



TACOMA HOUSING AUTHORITY

Policy No.	HR-10.50
Policy	Discipline of Regular Employees
Date	July 14, 2009

1. Purpose

- ▶ To establish a process for correcting and disciplining THA employees for substandard work performance or for violations of THA policy;
- ▶ To do so in a way that acknowledges the rights of employee's under applicable collective bargaining agreements and legal principles;
- ▶ To provide guidelines for the imposition of discipline to promote reasonable consistency throughout the agency.

2. Sources for Policy

- ▶ Collective bargaining agreements
- ▶ U.S. Const, 14th Amend
- ▶ Wash. Const, Art. 1, § 3.

3. Scope of Policy

This policy applies to all THA staff except for the Executive Director.

4. Who is Responsible for Implementing Policy

Who	Responsibilities
<i>Supervisors</i>	<ul style="list-style-type: none"> ▶ To use this process as appropriate to create and maintain high work standards among the staff they supervise.
<i>Executive Director</i>	<ul style="list-style-type: none"> ▶ To be the final source of all discipline under this policy more severe than an Written Reprimand; ▶ To delegate this authority as appropriate.
<i>Human Resources Dept.</i>	<ul style="list-style-type: none"> ▶ To help supervisors and staff understand and use this policy appropriately; ▶ To monitor its use and ensure compliance; ▶ To review all disciplinary decisions more serious than Oral Warning; ▶ To keep records of all disciplinary matters in personnel files.

5. Definitions

[No entry]

6. Forms Associated with this Policy

<i>THA Form HR-10.50(1)</i>	<i>Notice of Meeting</i>
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7. Policy**7.1 Standards of Work and Supervisors Responsibilities**

Supervisors must set high work standards for the staff under their supervision. They must be alert to substandard work or to misconduct. They must promptly address problems as they arise. They should not wait until the next Performance Evaluation of the employee in question. Their intervention must (i) reinforce the high work standards; (ii) be constructive for the purpose of restoring or attaining high work performance; and, (iii) be fair and respectful to the employee and to others who may be involved.

When a supervisor intends to impose disciplinary action on any employee they must do it in cooperation and with consultation of the Human Resources Department.

7.2 Occasions for Discipline

THA may impose discipline for actions or omissions that adversely affect THA operations, other staff persons or clients, or THA's mission. The possible reasons for disciplinary action include but are not limited to the following non-exhaustive list:

- (a) Failure to perform assigned tasks;
- (b) Excessive or habitual tardiness or absences;
- (c) Unexcused absences or misuse of leave policies;
- (d) Unsatisfactory job performance;
- (e) Insubordination or lying to supervisors on work related matters;
- (f) Supervisor's mistreatment of staff under his or her supervision;
- (g) Conduct on the job not in keeping with acceptable standards generally associated with employment;
- (h) Disrespectful treatment of a client, tenant, or a visitor;
- (i) Violation of THA policies;
- (j) Violation of policies of the U.S. Department of Housing and Urban Development or other agencies that provide funding to THA or that have regulatory authority over THA;
- (k) Criminal behavior (*e.g.*, stealing, fraud, assault);
- (l) Discriminatory conduct, including discriminatory harassment;
- (m) Illegal conduct on or off the job;
- (n) Falsification, misrepresentation or a material omission in any THA document or any document related to the Employee's employment with THA including employment applications or resumes.

The foregoing is not a complete list of all conduct that may result in disciplinary action. THA reserves the right to take such disciplinary action as it deems appropriate in any given situation.

7.3 Ranges of Corrective Action

7.3.1 *Counseling*

When a supervisor observes or is made aware of an emerging problem or issue, the supervisor may counsel the employee to:

- (a) Define the problem;
- (b) Discuss what may be the cause of the problem;
- (c) Discuss what suggestions can be made to correct the problem and; what expected actions are required to resolve the problem.

7.3.2 *Discipline*

THA reserves the right to take the form of disciplinary action it deems appropriate under the circumstances involved. Depending on the facts involved and the severity of the misconduct, various instances of misconduct may be appropriate for different disciplinary action. Nothing in this policy requires or precludes a particular form of discipline for a particular type of misconduct.

(a) Oral Warning with written documentation

The supervisor may orally warn the employee about a problem in the employee's work performance or conduct.

Guideline: Oral Warnings can be part of counseling or discussion between the supervisor and the employee. Oral Warnings may be appropriate for a minor problem that by itself is not serious but that may become serious if it continued. Examples may include: minor tardiness, rudeness, inattention to work, errors, or failure to perform.

The supervisor must make a written record of an Oral Warning stating the date and circumstances and the nature of the warning. He or she should use *THA Form HR-10.50(5) Discipline Notice*. The supervisor should give copies of the written record to the employee and to the employee's personnel file.

(b) Written Reprimand

A supervisor may give an employee a Written Reprimand.

Guideline: A Written Reprimand may be appropriate for repeated problems or more serious instances of misconduct or work performance problems. Examples may include: failure to respond appropriately to warnings or mentoring, repeated or significant instances of tardiness, taking unauthorized leave, misuse of leave

policies, repeated foul or inappropriate language. A Written Reprimand should normally accompany the supervisor's more detailed discussion with the employee about the problem(s).

The Written Reprimand should include the following information:

- (i) reason for the reprimand (describe what happened and why it is a problem);
- (ii) what the supervisor expects the employee to do and, if appropriate, a schedule by which he or she must do it;
- (iii) a warning that continued problems may subject the employee to more serious discipline, up to and including dismissal.

The supervisor should use *THA Form HR-10.50(5) Discipline Notice*. The supervisor should give copies of the written record to the employee and to the employee's personnel file.

(c) Disciplinary Probation

THA may place an employee on Disciplinary Probation. It does this by stating the following:

- (i) reason for the probation (describe what happened and why it is a problem; if the problem is a recurring one, recount the past instances and, if applicable, the past discipline or corrective action);
- (ii) what the employee must do to successfully complete probation and, if appropriate, a schedule by which he or she must do it;
- (iii) duration of probation;
- (iv) a warning that continued problems may subject the employee to more serious discipline, up to and including dismissal.

Guideline: Probation may be appropriate for a continuing problems of poor work performance. In such cases, probation serves as a serious warning to the employee that immediate and significant improvement is necessary and gives the employee specific guidelines on the improvement that he or she must show and a schedule for doing so. Probation is generally less appropriate or less useful for serious instances of misconduct that a staff person knows or should know are not acceptable since, in

such instances, a person should not have needed any warning and should not need any time to correct it. Instead, suspensions without pay or dismissal is usually more appropriate for instances of serious misconduct.

An employee placed on Disciplinary Probation must conform his or her behavior to THA's policies and expectations even after the end of the probationary period. The purpose of the probationary period is to denote a time period when the supervisor will be particularly watchful for problems and to help the employee better appreciate the seriousness of the situation.

The supervisor should use *THA Form HR-10.50(5) Discipline Notice*. The supervisor should give copies of the written record to the employee and to the employee's personnel file.

(d) Suspension Without Pay

Suspension Without Pay may be appropriate for serious or repeated misconduct or problems where the supervisor elects not to dismiss the employee because, for example, although serious, the problem may not be so serious as to require dismissal, it may not have occurred before or because there may be sufficient reason to expect that the conduct will not recur.

Guideline: Suspension Without Pay is appropriate for serious or repeated misconduct. Examples may include: harassing or discriminatory conduct contrary to THA policy; negligent conduct resulting in serious damage to property or injury to others, unsatisfactory performance or other inappropriate conduct.

To suspend an employee without pay, THA will give him or her a written memorandum stating the following:

- (i) reason for the suspension (describe what happened and why it is a problem; if the problem is a recurring one, recount the past instances and, if applicable, the past discipline or corrective action);
- (ii) duration of suspension (start and end date);
- (iii) a warning that continued problems may subject the employee to dismissal.

(e) Dismissal

THA may dismiss an employee for such reasons as THA deems appropriate. No prior warning or other prior disciplinary action need preclude a termination.

Guideline: Dismissal is appropriate for serious or repeated misconduct or work performance problems. Examples may include: criminal conduct; insubordination or lying to supervisor; knowingly submitting a materially false job or promotion applications, expense report, time card or safety report; manipulation of a waiting list; abusing a tenant or client; use of alcohol or drugs in violation of THA policy; unauthorized leaves of absence without excuse, repeated substandard performance, failure to correct or improve behavior in response to prior disciplinary actions, inability or failure to improve unsatisfactory work performance.

The supervisor must consult with the HR Department and use *THA Form HR-10.50(5) Discipline Notice*.

7.4 Choice of Corrective Action or Discipline

There is no set formula for choosing from the range of corrective action or discipline for each particular case. THA reserves the right to take such disciplinary action as THA determines best fits the needs of the agency and the employee conduct at issue. This policy gives general guidelines only. Factors that may influence the decision include the following:

- (a) the nature and seriousness of the misconduct or deficiency;
- (b) the employee's history with THA including the prior disciplinary record, length of service, prior performance evaluations, attendance record and the like;
- (c) the extent to which circumstances or the press of work may have impacted the situation;
- (d) the extent to which demands of funders or regulatory authorities require THA to take action on substandard performance or misconduct;
- (e) standards will necessarily vary to between department to reflect their varying circumstances and the varying expectations or needs of the department directors. THA seeks some measure of consistency among the departments by virtue of the participation of the Human Resources Department. However, one department is not obliged to follow the disciplinary standards of another department.

7.5 At-Will Employment

Unless an employment contract or collective bargaining agreement states to the contrary, employees are at-will employees. *See THA Policy HR-10.01*

Employment at Will. This policy does not modify or limit either the at-will status of any employee or THA's ability to dismiss at-will employees for any reason not prohibited by law.

7.6 Union Employees

To the extent that an applicable collective bargaining agreement requires, THA shall not discipline a union represented employee without just cause. For union employees, THA will normally apply discipline in steps of increasing severity to the extent so provided in the applicable collective bargaining agreement. It need not take any disciplinary action if an infraction is sufficiently severe to merit immediate Written Reprimand, Probation, Suspension, or Dismissal. Employees may consult the applicable collective bargaining agreement for more information.

7.7 Employee's Rights to Representation or Presence of Co-Worker

A union represented employee has a right, if he or she wishes, to the presence of his or her union representative at all disciplinary meetings.

A non-union employee is permitted, if he or she wishes, to the presence of a THA co-worker at all disciplinary meetings. A non-union employee does not have the right to the presence of someone who is not a co-worker.

7.8 Discipline or Dismissal of Other Employees

The provisions of this policy do not govern THA's discipline or dismissal of new hire probationary, temporary or other employees, all of whom are employed on an at-will basis.

7.9 Record of Discipline

All records of discipline go into an employee's personnel file.

7.10 Dismissal Provision

THA shall not pay any compensation other than salary for hours actually worked to any employee discharged for just cause.