

Title: Staff Discipline

Policy Statement:

The Board of Trinity Christian School Association (the “Association” or “TCSA”) defines progressive corrective actions and disciplinary processes to be used when an employee fails to meet job performance and/or behaviour requirements. There may be cases where the Association determines that job performance is so deficient or behaviour is so disruptive or unacceptable that immediate termination of employment may result, whether or not prior corrective action has occurred.

Approved:

Roy Lapa
(Chair of the Board)

January 31, 2019
(Date)

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To Be Reviewed:

Review and Amendment Date(s):

Stakeholders Consulted (Date): September, October 2018

Relevant Documents to this Policy:

Policy on Appeals (2018)
Whistleblower Policy (2016)
Policy on Role of the Board (2017)
General Office Staff Procedures (tbe)
Policy on Management Accountability (2017)
Alberta Employment Standards Act

Principles:

- The Association shall ensure that all disciplinary measures are handled fairly, consistently, and in compliance with the law.
- The Association shall ensure that all terminations from employment are handled fairly, consistently, and in compliance with the law.
- Terminations that are handled effectively reduce the risk of liability to the Association.

Definitions:

Major Infraction: action or inaction on the part of the employee such that the employment relationship itself is repudiated or irrevocably damaged.

Non-Culpable Circumstances: a situation where an employee is unable to fulfill the requirements of the employment relationship because of circumstances over which he/she has no control.

Unsatisfactory Performance: an inability to fulfill the expectations of the position held as a result of an unwillingness to do so, or non-culpable performance circumstance like not possessing the necessary skills to meet the requirements of the position.

Infraction: may either be action or inaction on the part of the employee which is a form of misconduct (but not gross misconduct/a major infraction), or be the failure to satisfy

job performance requirements, where reasonable remedial efforts may return the employee to satisfactory levels of performance.

Progressive Discipline: a process intended to raise the employee's awareness of the problem and the need to change based on an escalation of the consequences for failure to comply.

Suspension: a disciplinary action taking the form of an imposed absence from work, normally without pay.

Demotion: a transfer to a position in a lower salary grade because the employee does not meet the established job objectives.

Termination: an involuntary ending of employment which may be imposed for: major infraction or gross misconduct, multiple infractions, unsatisfactory performance (culpable and non-culpable), other non-culpable circumstance.

Evaluation period: a formal period of evaluation where specific objectives will be established.

I. Employees

A. Requirements

1. All TCSA employees are required to:
 - a. Comply with the Constitution and Bylaws of TCSA: and
 - a. Comply with Policy and Procedure set by the Board and management of TCSA; and
 - b. report any infraction, breach or suspected breach of policy and/or procedure, by reporting the infraction, breach or suspected breach to their Senior Manager, or
 - c. If the report is about their Senior Manager, or their Senior Manager will be in a conflict of interest position if they receive the report, reporting the infraction, breach or suspected breach to the Chair of the HR Committee. Relevant sections of the **Whistleblower Policy** may be used as reference.

B. Infractions Which Attract Discipline

1. Discipline issues can be divided into three categories:
 - a. Infractions
 - b. Major Infractions
 - c. Poor Work Performance.

The following list of offences is not exhaustive, and discipline may nonetheless be imposed for infractions not listed:

2. Infractions include, but are not limited to:
 - a. Policy violations
 - b. Unprofessional or inappropriate conduct
 - c. Culpable absenteeism
 - d. Poor work performance and/or work quality issues
3. Major Infractions include, but are not limited to:
 - a. Absence without approved leave
 - b. Assault
 - c. Negligence

- d. Unauthorized possession or use of Association property
 - e. The use, possession, distribution or sale of drugs or alcohol during work time and/or being in a condition unfit for work
 - f. Physical fighting, using obscene, abusive, intimidating or threatening language or gestures
 - g. Intentional damage to Association property
 - h. Sexual harassment
 - i. Falsification of records
 - j. Off-duty misconduct which renders the employee unable to properly discharge his/her employment obligations or causes employees to refuse or be reluctant to work with that person
 - k. Insubordination to their Senior Manager or the Board
- 4. Poor Work Performance**
The following actions will normally be taken in dealing with a work performance and/or work quality issue.
- a. The Senior Manager and the employee will review the job description to ensure complete understanding of the requirements.
 - b. The areas of deficiency will be clearly communicated and the expected standard of performance, along with measurement criteria, fully explained.
 - c. The employee will be officially notified that the expected standards are to be accomplished by the deadline date.
 - d. If, by the deadline date, there have been no significant improvements in the work performance, an assessment should be made as to whether the performance issue is a result of culpable or non-culpable circumstances.
 - e. If the reasons are primarily culpable in nature:
 - i. A reasonable evaluation period should be established. If significant deficiencies remain at the conclusion of this evaluation period;
 - ii. A final written warning, suspension, and evaluation period should be established. If significant deficiencies remain at the conclusion of this evaluation period;
 - iii. Termination.
 - f. If the reasons are primarily non-culpable in nature:
 - i. Any reasonable concerns that the employee has regarding training or additional support should be addressed;
 - ii. A reasonable evaluation period should be established. If significant deficiencies remain at the conclusion of this evaluation period;
 - iii. Termination or placement in a position within the employee's capability (demotion).

C. Progressive Discipline Process

1. All incidents of misconduct and unsatisfactory performance should be brought to the employee's attention at the earliest possible opportunity.
2. With respect to most disciplinary problems, these steps of the progressive discipline process will normally be followed:
 - a. First offence Verbal warning/counselling;
 - b. Second related offence Written warning;
 - c. Third related offence Suspension with or without pay;

- d. Forth related offence Demotion or termination of employment.
- 3. Disciplinary action may call for any these responses depending on the severity of the problem and the number of occurrences. There will be circumstances when one or more of the steps will be bypassed or certain steps may be repeated.
- 4. When a manager issues a verbal warning to an employee, they should do so privately. When appropriate, they should provide that employee with a copy of the company policy they violated and explain our progressive discipline steps. A dated record that a verbal warning was given will be immediately placed employee's personnel file.
- 5. Where the deficiencies in the work performance of an employee may lead to further disciplinary action, the Senior Manager will notify the employee in writing. The written notice, a copy of which will be placed in the employee's personnel file, will include the particulars of the work performance deficiencies and the steps required to correct such deficiencies. Any written reply from the employee will be placed in the employee's personnel file.
- 6. Terminations or demotions related to unsatisfactory performance will occur only after the employee has received a written warning or has been placed on a formal evaluation period where it is clearly specified that failure to meet the specified objectives will result in termination.
- 7. TCSA recognizes that there are certain types of employee misconduct that are serious enough to justify either a suspension or, in extreme situations, termination of employment, without going through the usual progressive disciplinary steps.
- 8. By using progressive discipline, most employee discipline problems can be corrected at an early stage, benefiting both the employee and the Association.

II. Management

A. Requirements

- 1. All TCSA managers are required to:
 - a. Comply with the Constitution and Bylaws of TCSA; and
 - b. Comply with Directives given by the Board of TCSA; and
 - c. Comply with Policy and Procedure set by the Board of TCSA; and
 - d. Comply with Alberta legislation, including regulations, school policies and requirements mandated by legislation; and
 - e. Comply with Canadian legislation, including regulations set out by the Canadian Revenue Agency.

B. Infractions Which Attract Discipline

- 1. TCSA expects its managers to hold themselves to a higher level of professionalism than employees. All deliberate infractions by management are major infractions, including any infraction listed in **I. Employees B. Infractions Which Attract Discipline 2. and 4.** of this policy
- 2. Infractions that will result in termination for Managers are:
 - a. Deliberate refusal or failure to comply with TCSA Policy and Procedure.
 - b. Wilfully failing to comply with Alberta and Canadian legislation, unless said legislation conflicts with the Constitution and Bylaws of TCSA.

- c. Deliberate insubordination to the Board and its directives.
- d. Deliberately undermining directives of the Board with TCSA employees and/or members of the public.
- e. Official misconduct; the commission of an unlawful act, done in a managerial capacity, which affects the performance of official duties.
- f. Corrupt conduct; Conduct that affects the performance of their functions or the exercise of their powers, which:
 - i knowingly or recklessly breaches public trust, or
 - ii involves the misuse of Association-related information or material.
- g. Fraud and theft
- h. Maladministration; incompetent, unjust, dishonest, or ineffective leadership.
- i. Waste of public resources.
- j. Gross mismanagement of public and/or school funds or asset(s).
- k. Endangerment of the health and safety of students, staff or the public
- l. Any act or omission that creates a substantial and specific danger to the life, health or safety of individuals other than a danger inherent in the performance of duties or functions of an employee.
- m. Knowingly directing or counseling an individual to commit a wrongdoing.
- n. Reprisal against a report of wrongdoing.
- o. Any infraction listed in **B. Infractions Which Attract Discipline 3.** of this policy.

C. Discipline Process

1. With respect to the disciplinary process for Managers, a two-step process will be followed:
 - a. First offence: Written reprimand from the Board;
 - b. Second related offence: Termination of employment.
2. Management infractions falling under **II. Management B. Infractions Which Attract Discipline 2.** of this policy, will result in termination of employment, without going through the two-step process.

III. Notice and Termination Procedure

A. Regular Employees

1. In the case of termination for a major infraction or for non-culpable circumstances the employee will be advised of the reasons for the termination and will be given an opportunity to respond prior to any decision being reached by TCSA. Such termination should be discussed with and have the approval of the Chair of the HR Committee.
2. Employees terminated for a major infraction shall not be entitled to termination notice nor are they eligible for severance pay.
3. Employees terminated for unsatisfactory performance will receive notice or pay in lieu of notice, in accordance with the Employment Standards Act. It should be noted however, that under the Employment Standards Code, an employer is not required to provide notice when just cause exists for dismissing an employee.
4. All employees may appeal their termination to the Board as outlined in **Policy on Appeals (2018)**.

B. Temporary/Casual Employees

1. Temporary employees who are involved in any form of misconduct will be terminated without notice.
2. The employment of contract or temporary/casual employees can be terminated at any time on the giving of one (1) week's notice or pay in lieu of notice if the employee has been employed continuously for more than three (3) and less than twelve (12) months; or two (2) weeks' notice or pay in lieu if employed continuously for more than twelve (12) months.
3. All employees may appeal their termination to the Board as outlined in **Policy on Appeals (2018)**.

C. Management

1. In the case of termination for a major infraction or for non-culpable circumstances the manager will be advised of the reasons for the termination and will be given an opportunity to respond prior to any decision being reached by TCSA. If the manager's termination has been resolved by their Senior Manager, it should be discussed with and have the approval of the Chair of the HR Committee.
2. Managers terminated for a major infraction shall not be entitled to termination notice nor are they eligible for severance pay.
3. Managers terminated for unsatisfactory performance will receive notice or pay in lieu of notice, in accordance with the Employment Standards Act. It should be noted however, that under the Employment Standards Code, an employer is not required to provide notice when just cause exists for dismissing an employee.
4. Managers dismissed by their Senior Manager may appeal their termination to the Board as outlined in **Policy on Appeals (2018)**.
5. If the Manager or Senior Manager was dismissed by resolution of the Board there is no avenue for appeal.

IV. Record of Discipline

1. A record of any disciplinary measures taken, will be placed in the employee or manager's personnel file, and will include the particulars of the work performance deficiencies and the steps required to correct such deficiencies.
2. The Association will keep a record of all disciplinary action taken in the employee or manager's file for the following time periods:
 - Verbal Warning 12 months
 - Written Warning 36 months
 - Written reprimand from the Board 60 months
 - Suspension (with or without pay) 60 Months
 - Termination Not Applicable