

CONFIDENTIAL

DISCIPLINARY ACTION CHECKLIST FOR USE BY SUPERVISORY PERSONNEL

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 all employees or third parties who may know of or were involved in the misconduct?
 - a.** Included union representatives as called for under any applicable collective bargaining agreement?
- 6.** Taken accurate notes from interviews/investigation about who, what, where, when and why?
- 7.** Speak to employee about the misconduct?
- 8.** Given employee a fair opportunity to explain/deny the misconduct?
- 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)?

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

- 10.** Have you determined that the disciplinary action is consistent with how other employees have been disciplined for the same or similar misconduct?
- 11.** Have you determined that the disciplinary action is the proper corrective measure under applicable policies and the employee's disciplinary history?
- 12.** 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.

_____ 13. Has the proposed disciplinary action been approved in advance by Human Resources or another management representative?

_____ 14. During private conference between the Supervisor and employee, has the Supervisor reviewed the disciplinary notice/memorandum with the employee?

_____ a. If you are concerned about how the employee may react, have a reliable management witness present.

_____ b. Review the facts with the employee.

_____ c. 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

_____ 15. 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:

_____ 16. Immediately made the necessary entries in the personnel file and other applicable records?

_____ 17. Made arrangements for final check?

D. Before Closing the File, Have You:

_____ **18.** Taken steps to safeguard confidentiality?

_____ **19.** Made arrangements to route requests for references through one person?

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.