

NORTHEAST COMMUNITY COLLEGE

ADMINISTRATIVE PROCEDURE NUMBER: AP-7322.0

FOR POLICY NUMBER: BP – 7322

PROGRESSIVE DISCIPLINE FOR NON-FACULTY EMPLOYEES

1. PROCEDURE SUMMARY STATEMENT

To establish protocol for addressing and correcting non-faculty employee workplace performance and behavior concerns.

2. DEFINITIONS

- 2.1 Non-Faculty Employees – full and part-time college employees, other than instructional or faculty employees.
- 2.2 Non-Faculty New Hire Probationary Period – the first two (2) years of employment for all college employees. Any employee may be terminated without cause during this initial two (2)-year period of employment.
- 2.3 Next Level Supervisor – the supervisor of a non-faculty employee’s immediate supervisor.

3. PROCEDURE

3.1 General

- 3.1.1 Progressive discipline procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable non-faculty employee behavior and/or performance issues.
- 3.1.2 The College reserves the right to combine or skip the progressive discipline steps depending on the facts of each situation and the nature of the offense. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling, or training; the non-faculty employee’s work record; whether the non-faculty employee is within his or her new hire probationary period; and the impact the conduct and performance issues have on the institution.
- 3.1.3 Nothing in this procedure provides any contractual rights regarding non-faculty employee discipline or counseling, nor should anything in this procedure be read or construed as modifying or altering the employment-at-will relationship between the College and its non-faculty employees.

- 3.1.4 Progressive discipline may or may not be used for non-faculty employees within his or her new hire probationary period at the discretion of the non-faculty employee's immediate supervisor in consultation with his or her respective Vice President and the Associate Vice President of Human Resources.
 - 3.1.4.1 The use of progressive discipline does not alter, in any way, the terms of the new hire probationary period.
- 3.1.5 Employment Probation may be initiated as a result of a Step two (2) or Step three (3) in accordance with BP-7325 Employment Probation Policy.
- 3.2 Step 1: Documented Verbal Warning
 - 3.2.1 Step one (1) creates an opportunity for the immediate supervisor to bring attention to the existing performance, conduct, or attendance issue. The immediate supervisor should discuss with the non-faculty employee the nature of the problem or the violation of college procedures. The immediate supervisor is expected to clearly describe expectations and steps the non-faculty employee must take to improve his or her performance or resolve the problem.
 - 3.2.2 Within five (5) business days, the immediate supervisor will prepare written documentation of the verbal counseling. The non-faculty employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action. A documented verbal warning will be placed in the non-faculty employee's electronic personnel file within the Human Resources Office.
- 3.3 Step 2: Written Warning
 - 3.3.1 The Step two (2) written warning involves more formal documentation of the performance, conduct or attendance issues and consequences.
 - 3.3.2 During Step two (2), the immediate supervisor, the next-level supervisor, and a human resources representative will meet with the non-faculty employee to review any additional incidents or information about the performance, conduct, or attendance issues as well as any prior relevant corrective action plans.
 - 3.3.2.1 During the Step two (2) meeting, consequences for the non-faculty employee's continued failure to meet performance or conduct expectations will be outlined.
 - 3.3.3 A formal performance improvement plan (PIP) requiring the non-faculty employee's immediate and sustained corrective action will be issued within five (5) business days of a Step two (2) meeting. The written warning will include a statement indicating that the non-faculty employee may be subject to additional discipline, up to and including termination, if immediate and sustained corrective action is not taken.
 - 3.3.4 Employment Probation may be initiated as a result of Step two (2).

3.4 Step 3: Probation, Suspension, or Final Warning

- 3.4.1 Some performance, conduct, or safety incidents are so problematic and harmful that the most effective action may be the temporary removal of the non-faculty employee from the workplace. When immediate action is necessary to ensure the safety of the non-faculty employee or others, the immediate supervisor, upon approval of the respective Vice President or the Associate Vice President of Human Resources, may suspend the non-faculty employee pending the results of an investigation.
- 3.4.2 Suspensions that are recommended as part of the normal sequence of the progressive discipline procedures are subject to approval from a next-level supervisor and the Associate Vice President of Human Resources.
- 3.4.3 Suspensions will include a written document notifying the non-faculty employee of the status, which the non-faculty employee will have the opportunity to formally acknowledge with his or her signature.
- 3.4.4 A non-faculty employee returning to work from a suspension will automatically be placed on employment probation as provided in BP-7325 and AP-7325.0.
- 3.4.5 Depending on the seriousness of the infraction, the non-faculty employee may be suspended without pay in full day increments consistent with federal, state and local wage and hour employment laws. Human Resources will provide guidance to ensure that the discipline is administered without jeopardizing the Fair Labor Standards Act (FLSA) exemption status.
 - 3.4.5.1 Non-exempt or hourly non-faculty employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension.
 - 3.4.5.2 In compliance with the Fair Labor Standards Act (FLSA), unpaid suspension of salaried or exempt non-faculty employees is reserved for serious workplace safety or conduct issues.
 - 3.4.5.3 Pay will be restored to the non-faculty employee if an investigation of the incident or infraction absolves the non-faculty employee of wrongdoing.

3.4.6 Employment Probation may be initiated as a result of Step three (3).

3.5 Step 4: Recommendation for Termination of Employment

- 3.5.1 The last and most serious step in the progressive discipline process is a recommendation to terminate employment. Generally, the College will try to exercise the progressive nature of this policy by first providing warnings, issuing a final written warning, or suspending the non-faculty employee from the

workplace before proceeding to a recommendation to terminate employment. However, the College reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, non-faculty employees may be terminated without prior notice or disciplinary action.

- 3.5.2 The immediate supervisor or administrative officer shall make a recommendation for termination for review by the Associate Vice President of Human Resources. The President shall make the final determination for employment termination.

3.6 Performance and Conduct Issues Not Subject to Progressive Discipline

- 3.6.1 Behavior that is illegal is not subject to progressive discipline and may result in immediate termination. Such behavior may be reported to local law enforcement authorities.
- 3.6.2 Similarly, theft, substance abuse, intoxication, fighting, and other acts of violence at work are also not subject to progressive discipline and may be grounds for immediate termination.
- 3.6.3 A verbal notice is a one-on-one discussion between the non-faculty employee and the immediate supervisor identifying the non-faculty employee's unsatisfactory behavior.
- 3.6.4 A verbal notice that is summarized and documented by the non-faculty employee's immediate supervisor, must be acknowledged by the non-faculty employee's signature prior to the documentation being placed in his or her electronic personnel file.

3.7 Documentation

- 3.7.1 The non-faculty employee will be provided copies of all progressive discipline documentation, including all PIPs. The non-faculty employee will be asked to sign copies of this documentation attesting to his or her receipt and understanding of the corrective action outlined in these documents.
- 3.7.2 A copy of the written notice shall be placed in the non-faculty employee's electronic personnel file by submitting the original document to the Human Resources Office.
- 3.7.2.1 The non-faculty employee shall have the opportunity to provide a written response within twenty-one (21) calendar days of signing documentation.
- 3.7.2.2 Any such response shall be provided to the Human Resources Office with a copy to the immediate supervisor. The response will be included in the non-faculty employee's electronic personnel file.

3.7.2.3 Any grievances may be filed in accordance to BP-7710 and AP-7710.0 Employee Grievance.

3.7.3 All progressive discipline documentation shall remain active in the non-faculty employee's electronic personnel file for a period of twenty-four (24) months from the date of issuance.

3.7.3.1 Inactive documentation will not be used as record against the non-faculty employee.

4. APPLICABILITY

N/A

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SCHEDULE FOR REVIEW: 2025

DIVISIONS/DEPARTMENT RESPONSIBLE FOR REVIEW & UPDATE: Human Resources

SPONSORING DIVISION/DEPARTMENT: Human Resources

RELATED PROCEDURES/ REFERENCE: AP-7322.1; AP-7325.0; AP-7710.1

PROCEDURE KEY WORDS: progressive discipline; job performance; suspension; non-faculty employees