

Procedure: 4.4.1p. (III.T.1)

Positive Discipline

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I. PURPOSE:

It is the goal of the Technical College System of Georgia [TCSG] to emphasize quality and excellence in all aspects of System operations. As such, the System's Positive Discipline process is designed to promote a high level of employee discipline by correcting performance problems as they arise, building genuine employee commitment to the organization, and encouraging and promoting the development of effective working relationships between supervisors and their subordinate staff. The Positive Discipline process focuses on effective and timely decision-making coupled with individual responsibility and accountability.

The Positive Discipline process emphasizes an employee's responsibility and accountability for his/her own behavior and actions by communicating an expectation of change and improvement in a respectful, non-threatening way, while maintaining concern for the seriousness of the situation. Key aspects include recognizing and encouraging good performance, correcting performance problems through coaching and counseling, building commitment to high work standards and safe work practices, and promoting excellence in the delivery of services.

This Positive Discipline policy is not to be considered an explicit or implied contract between the Technical College System of Georgia or any of its associated technical colleges and any employee or group of employees. The System reserves the right to adapt, modify or abandon this policy at any time and for any reason, with or without notice to any employee.

II. RELATED AUTHORITY:

State Board POLICY: 4.4.1. Positive Discipline
TCSG Procedure: 4.4.2P. Adverse Employment Actions
State Personnel Board Rules

III. APPLICABILITY:

All work units and technical colleges associated with the Technical College System of Georgia.

IV. DEFINITIONS:

Appointing Authority: In the System Office, the Commissioner of the Technical College System of Georgia as well as those manager(s) to whom the Commissioner has delegated the responsibility for directing associated work unit activities. In a technical college, the President or his/her designee shall serve in this capacity.

Business Day: Weekdays that administrative offices are open.

Covered Employee: All full-time or part-time salaried employees who have been continuously employed for more than twelve (12) calendar months. This includes classified and unclassified employees, as well as those working under the terms of an employment contract.

Decision Making Leave (DML): A Decision Making Leave is the third and final step of formal discipline, consisting of a formal discussion between work unit management and an employee about a serious work related problem. After the discussion, the employee is suspended from work with pay for the following day. He/she must then decide either to solve the immediate problem and agree to perform at a fully acceptable level in all areas of the job or, instead, to resign and pursue other employment opportunities.

Designated Reviewing Official (DRO): an individual employed with the TCSG who has been authorized by the Commissioner to review and make final determinations on dismissals. Decisions by the Designated Reviewing Official shall be final.

Discussion Worksheet: Consists of the pre-meeting checklist and post-meeting summary. The pre-meeting checklist portion of the Discussion Worksheet helps supervisors prepare for disciplinary discussions with their subordinate staff. The results of the meeting are recorded on the post-meeting summary portion of the document.

Dismissal: This employment action normally occurs when the progressive steps of disciplinary action have failed to bring about a correction in an employee's work performance, conduct, behavior or attendance. Dismissal is the appropriate action when a disciplinary problem reoccurs within the twelve (12) month period in which a Decision Making Leave is active or when a single offense is so severe that any other disciplinary action would not be the appropriate remedy.

Informal Coaching: Brief informal discussion(s) between a supervisor and an employee concerning the need to improve in the areas of attendance, work performance, behavior/conduct, safety, etc. Informal coaching may include corrective feedback or referral for additional training.

Non-Covered Employee: This term includes salaried employees who have worked for less than twelve (12) months as well as temporary employees, hourly-paid employees, adjunct faculty, technical college presidents, and other employees who report directly to the Commissioner of the TCSG.

Performance Improvement Discussion: A structured discussion to address a specific problem with an employee in the areas of attendance, work performance, conduct, behavior, and/or safety. The objective is to ensure that the employee recognizes that a problem exists, to mutually develop an effective solution, and to avoid the need for formal disciplinary action.

Reminder 1: The first formal step of the disciplinary process involving a discussion between a supervisor and an employee concerning work-related problem(s)/difficulties and the need (for the employee) to change his/her performance, behavior, conduct, etc.

Reminder 2: The second step of the disciplinary process in which the supervisor holds a formal discussion with the employee concerning work-related problem(s)/difficulties and the need to change his/her performance, behavior, conduct, etc.

Reviewing Manager: A manager charged with reviewing the performance plans and evaluations prepared by lower level supervisor(s) in his/her direct line of supervision.

System Office: all work units not attached to a specific college, including but not limited to Quick Start, Adult Education, Technical Education, Administrative Services, and Data Planning and Research.

V. ATTACHMENTS:

Attachment: 4.4.1p.a1. TCSG Performance Management Matrix – Technical Colleges

Attachment: 4.4.1p.a2. TCSG Performance Management Matrix – System Office

Attachment: 4.4.1p.a3. Discussion Worksheet – Pre-Meeting Checklist

Attachment: 4.4.1p.a4. Discussion Worksheet – Post Meeting Summary

Attachment: 4.4.1p.a5. Reminder 2 Sample Memorandum

Attachment: 4.4.1p.a6. Decision Making Leave Sample Memorandum

Attachment: 4.4.1p.a7. Suspension With Pay Sample Letter

VI. PROCEDURES:

A. General Provisions:

1. The Positive Discipline process covers all full-time and part-time salaried employees who have been continuously employed with the TCSG System Office and its associated technical college for more than twelve (12) calendar months. Also included are all employees working under the terms of an employment contract. Salaried employees who have worked for less than twelve (12) calendar months, as well as temporary employees, hourly-paid employees, adjunct faculty, technical college presidents, and other employees who report directly to the Commissioner are excluded from coverage.
2. The Positive Discipline process is designed to address problems in such general areas as performance, conduct, behavior, attendance, and safety.
3. Each System Office or technical college supervisor and manager is responsible for communicating agency and college rules, practices, and expectations consistent with the guidelines set forth in this policy.
4. Neither the Positive Discipline policy nor this accompanying procedure is considered an explicit or implied contract between the System and any employee or group of employees. The System reserves the right to adapt, modify, or abandon the policy and procedure at any time for any reason, with or without advance notice to any employee.
5. Every individual initially appointed to or promoted into a supervisory or managerial position is expected to complete Positive Discipline Training within ninety (90) days of assuming his/her position. Each technical college as well as the System Office will conduct Positive Discipline training courses at regular intervals to ensure that all newly appointed or promoted supervisors and managers complete the training within the expected timeline.
6. A summary of the steps and activities associated with the Positive Discipline Process is outlined in the attached TCSG Performance Management Matrix' (Attachments: 4.4.1p.a1 and 4.4.1p.a2.).

B. Informal Discussions:

1. "Positive Contacts" are designed to recognize good performance and serve to encourage staff to continue to perform their assigned tasks in an exemplary manner. All supervisors and managers are expected to review the performance of subordinate employees regularly and conduct Positive Contact discussions when appropriate. Positive contacts and other forms of recognition should be noted in an employee's productivity file.
2. "Informal Coaching" serves to informally advise an employee of the need to improve in one or more specific areas. Generally, the outcome of a coaching session is not documented in a formal memorandum to an employee; however, supervisors are encouraged to make a note of this activity in an employee's productivity file.
3. "Performance Improvement Discussions" are more serious conversations about performance problems before the need for a formal step of disciplinary action arises.
 - a. A supervisor will prepare the Pre-Meeting Checklist portion of the Discussion Worksheet (Attachment: 4.4.1p.a3.) before the meeting.
 - b. During the meeting, the supervisor will inform the employee that this is an informal discussion (i.e., not one of the three formal steps of disciplinary action) and seek to gain the employee's agreement to change and correct the problem.
 - c. Following the meeting, the supervisor will document the discussion using the Post-Meeting Summary portion of the Discussion Worksheet (Attachment: 4.4.1p.a4.).
 - d. He/she will provide the employee with a copy of the Post-Meeting Summary and a copy will be maintained in the employee's productivity file.
 - e. The supervisor will provide positive feedback when improvement occurs and document the improvement on the supervisor's copy of the Discussion Worksheet.

C. Formal Disciplinary Action:

The formal levels of disciplinary action (i.e., Reminder 1, Reminder 2, and Decision Making Leave) represent increasingly serious and/or repetitive infraction(s) of established policies, rules, guidelines, and/or directives:

1. Reminder 1:
 - a. After consultation with his/her immediate supervisor and HR Coordinator/Director, the supervisor will prepare for the meeting by completing the Pre-Meeting Checklist portion of the Discussion Worksheet document.
 - b. During the meeting the supervisor will inform the employee that this meeting is a Reminder 1, the first formal step of TCSG's Positive Discipline Process. The supervisor will seek to gain the employee's agreement to change and return to fully acceptable performance.
 - c. Following the Reminder 1, meeting the supervisor will complete the Post-Meeting Summary portion of the Discussion Worksheet. A copy of the Pre-Meeting Checklist

portion of the Discussion Worksheet will be provided to the employee and the employee will be asked to sign the supervisor's copy to confirm that the discussion took place. A copy of the Discussion Worksheet will be maintained in the employee's productivity file and the official personnel file. A Reminder 1 remains active for 6 months.

2. Reminder 2:

- a. A Reminder 2 may be issued when a problem arises within a six (6) month period following the issuance of an earlier Reminder 1 in the same category, or when a performance, conduct, or attendance problem is sufficiently serious to require this level of discipline, regardless of any previous coaching sessions or disciplinary discussions.
- b. After consultation with his/her immediate supervisor and HR Coordinator/Director, the supervisor will prepare for the meeting by completing the Pre-Meeting Checklist portion of the Discussion Worksheet.
- c. During the meeting, the supervisor will inform the employee that this meeting is a Reminder 2, the second formal step of the Positive Discipline Process. The supervisor will again (or for the first time) seek to gain the employee's agreement to change and return to fully acceptable performance.
- d. Following the Reminder 2 meeting, the supervisor will complete the Post-Meeting Summary portion of the Discussion Worksheet, a copy of which will be given to the employee. In addition, the supervisor will prepare a memorandum (using Attachment: 4.4.1p.a5.) advising the employee of the Reminder 2 transaction. The employee will be asked to sign the supervisor's copy of the memorandum to confirm that the discussion took place. A copy of the Discussion Worksheet and memorandum will be maintained in the employee's personnel file. A Reminder 2 remains active for nine (9) months. Consistent with provisions of VI.D.1., the affected employee may request a review of the Reminder 2.

3. Decision-Making Leave (DML):

- a. Decision-Making Leave may be issued when a problem arises within a nine (9) month period following the issuance of an earlier Reminder 2 in the same category, or when a performance, conduct, or attendance problem is sufficiently serious to require this level of discipline, regardless of any previous coaching sessions or disciplinary discussions.
- b. After consultation with his/her immediate supervisor, the HR Coordinator/Director, and manager of the college or System Office program area, the supervisor will prepare for the Decision Making Leave transaction by completing the Pre-Meeting Checklist portion of the Discussion Worksheet. During these discussions, the parties will determine the day on which the employee will be suspended from work and the manner in which the employee's work will be covered on that day.
- c. On the day of the meeting the supervisor will tell the employee that he/she is being placed on a Decision Making Leave, the final step of the Positive Discipline process.

The supervisor will advise the employee that immediately after the meeting concludes, he/she is to leave the workplace. Additionally, the employee should be instructed to spend the following day at home making a final decision about whether he/she can solve the immediate problem that triggered the Decision Making Leave and commit to maintaining fully acceptable performance in every area of his/her job or, instead, to resign and seek employment elsewhere.

The employee will be told that he/she will be paid for the day of Decision Making Leave and that if he/she returns with a commitment to solve the problem and maintain fully acceptable performance and another problem requiring disciplinary action arises, he/she will be dismissed.

- d. Upon returning to work, the employee must advise his/her supervisor as to whether he/she has decided to solve the problem and commit to fully acceptable performance in every area, or, instead, resign. If the employee chooses to resign, a corresponding personnel action will be generated. If the employee decides to continue his/her employment, the supervisor will complete the Post-Meeting Summary portion of the Discussion Worksheet, a copy of which will be given to the employee. In addition, the supervisor will prepare a memorandum (Attachment: 4.4.1p.a6.) formally advising the employee of the Decision Making Leave transaction, including the notification that any further problem(s) requiring the delivery of formal discipline will result in his/her dismissal. The employee will be asked to sign the supervisor's copy of the memorandum to confirm that the discussion took place. A copy of the Discussion Worksheet and memorandum will be maintained in the employee's personnel file and provided to all relevant parties.
- e. A Decision Making Leave remains active for twelve (12) months. An employee may request a review of the Decision Making Leave by following the provisions of this procedure.
- f. An employee who has been placed on Decision Making Leave is not eligible to receive a performance-based salary increase during the performance plan year in which the disciplinary action was initiated.

4. Dismissal:

- a. A dismissal normally occurs when the progressive steps of discipline outlined in the Positive Discipline Process have failed to bring about a correction in an employee's performance, conduct, behavior, and/or attendance. A dismissal is the appropriate action when a disciplinary problem reoccurs within the twelve (12) month active period of a Decision Making Leave or when a single offense is so severe that any other disciplinary action would not be an appropriate remedy.
- b. The decision to dismiss a System Office employee or college employee reporting directly to the president must be approved by the Commissioner or designated manager.
- c. The decision to dismiss a technical college employee must be approved by the president. Presidents and/or college Human Resources Directors should consult with the Office of Legal Services or the TCSG Office of Human Resources prior to dismissing a covered employee. The decision to dismiss a covered employee must be communicated (to the employee) in writing and include the proposed effective date as well as the right to review process outlined in Paragraph VI.I.

5. Skipping Disciplinary Steps

The Positive Discipline steps outlined in this policy are not required to be followed in sequence. Should an employee commit a serious offense, the employee may be placed on a Reminder 2, Decision Making Leave, or be dismissed. Additionally, if a pattern of repeating problems after the end of an active period of disciplinary action, progression to a more serious step of the Positive Discipline Process may be warranted.

6. Repeating Disciplinary Steps:

- a. Generally, policy infractions or performance problems are classified into three broad categories: (1) attendance, (2) work performance, and (3) behavior/conduct. If an employee experiences problems in each of these areas, he or she may receive more than one Reminder 1 or Reminder 2.
- b. The maximum number of Reminder 1's that may be active at one time is three, with no more than one in each category. The maximum number of Reminder 2's that may be active at one time is also three, again with no more than one in each category.
- c. Should another performance problem occur in a category while the employee has an active Reminder 1 or Reminder 2 in the same category, the disciplinary step will elevate to the next level (Reminder 2 or DML, as appropriate).
- d. If an employee is on an active Reminder 2 and experiences a disciplinary problem in an unrelated category, it is not appropriate to place the employee on a Reminder 1 for that offense since he or she is already at the Reminder 2 level. In this case a second Reminder 2 would be the appropriate sanction.
- e. Because the Decision Making Leave requires a total performance decision on the employee's part, an employee may receive only one such transaction in a twelve (12) month period. If a performance problem that would normally result in the delivery of formal discipline occurs within the twelve (12) month period, the appropriate action is dismissal. However, the appointing authority or designee may consider any extenuating or mitigating circumstances before making a decision to dismiss an employee. Any such decisions should be made after consultation with the TCSG Office of Legal Services or the TCSG Office of Human Resources.

7. Deactivation of Disciplinary Action:

- a. If an employee maintains fully satisfactory performance during the active period of the respective disciplinary level, the disciplinary action will be deactivated.
- b. Upon notifying the employee that the active period has been completed, the supervisor will document that the disciplinary action has been deactivated on all records in the employee's productivity file. The supervisor will also advise all individuals, to include Human Resources, who were initially notified of the taking of the disciplinary action that the active period has been completed and that the disciplinary action has been deactivated.

8. Performance Management Program:

The Positive Discipline process and the System/technical college performance management process are closely linked. As such, the employee's performance appraisal rating will be influenced if the individual is on an active step of formal discipline.

D. Review Procedure

1. Reminder 2:

- a. A technical college employee who has been issued a Reminder 2 may request a review of the decision by the appropriate Vice President, or by the President if the Vice President participated in the review and approval of the disciplinary action. For staff in the System Office, the request for review will be directed to the appropriate Assistant Commissioner, Deputy Commissioner, or, as applicable, the Commissioner.
- b. To request a review, an employee must notify the designated individual within three (3) business days of the receipt of the Reminder 2 Memorandum. The employee's response may be in writing, in person, or both. The designated reviewing official should provide the employee with a written response within ten (10) business days of receipt of the review request. This decision of the reviewing official will be final.

2. Decision Making Leave:

- a. A technical college employee placed on a Decision Making Leave may request a review of the action by the President. For staff in the System Office, the request for review will be directed to the Commissioner's Designated Reviewing Official
- b. If the president participated in the review and approval of the Decision Making Leave, or if the impacted employee reports directly to the president, the review will be conducted at the System Office by the Commissioner's Designated Reviewing Official.
- c. To request a review, an employee must notify the designated individual within three (3) business days of the receipt of the Decision Making Leave Memorandum. The response may be in writing, in person, or both. The reviewing official should provide the employee with a written response within ten (10) business days of receipt of the review request. The reviewer may repeal or modify the Decision Making Leave. The decision of the reviewing official will be final.

3. Dismissal:

- a. A technical college or System Office employee covered by the provisions of this policy and who has been notified of his/her proposed dismissal may request a review of this action by the Designated Reviewing Official.
- b. To request a review, an employee must submit an appeal in writing to the Designated Reviewing Official at the TCSG System Office within three (3) business days after receipt of the dismissal notice. Any request for review that is not received by the DRO in the TCSG System Office within three (3) business days will be dismissed for being untimely. The request should contain information and, as applicable, supporting material(s) that the employee would like the DRO to consider in determining whether the dismissal should be upheld. An employee who submits

an appeal will not be granted a hearing or allowed to meet with or speak to the DRO.

- c. The Designated Reviewing Official will provide the employee with a written response no later than ten (10) business days following receipt of the review request. If a review is requested consistent with these provisions, the proposed effective date of the dismissal will be delayed until the final determination is issued. During this time period, the employee will remain in or be initially placed in a suspension with pay status. The decision of the Designated Reviewing Official in these matters is final.

NOTE: The Positive Discipline Process does not permit third party representation in these matters.

E. Crisis Suspensions

1. A crisis suspension (i.e., a suspension with pay) is not a formal level of disciplinary action. A crisis suspension may be used when an employee's inappropriate behavior is so serious that immediate removal from the workplace is necessary. Some examples are theft, threat of violence, destruction of college property, reporting to work under the apparent influence of alcohol or drugs, insubordination, and arrest. Additionally, an employee may be placed on suspension with pay in conjunction with an internal investigation initiated in response to a workplace complaint or when an employee's actions/behaviors may impact his/her ability to effectively perform his/her assigned job duties.
2. In these circumstances, the appointing authority or designee will notify the employee that he or she is being suspended with pay pending investigation for alleged misconduct and is being temporarily relieved of duty. This conversation is immediately followed the delivery of written notification (of this action) using Attachment: 4.4.1p.a7. Additionally, the employee shall be required to leave System Office/Technical College property immediately.
3. The investigation should be completed as soon as possible and appropriate disciplinary action initiated if findings are substantiated.

VII. RECORD RETENTION:

Records created or collected pursuant to this procedure shall be maintained in accordance with the Georgia Archive's Retention Schedule for State Government Paper and Electronic Records.