severity or nature of the employee's conduct, where the progressive discipline steps are skipped and termination is introduced immediately.

ADMINISTRATIVE LEAVE WITHOUT NOTICE

Grounds to be removed from the workplace immediately and placed on paid administrative leave include but are not limited to the following circumstances:

- Theft or unauthorized use of MCC property or theft of another employee's property or theft of a student's property; defacement or sabotage of MCC, employee or visitor property.

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- Falsification of MCC records that includes, but is not limited to, time sheets or time cards, leave forms, expense reports, and employment records. This also included completing another employee's time sheet without a supervisor's permission.
- Unauthorized possession of ammunition, firearms, explosive weapons or other weapons as defined in Missouri Revised statutes 571.010 on MCC property or property under MCC's control.
- Possession of alcohol or illegal drugs without authority, being under the influence of alcohol or illegal drugs on MCC property or property under MCC's control, or a violation of the applicable prohibitions in applicable law and policies.
- Insubordination or intentional neglect of job duties as illustrated by, but not limited to, sleeping on the job, and failure to perform job duties that result or may result in serious injury to persons or property.
- Any criminal act, except a traffic offense, that occurs on MCC property or property under MCC's control.
- Any act of sexual misconduct or harassment except an isolated or unintentional act as described in applicable board policy
- Misuse or disclosure of confidential employee or student information that could cause harm to said individual, or is a violation of applicable state or federal law.
- Gross negligence in the performance of job duties.

An employee who believes he or she has been or is being subjected to prohibited conduct or knows or believes another employee or student has been or is being subject to prohibited conducts is required to bring the matter to the attention of the Director of Employee Relations & Engagement or other appropriate school officials.