**EMPLOYEE DISCIPLINE CHECKLIST**

**Preliminary Steps Before Disciplining the Employee**

1. Determine if the employee knew of the rule or performance standard

2. Determine that the rule or standard is reasonable and that its enforcement would be reasonable under the circumstances

3. Review all relevant materials including employee handbooks, contracts, collective bargaining agreements, policy statements, the employee's disciplinary history, evaluations and attendance records

4. Determine that the employer has followed its policies and procedures

5. Interview all employees or third parties who may know of or were involved in the misconduct

* Include union representatives as called for under any applicable collective bargaining agreement

6. Take accurate notes from interviews/investigation about who, what, where, when, and why

7. Confront employee about the misconduct

8. Give employee a fair opportunity to explain/deny the misconduct

9. Conclude 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. Evaluate the risk factors of discipline or termination:

* (1) Employee engaged in protected activity:
  + Filed internal or external complaint of discrimination or harassment
  + Requested accommodation due to disability, pregnancy, or religion
  + Reported violation of law to employer or government agency
  + Refused an order to perform an action that the employee believes violates the law
  + Filed a work comp claim
* (2) Employee engaged in concerted, protected activity under the NLRA:
  + Publicized complaints about terms and conditions of employment
  + Publicized complaints about management
  + Complained about or refused to work due to safety concerns
  + Complained about or discussed wages
* (3) Employee has recently been on job-protected leave:
  + FMLA, parenting leave, military leave, etc.
* (4) Employee is in a protected class under federal, state, or local civil rights laws:
  + Age, race, religion, national origin, disability, gender, sexual orientation, pregnancy, etc.
* (5) Decision maker has made inappropriate comments about the employee

**Review the Proposed Disciplinary Action to Ensure Accuracy, Consistency, and Completeness**

1. Have you determined that the disciplinary action is consistent with how other employees have been disciplined for the same or similar misconduct?

2. Have you determined that the disciplinary action is the proper corrective measure under applicable policies and the employee's disciplinary history?

3. Is the discipline notice/memo accurate and complete? Be sure that it states the:

* Date of violation;
* Specific rule violated;
* Number of prior warnings;
* Detailed description of misconduct;
* Corrective action/penalty;
* Date and signature of Supervisor;
* Acknowledgment by employee of accuracy of warning.

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

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

* If you are concerned about how the employee may react, have a reliable management witness present.
* Review the facts with the employee.
* Explain:
  + The misconduct
  + Why it is unacceptable
  + The penalty given
  + What penalty will result if the misconduct is repeated
  + How to improve performance/conduct
* If the employee is to be discharged, has the Supervisor:
  + 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?
  + Made arrangements for return of employer’s property (e.g., keys, access cards, laptop computers)?
  + Secured computer from unauthorized entry by former employee?
  + Made arrangements for final check?

**Steps For the Supervisor After the Disciplinary Conference**

1. Immediately made the necessary entries in the personnel file and other applicable records

**Things to Ensure Before Closing the File**

1. Take steps to safeguard confidentiality

2. Make arrangements to route requests for references through one person