



DISCIPLINARY ACTION CHECKLIST FOR USE BY SUPERVISORY PERSONNEL

CONFIDENTIAL

This checklist has been adapted from a checklist created by John M. Elliott, Popham, Haik, Schobrich & Kaufman, Ltd. For the Minnesota Employment Law CLE, May 1996.

A. Have You Taken the Following Steps Before Disciplining the Employee?

1. ___ Determined if the employee knew of the rule or performance standard?
2. ___ Determined that the rule or standard is reasonable and that its enforcement would be reasonable under the circumstances?
3. ___ Reviewed all relevant materials including employee handbooks, contracts, collective bargaining agreements, policy statements, the employee's disciplinary history, evaluations and attendance records?
4. ___ Determined that the employer has followed its policies and procedures?
5. ___ Interviewed the employee about the misconduct and given the employee a fair opportunity to explain /deny the misconduct?
6. ___ Have you offered the employee union representation as called for by the collective bargaining agreement?
7. ___ Interviewed all employees or third parties who may know of or were involved in the misconduct?
8. ___ Taken accurate notes from interviews/investigation about who, what, where, when and why? Consider having another manager present to take notes.
9. ___ Determined that you are confident based upon your interviews, records, etc., that you know all the necessary facts (who, what, when where, why and how)?
10. ___ Have you determined discipline is appropriate? If so, proceed to B.

B. Have You Reviewed the Proposed Disciplinary Action to Ensure Accuracy, Consistency, and Completeness?

11. ___ Have you reviewed the employee's personnel file for prior discipline?
12. ___ Have you determined that the disciplinary action is consistent with how other employees have been disciplined for the same or similar misconduct?
13. ___ Have you determined that the disciplinary action is the proper corrective measure under applicable policies and the employee's disciplinary history?
14. ___ Is the discipline notice/memo accurate and complete? Be sure that it states the:
 - a. ___ Date of violation;
 - b. ___ Specific rule violated;
 - c. ___ Number of prior warnings;
 - d. ___ Detailed description of misconduct;
 - e. ___ Corrective action/penalty;
 - f. ___ Date and signature of Supervisor;
 - g. ___ Acknowledgment by employee of accuracy of warning;
 - h. ___ Loudermill Notice for suspension or discharge;
 - i. ___ EAP referral if appropriate.
15. ___ Has the proposed disciplinary action been approved in advance by Human Resources or another management representative?
16. ___ During a conference between the Supervisor and employee, has the Supervisor reviewed the disciplinary notice/memorandum with the employee?
 - a. It is Labor Relations' recommendation if an employee asks for representation as a disciplinary meeting, that the request is granted.
 - b. If you are concerned about how the employee may react, consult with your HR office regarding your concerns.
 - c. For discipline of a written reprimand or above, have a reliable management witness present.
 - d. Review the facts with the employee.
 - e. Explain:
 1. ___ The misconduct
 2. ___ Why it is unacceptable
 3. ___ The penalty given
 4. ___ What penalty will result if the misconduct is repeated
 5. ___ How to improve performance/conduct

17. If the employee is to be discharged, has the Supervisor:

- a. ___ Given the employee written notice (a copy of which should be kept in the employee's personnel file) of the effective time and date of discharge?
- b. ___ Made arrangements for return of MnSCU property (e.g. keys, access cards, lap-top computers)?
- c. ___ Secured computer from unauthorized entry by former employee?

C. After the Disciplinary Conference, has the Supervisor:

18. ___ Immediately made the necessary entries in the personnel file and other applicable records?

19. ___ Made arrangements for final check?

D. Before Closing the File, Have You:

20. ___ Taken steps to safeguard confidentiality?

21. ___ Made arrangements to route requests for references through one person?