

EMPLOYEE DISCIPLINE WARNING NOTICE

Employee Name:	Date:	
Supervisor Name:		
Department:		
Title:		
<input type="checkbox"/> First Warning <input type="checkbox"/> Second Warning <input type="checkbox"/> Other		
<input type="checkbox"/> Previous discipline meeting was held on:		
1. Your behavior/actions have been found unsatisfactory for the following reasons:		
<input type="checkbox"/> Lateness	<input type="checkbox"/> Rudeness	<input type="checkbox"/> Quality of work produced
<input type="checkbox"/> Damaged equipment	<input type="checkbox"/> Fighting	<input type="checkbox"/> Policy violation
<input type="checkbox"/> Refusal to work overtime	<input type="checkbox"/> Language	<input type="checkbox"/> Carelessness
<input type="checkbox"/> Absenteeism	<input type="checkbox"/> Failure to follow procedure	<input type="checkbox"/> Safety
<input type="checkbox"/> Insubordination	<input type="checkbox"/> Failure to meet quota	<input type="checkbox"/> Intoxication
	<input type="checkbox"/> Quantity of work produced	<input type="checkbox"/> Use of illegal drugs
<input type="checkbox"/> Other:		
2. Previous meetings regarding this behavior were held on:		
3. The latest incident occurred on:		
Date:		
Time:		
Place:		
4. The following corrective action must be taken by the employee:		
5. Deadline:		

6. If corrective action is not taken, the consequence will be:

- ☐ Last written warning
- ☐ Suspension
- ☐ Last chance
- ☐ Termination
- ☐ Other (specify):

Discussion:

7. Follow-up meeting will be held on:

Employee Comments:

Supervisor Comments:

Employee Signature:

Date:

Note: Your signature on this form means that we have discussed the situation. It doesn't necessarily mean you agree that the infraction occurred.

Supervisor Signature:

Date:

cc: Employee
Supervisor
Human Resources
Personnel File

42A ~~505~~

FOLLOW-UP WARNING MEMO

Date:

To:

From:

Re: Performance warning [incident and date of incident]

On [Date] an initial memo regarding [Performance Issue] was given to you. [Outline all previous incidents — what, when, and where.] Since these performance issues continue to have negative effects on this company, I am reminding you of our employment policy regarding [Performance Issue].

This issue must be taken seriously. We have attempted over the past [Time Frame] to obtain your assistance with [Identify Problems]. If there are issues outside of work that are causing these performance problems that you wish to discuss, I again offer my assistance.

I will continue to monitor your performance over the next [Time Frame]. Should no improvement be shown, additional measures will be taken.

If you wish to discuss this memo and the incident, please contact me.

Sign on the line below to acknowledge that you have received and read this memo.

Manager Signature:

Date:

I, [Employee's Name], hereby acknowledge that I have read and understand the contents of this memo with regards to my job performance.

Employee's signature:

Date:

*Effectively Addressing Employee Behavior and Performance
Concerns*

Taking Action



District School Board of Pasco County

Office for Employee Relations

Elizabeth P. Kuhn, Director
Thomas A. Neesham, Supervisor
Kathleen A. Scalise, Supervisor
Sandra J. May, Equity Manager

Defining the Problem

Walking through the Steps

Step 1: Determine if the concern should be addressed with the employee.

In most cases the report or existence of a concern will create the need for some type of investigation and ultimately a discussion with the employee. There are some cases, however, where the concern will be so small and/or isolated that a simple notation of the concern, paired with a future monitoring plan, will suffice.

Example: A teacher who has been on time to work, every day for 12 years, is five minutes late to school on a given day. As long as the tardiness is not habitual, and there is nothing to indicate that the tardiness is a symptom of a larger problem, simply keeping note of the occurrence (see Action Log - http://www.pasco.k12.fl.us/library/er/er_action_log.pdf) and monitoring arrival time should be sufficient. However, if the tardiness is more frequent, or the teacher is 15-20 minutes late, additional action may be required.

Use your best professional judgment in answering this question. If you are unsure, call Employee Relations for assistance.

Step 2: Select and execute data gathering activities.

The type of concern that you are dealing with will often dictate the types of data gathering techniques most appropriate in addressing the concern.

Example: If you have concerns with a teacher's effectiveness in the classroom, a combination of classroom observations, student assessment data review, and lesson plan evaluation will probably be most helpful. However, if you are dealing with a teacher who has been accused of inappropriate language with a student, the staff member and student interview will probably prove most helpful.

Regardless of your data collection method, you should document it. ✓

Step 3: Classify the problem(s).

Identify the general category of problem that you are encountering. These categories include:

- **Work Habits** (Missing paperwork deadlines or consistently arriving late to work.)
- **Personal Behavior At Work** (Gossiping about others, or being uncooperative.)
- **Classroom Performance** (Students off-task or a high number of students performing unsatisfactorily.)
- **Personal Behavior Away From School** (Discussing confidential student information within the community.)
- **Outside Agency Referral** (Child abuse allegation, or arrest by law enforcement.)

It is quite possible that a concern might fall into more than one of these categories, or that you will be dealing with multiple concerns that fall into a variety of categories.

Step 4 – Review information and formulate a written statement of the problem(s).

Use the data you have collected to develop an effective statement of the problem. Summarize the information that supports your conclusions. Ensure that the statement is clear, precise, and unambiguous. Your statement should stick to the facts you have collected as much as possible and should provide a detailed explanation of what the problem is and why it is a problem.

Examples:

Incomplete Problem Statement: The teacher does not maintain a classroom environment conducive to effective learning.

Add Detail to Complete the Statement: Students interfere with the teacher's instructional presentation by speaking out during the lesson. Students get out of their seats without permission and wander around the classroom during classroom activities. During a fifteen (15) minute observation, five (5) students spoke out during the lesson without being redirected and four (4) students were wandering around the classroom without the teacher noticing or addressing.

Step 5 – Select the appropriate corrective process.

Now that the problem has been defined, the administrator must now determine what action to take. There are two general categories of corrective action, the performance process and the behavioral/reprimand process.

Performance Problem – A concern that is best addressed through the District's performance evaluation process.

Behavioral Problem – Usually a single incident that occurs requiring some form of immediate administrative action. Inappropriate interactions with others, verbal outbursts, and other judgment-related issues highlight behavior problems.

The corrective action processes for performance and behavior are not always exclusive of one another. In many cases they interact with one another and multiple corrective actions may need to be taken to address a single concern or incident.

Step 6 – Select appropriate corrective action based on progressive discipline.

The final step involves analyzing the problem or concern and deciding what is the least severe, yet still appropriate, action that should be taken. Making this decision involves looking at not only the severity of the immediate problem or concern, but also looking at whether or not the employee has had difficulties in this same area in the past.

Progressive discipline does not require that you always start with the least severe consequence, or that you follow every step on the progressive discipline continuum, and there is no guarantee that progressive discipline will be appropriate in every situation. The administrator should evaluate all the facts and context involved to make an informed decision. Employee Relations can provide guidance in this area if needed.

Progressive Discipline Model

Verbal Warning

Conference Summary

Informal Letter
(Informal NEAT Letter or Informal Letter of Reprimand/Letter of Caution)

Formal Letter
(NEAT Letter or Formal Reprimand)

Unsatisfactory Evaluation
or
Suspension Without Pay

Termination
of
Employment

*from here
goes to Super
in Ky*

Utilizing Effective Progressive Discipline

Plan the Discussion. Review the problem statement, existing files, policy guidelines, notes from previous meetings with the employee, and any other available information. Make preliminary decisions on appropriate disciplinary action well ahead of time. Brainstorm and research any strategies that may be suggested when you are problem-solving with the employee.

Usually Follows Previous Discussions. A disciplinary discussion usually follows several previous informal discussions about a performance or work habit problem.

Can Be First Discussion. However, an initial discussion can be disciplinary when there has been a serious employee behavior that requires immediate disciplinary action.

No Surprise to Employee. In some cases the employee will already know that disciplinary action has to be taken and knows his/her action was inappropriate and serious. In other cases, you will need to explain and describe the unsatisfactory performance or poor work habit and outline the consequences for continued lack of improvement.

Be Prepared for Hostility. No one likes to be disciplined. The employee may become very angry or hostile during the discussion. Be prepared for this response but do not let it deter you from your obligation to conference with the employee.

Work on Solutions. This is still a problem-solving effort. You need to work on solutions for correcting the situation. Ask for the employee's ideas and use them whenever possible, helping the employee overcome roadblocks.

Indicate Support. Make sure the employee knows he/she still has your support. This could be a turning point in an employee's career. Indicate that you see the discussion as an opportunity for the employee to correct the problem and move forward.

Keep Written Record. Although you have probably been keeping an informal log of your discussions, this is usually the first discussion in which a formal, written record is made of the disciplinary action.

Increasing Severity. Discipline is typically a progressive process. If the problem doesn't improve, the action you will have to take will become more severe with each subsequent discussion until either improvement or termination results.

Be Firm and Fair. In any disciplinary discussion, you need to come across as being firm and fair. This means offering your support, working together on solutions, and indicating confidence in the employee and at the same time taking the appropriate disciplinary action.

Calling a Meeting with an Employee

The right of employees to have representation during an investigatory interview was established by the United States Supreme Court in a 1975 case, *National Labor Relations Board v. Weingarten*. Employees have what is now known as "Weingarten rights" during investigatory interviews. An investigatory interview occurs when a supervisor or member of management, e.g. the Principal or a representative from the Office for Employee Relations, questions an employee to obtain information which could be used as basis for discipline or asks an employee to defend or explain his or her conduct. *test*

If an employee has a reasonable belief that discipline or other adverse consequences may result from his or her answers, the employee has the right to request representation of his or her choosing. A good rule of thumb is that if the employee thinks that the meeting could lead to discipline and requests representation, honor the request. *at their costs*

Please remember that an employee does not have to be a member of the union to be entitled to representation. Additionally, the representative does not need to be a union representative and can be a family member, friend, co-worker or attorney. That being said, remember that you have the right to suspend any meeting if an employee's representative, union or otherwise, is rude or disruptive during a meeting. When calling a meeting with a bargaining unit (Instructional or SRP) employee that could lead to discipline the supervisor has two options:

1. Inform the employee of the purpose of the meeting and let the employee make a decision about requesting representation; or,
2. Not inform the employee about the purpose of the meeting, but inform the employee at the meeting that he/she has the right to representation.

In cases where the supervisor is conducting an investigation into the employee's behavior and the investigation might be compromised by informing the employee of the meeting topic, the second option (not informing the employee about the purpose of the meeting, but informing the employee at the meeting that he/she has the right to union representation) may be appropriate.

Although there is no contractual or legal requirement to allow an employee to have representation at a meeting in which the employee is given an unsatisfactory evaluation and/or a N.E.A.T. letter, the District has generally permitted employees to have representation of their choice at such meetings.

It usually works to the advantage of a supervisor to inform the employee of the purpose of a meeting at the time the employee is notified. If the supervisor wants to seek help in solving a problem, it will help the employee to prepare for the meeting. If the subject of the meeting is a complaint or allegation which could lead to disciplinary action, the supervisor, and the District, will be in a better position if the employee later raises a question about a violation of due process rights if the supervisor is candid about the purpose of the meeting in the beginning.

It is not necessary to go into great detail when informing an employee about the purpose of a meeting. For example:

"I'm having trouble understanding _____ and I need your help. Please bring me the information you have regarding _____."

"I've received a complaint from a parent and I'd like to talk with you about it."

"I need to meet with you regarding a matter which could lead to disciplinary action (or suspension)."

For additional assistance, please call the Office for Employee Relations.

Addressing Performance Deficiencies The NEAT Process

The NEAT process is generally appropriate for all categories of employees who are not performing satisfactorily. Templates for the categories of employees are included in the sections at the end of this manual.

1. NEAT: Notice of the performance deficiencies:

The Notice component specifies the exact area(s) of the evaluation form in which the employee's performance is deficient/unsatisfactory.

Good examples of Notice of the performance deficiencies:

- *I am writing to inform you that your performance in the area of "Attendance" is unsatisfactory at this time.*
- *I am writing to inform you that your performance in the area of "Quality of Work" is unsatisfactory at this time.*
- *I am writing to inform you that your performance in the area of "Withitness" is unsatisfactory at this time.*

The above examples are concise and list the specific area that will be addressed.

Poor examples of Notice of the performance deficiencies:

- *I am writing to inform you that your job performance is unsatisfactory at this time.* This notice is not specific as to the area of assessment which is unsatisfactory.
- *I am writing to inform you that you have displayed a very negative attitude which has contributed to your terrible performance.* In addition to starting off on a "very negative" tone, terms such as "terrible" are difficult to define.
- *I've told you time and time again that your performance needs to improve in the area of "Quality of Work."*

Although it may be implied, this notice is not very specific regarding unsatisfactory performance. Also, the "...time and time again..." should be saved for the section where specific examples and dates can be given of notices and/or conferences regarding performance concerns.

2. NEAT: Explanation of the performance deficiencies and suggested corrections:

The Explanation component provides a "full and complete" explanation of performance deficiencies and suggested corrections. The explanation follows the exact area(s) in which the employee's performance is deficient/unsatisfactory, and in which the employee has been given Notice.

In determining how to explain performance deficiencies, the administrator should review the area(s) in which the employee is deficient/unsatisfactory, and refer to definitions of the area(s) on the evaluation. The administrator may also refer to specific rules or procedures established (and explained to employees) by a school or department, or to other items which coincide with the areas of the domains of the instructional evaluation form.

This explanation should include specific information, including times, dates, places, context or setting, related to performance deficiencies, such as: projects not completed; timelines not met; numbers of absences within certain time frames; examples of uncooperativeness, for example. This part of the letter

also needs to specify suggestions to correct the deficiencies and to bring performance to a satisfactory level. This is the area of the assessment process that most often comes under attack. However, complete and accurate information will sustain most critical reviews of the administrator's explanation of the performance deficiencies.

Good example of Explanation of the performance deficiencies #1:

The dimension of "QUANTITY OF WORK" has been defined as follows:

Quantity of Work

Satisfactory performance is characterized by the accomplishment of essential job tasks which have been set or which are expected for the position. Quantity of work may be measured in the completion of specific numbers of tasks on a routine basis, or the completion of specific tasks to which the individual has been assigned, and may include the completion of tasks within specific timeframes. Quantity of work may also be measured by time-on-task behavior during work hours, as opposed to non-work-related or social activities.

As of this date in the school year, you have missed the payroll deadline on five (5) occasions, which has resulted in our school requesting assistance from the Office for Finance Services. On two (2) occasions, your delay in submitting payroll has resulted in employees not being paid timely and properly.

On (Date) I gave you a copy of the evaluation instrument and an explanation of what was satisfactory performance in the area of quality of work. I have spoken to you on a number of occasions about your absences last school year as well, specifically on _____, _____ and _____, and have given you written reminders about what constitutes satisfactory performance in the area of quantity of work. I pointed out to you the importance of completing your work in a timely manner and if not to notify administration immediately, and informed you that if your performance did not improve you might receive an unsatisfactory evaluation.

Good example of Explanation of the performance deficiencies #2:

Since our meeting on _____, I met with you on the following dates to discuss concerns with planning:

On (date) - Lesson plans are not being completed appropriately. When plans are returned to you for correction and specific direction from administration, you are to make such corrections. Your lesson plans dated _____, were returned to you with written notes for improvement. Administration noted that you needed more objective areas covered, six specific content areas needed to be covered, and activities were unbalanced and without enough variety. On _____, your plans were returned to you with specific notations that you were using inappropriate objectives as well as too much time on _____. Both plans had a specific direction for you to correct the deficiencies and return them. You failed to follow through on this.

On (date) - Your plans lack enrichment and do not meet the needs of your students. You continue to discard direct requests to revise your plans from your administration. Your plans were returned to you for the week of _____. I noted on the lesson plan check sheet that you were to delete one activity that was done the day before, there were no samples for children, you did not have the necessary equipment on hand, and you needed to prepare an activity noted by _____. In addition, you had an activity with no written instruction for completing the activity in the plan. On _____, your plans were again returned with specific corrections and notations for additional activities, appropriate supplies needed and repetitive activities. You were told to correct and return these plans. You were asked two times by _____ for the corrections and you failed to provide them.

In order to improve in the area of planning, you must complete lesson plans appropriately, include the sufficient number of objective and content areas, and provide activities that are balanced and include variety. You must also make sure that your lesson plans include enrichment activities and meet the needs of the children. Your plans must reflect materials and equipment which are available, include written instructions for completing the activities, and provide examples for students. In addition, you must follow directions when lesson plans are returned to you with notations for improvement.

3. NEAT: Assistance:

In this component the employee's supervisor offers assistance to the employee, and may detail what assistance has already been offered and/or provided.

Good examples of Assistance:

I will provide you with the opportunity to visit other classrooms to observe proper techniques which may be used in the discipline of EBD students. In addition, I have asked Ms. _____, Supervisor of SSPS, ESE division, to schedule an appointment with you in order to observe you in the classroom and to make some specific suggestions.

I can provide you with some materials which give examples of positive phrasing in response to requests from other employees. I am also willing to meet with you and review some specific terms you have used which others found offensive.

The Plant Manager will provide you with a recording which demonstrates tips and techniques for cleaning floors. You should view this by _____ and discuss what you learn with the Plant Manager.

Each of the examples provides or offers specific assistance to the employee. The important thing to remember in this component is that "reasonable" offers of assistance need to be made. Few administrators have ever lost a complaint over an unsatisfactory evaluation because too much assistance was offered or provided to the employee.

At the very least, the following statement is an example which meets the minimum contractual requirement to offer assistance:

*If I can be of assistance to help you improve your attendance and reduce your tardiness to work, please * let me know.*

4. NEAT: Time: The time frame in which improved performance or correction of the deficiency is to be expected. Both the SRP and the Instructional Master Contract specify that the administrator will "...provide reasonable time for correction of deficiencies."

Good examples of Time:

I will review your progress in meeting these performance objectives on _____.

Within one week after you have attended the two training sessions, schedule an appointment with me and we will review your performance in this area.

By the middle of next month, I expect to see correct balances in the budget reports.

Each example provides some time frame in which improved performance or correction of the deficiency is to be expected.

5. Signature Block: For a formal NEAT letter, following your signature and title, there is a space for the employee's signature (or witness if the employee refuses to sign) and the statement below. If you plan to issue a formal NEAT letter, please contact the Office for Employee Relations for assistance.

My signature indicates that I received this letter and understand that any written statement I wish to make regarding this letter will be attached to the copy filed in my official personnel file located in the Office for Human Resources and Educator Quality. My signature also indicates that I understand that this letter is subject to disclosure under Florida's public records laws.

may be

*↳ Ky - private
reprimands not
subject to
disclosure*

Signature of Employee or Witness

Date

This document is subject to review under provisions of F.S. 1012.31 and 119.07.

Please contact the Office for Employee Relations for guidance if you have any teacher, regardless of contract status, who receives a Needs Improvement or Unsatisfactory status score or a summative evaluation of Needs Improvement or Unsatisfactory.

COMMON MISTAKES WITH NEAT LETTERS

Kn - Super's Office

- Not seeking assistance from the Office for Employee Relations before giving the NEAT letter to the employee.
- Submitting a NEAT letter that does not contain one or more of the four components (Notice, Explanation, Assistance, Time), or is deficient in one or more of the components.
- Submitting a NEAT letter with information contained in it that has not been discussed with the employee.
- Submitting a NEAT letter that is the result of a "knee jerk" reaction to some event, as opposed to the result of a continual pattern of assessing performance.
- Submitting a NEAT letter that cannot be supported by documented information, or is vague as to dates and/or events.
- Submitting a NEAT letter which has irrelevant information attached.
- Submitting a NEAT letter that contains threats that cannot be supported, e.g., "If you come to work late one more time for any reason, your employment will be terminated."
- Submitting a NEAT letter regarding attendance¹ or tardiness issues without the following language, "If I can be of assistance, please do not hesitate to contact me. If you have any questions regarding leave eligibility under provisions of the Family and Medical Leave Act (FMLA), please call the Leaves Section of the Office for Human Resources and Educator Quality at 42353. If you believe that the Employee Assistance Program may be of assistance to you, please call extension 42366." ***
- Submitting a NEAT letter without the following language, "My signature indicates that I received this letter and understand that any written statement I wish to make regarding this letter will be attached to the copy filed in my official personnel file located in the Office for Human Resources and Educator Quality. My signature also indicates that I understand that this letter is subject to disclosure under Florida's public records laws." *may be*
- Submitting a formal letter of reprimand without the signature of the employee (or a note indicating refusal to sign) to the Director of the Office for Human Resources and Educator Quality.
- Submitting a NEAT letter that lists as recipients of copies individuals who do not have supervisory authority over the employee (e.g., department chairs, grade level chairs, and the like).

FMLA

¹ Attendance is typically addressed through the performance route for Noninstructional employees and through the behavior route for Instructional employees. Please contact the Office for Employee Relations for more information.

Addressing Behavioral Concerns

All assessment of performance, including the issuance of a letter of reprimand should be discussed privately with the employee, and should not be discussed with any other employees except those who by nature of their jobs need to be informed.

Singular incidents of unsatisfactory or unacceptable performance may be handled by means of:

1. Informal conference
2. Documented informal conference
3. Informal written warning
4. Formal letter of reprimand
5. Other disciplinary actions including recommendation for suspension or dismissal (after consultation with the Office for Employee Relations).

The action that is taken depends on the severity of the incident and the judgment of the administrator in determining which action is most appropriate for both the specific situation and the employee.

→ Could keep in self possession file
to the Super
The Letter of Reprimand
An informal written warning is a written letter to an employee that addresses the employee's performance/behavior that is considered to be unsatisfactory, unacceptable, or inappropriate. An informal written warning serves to bring a concern about the employee's behavior to the attention of the employee, states what needs to be done immediately to eliminate the concern, and specifies the possible further disciplinary consequences of a repeat of the behavior.

An informal written warning is an informal disciplinary action. An informal written warning is usually issued when an administrator has reason to believe that such a warning will be sufficient to bring an end to the behavior that is addressed.

A formal letter of reprimand is a written letter that documents the employee's performance/behavior that is considered to be unsatisfactory, unacceptable, or inappropriate. A formal letter of reprimand serves to bring a concern about the employee's behavior to the attention of the employee, states what needs to be done immediately to eliminate the concern, and specifies the possible further disciplinary consequences of a repeat of the behavior. The formal letter of reprimand memorializes the incident in written form by issuing a formal letter of reprimand to the employee with the original to be placed in the employee's personnel file in the Office for Human Resources and Educator Quality.

In making a determination as to whether an informal written warning or a formal letter of reprimand should be used instead of a NEAT letter, the primary consideration should be whether some aspect of job performance is at issue, or whether a specific incident(s) of inappropriate behavior needs to be addressed. Performance problems are best handled through the informal and formal NEAT process, while specific instances of inappropriate behavior are usually best handled with warning letters and letters of reprimand.

For example:

Performance - An employee takes too much time to complete tasks. Typically, this type of unsatisfactory behavior would involve informal conferences with the object being to correct the behavior. Continued unsatisfactory work behavior could lead to the issuance of a NEAT letter.

Inappropriate behavior - Leaving the worksite during a break or leaving early from work also would involve informal conferences with the object being to correct the unacceptable behavior. Continued behavior after being warned, or behaviors such as sneaking off campus after being warned would call for a formal letter of reprimand as a minimal disciplinary action.

Essential Components of a Letter of Reprimand

A letter of reprimand contains these main components in the body of the letter:

1. Notice of concern. *This letter will serve as an official letter of reprimand for your actions on (date) and explanation of the behavior/incident.*
2. A statement of what needs to be done to eliminate the concern. *You are reminded that you have a professional obligation to follow School Board Policy regarding _____.*
3. A statement that specifies the possible consequences of a repeat of the behavior. *Any future occurrence of this nature will result in further disciplinary action, which may include a recommendation for suspension without pay or the termination of your employment.*
4. Also add this language for letters regarding attendance or tardiness issues: "If I can be of assistance, please do not hesitate to contact me. If you have any questions regarding leave eligibility under provisions of the Family and Medical Leave Act (FMLA), please call the Leaves Section of the Office for Human Resources and Educator Quality at 42353. If you believe that the Employee Assistance Program may be of assistance to you, please call extension 42366."
5. Your signature and title follow the body of the letter. For a formal letter of reprimand, following your signature, there is a space for the employee's signature (or witness if the employee refuses to sign) and the statement below:

My signature indicates that I received this letter and understand that any written statement I wish to make regarding this letter will be attached to the copy filed in my official personnel file located in the Office for Human Resources and Educator Quality. My signature also indicates that I understand that this letter ~~is~~ ^{may be} subject to disclosure under Florida's public records laws.

Signature of Employee or Witness

Date

This document is subject to review under provisions of F.S. 1012.31 and 119.07.

COMMON MISTAKES WITH REPRIMANDS

- Not seeking assistance from the Office for Employee Relations before giving the letter of reprimand to the employee.
- Not conducting a thorough investigation and not meeting with the employee to discuss the situation prior to issuing a letter of reprimand.
- Writing a letter of reprimand that is the result of a "knee jerk" reaction to some event, as opposed to careful thought as the result of a thorough investigation.
- Writing a letter of reprimand that cannot be supported by documented information, or is vague as to dates and/or events.
- Submitting a formal letter of reprimand with irrelevant information attached.
- Writing a letter of reprimand that contains threats of employment action that cannot be supported: *"If you _____ one more time, your employment will be terminated."*
- Submitting a letter regarding attendance² or tardiness issues without the following language, "If I can be of assistance, please do not hesitate to contact me. If you have any questions regarding leave eligibility under provisions of the Family and Medical Leave Act (FMLA), please call the Leaves Section of the Office for Human Resources and Educator Quality at 42353. If you believe that the Employee Assistance Program may be of assistance to you, please call extension 42366."
- Submitting a formal letter of reprimand without the following language, "My signature indicates that I received this letter and understand that any written statement I wish to make regarding this letter will be attached to the copy filed in my official personnel file located in the Office for Human Resources and Educator Quality. My signature also indicates that I understand that this letter ~~is~~ *may be* subject to disclosure under Florida's public records laws."
- Submitting a formal letter of reprimand without the signature of the employee (or a note indicating refusal to sign) to the Director of the Office for Human Resources and Educator Quality.
- Submitting a formal letter of reprimand that lists as recipients of copies individuals (such as department chairs or grade level chairs) who do not have supervisory authority over the employee.

² Attendance is typically addressed through the performance route for Noninstructional employees and through the behavior route for Instructional employees. Please contact the Office for Employee Relations for more information.

Attendance Monitoring

The Principal or Supervisor has a responsibility to take action when it is necessary and that the action is appropriate to the situation. If possible, this action should focus on professional growth and improved performance while providing assistance in the form of guidance, support, supervision, and other resources.

An Employee Assistance Program (EAP) is available to all employees to assist them with issues that may or may not be work related. It may be particularly helpful when non-work factors are having a negative effect on job performance. Don't pry or be judgmental, but do not hesitate to discuss the program and encourage the employee to use the services if it may be helpful.

Problems with attendance cannot always be simply measured by the number of hours or days an employee is absent. A planned absence of twenty (20) consecutive days for an employee to have surgery has a much different impact than twenty (20) days of sporadic unscheduled absences. Employees with different lengths of annual work calendars earn different amounts of leave time. Employees in vacation earning positions earn vacation leave time based on length of service. Absences that are part of an American with Disabilities Act (ADA) accommodation or absences that are classified as leave under provisions of the Family and Medical Leave Act (FMLA) cannot be used to justify a negative employment action. Injury-in-Line-of-Duty, Workers Compensation, Judicial, Military, etc. are not indicative of poor performance.

What is satisfactory attendance?

In very general terms, if an employee's absences during a school year do not exceed the combined amount of sick and vacation time earned by the employee during an annual period, the overall attendance is satisfactory.

The following statement is used to generally describe satisfactory attendance.

ATTENDANCE: *Satisfactory performance is characterized by being at work a sufficient number of days to accomplish the essential tasks of the position without having to distribute to other employees or to delay those essential tasks. Satisfactory performance is generally characterized by not exceeding during an annual period the combined number of sick or vacation days which are earned by an employee during that period with the exception of approved FMLA or other district leaves. While unexpected illnesses or other circumstances which may entail prolonged absences are understandable, frequent absences and/or questionable absences which result in hardship to other employees or which result in the delay of essential tasks can result in documentation of unsatisfactory performance.*

Identifying an Attendance Problem

Maintaining an accurate record of each employee's attendance and reviewing it on a regular basis is a good method of identifying questionable attendance before it becomes a problem. This early identification of a potential problem allows timely intervention that might avoid a more serious problem later.

A record of attendance calendar is to be used to document individual employee attendance. Use of this form (on the Office for Employee Relations website <http://www.pasco.k12.fl.us/er/evaluations/>) will allow a quick review of attendance and early detection of problems. It will not only show numbers and types of absences, it will also show patterns of absences that may cause concern. This visual representation of an employee's record of attendance will make it easy to share this information with the employee.

Using the absence codes listed at the top of the form makes it easy to record the different types of absences. If the absence is for less than a full day, there is room in each cell to list the number of hours absent. Always verify the accuracy of an attendance record before discussing concerns with an employee that might lead to disciplinary action. Contact the Leaves Section of the Office for Human Resources and Educator Quality if you need assistance with this.

What would indicate an attendance problem?

A Principal or Supervisor should suspect there is a performance problem in the area of attendance when an employee has used all available paid leave and absences continue, or if an employee is incurring absences at a rate that will far exceed the amount of paid leave the employee will earn in the annual period. Periods of extended absence for expressed documented reasons are not generally an indication of poor performance. Please remember that absences that are part of an American with Disabilities Act (ADA) accommodation or absences that are classified as leave under provisions of the Family and Medical Leave Act (FMLA) or other approved district leave cannot be used to justify a negative employment action. Absences of a suspicious nature, e.g. patterns of Monday or Friday absences, may also be addressed.

It is a good idea to look at all of your employees' attendance and set some form of a threshold to use when considering whether employees have an attendance problem. For example, you could meet with each employee who has missed five (5) days as of November 1 in a school year. When doing so, please remember not to count absences that are part of an ADA accommodation or FMLA or other district leaves. Additionally, five (5) absences due to one situation or illness can be quite different from missing five (5) Fridays. There are many factors and nuances to consider, so please call the Office for Employee Relations if you have any questions.

How to Address an Attendance³ Problem

Informal Action

1. Conference or Verbal Warning - Conference summary

Principal or supervisor would have an informal conference with the employee with a view toward assisting the employee to improve his/her attendance. A conference summary would be completed after the conference. This form would not be submitted to the Director of the Office for Human Resources and Educator Quality to be included in the employee's official personnel file.

2. Written Warning - Informal NEAT letter or informal letter of reprimand ("Notice Explanation Assistance Time").

If poor attendance continues, an informal written warning or informal NEAT letter may be given notifying the employee of administrative concern. This would not be submitted to the Director of the Office for Human Resources and Educator Quality to be included in the employee's official personnel file.

Formal Action

3. Written Warning - Formal NEAT letter or formal letter of reprimand.

If poor attendance continues, a formal NEAT letter or formal letter of reprimand may be given. This document would be signed by the employee or a witness and the original would be submitted to the Director of the Office for Human Resources and Educator Quality.

4. Summative Evaluation - Use of District Assessment Instrument and NEAT letter.

³ Attendance is typically addressed through the performance route for Noninstructional employees and through the behavior route for Instructional employees. Please contact the Office for Employee Relations for more information.

If poor attendance continues, an unsatisfactory evaluation may be given. A formal NEAT letter must be issued in conjunction with an unsatisfactory evaluation. The assessment instrument and the NEAT letter must be signed by the employee or a witness. The original of each of these documents would be submitted to the Director of the Office for Human Resources and Educator Quality.

When using "Corrective Progressive Discipline," any step of the procedure may be repeated at any time if circumstances warrant. Be certain to keep a log of interventions or actions used with an employee. Please contact the Office for Employee Relations as soon as you have identified an employee with an attendance problem, and we will assist with developing a strategy for addressing the problem.

Do not forget to discuss leaves options and the Employee Assistance Program (EAP) with the employee when appropriate. Any letter that you issue regarding tardiness or attendance should contain this language:

"If I can be of assistance, please do not hesitate to contact me. If you have any questions regarding leave eligibility under provisions of the Family and Medical Leave Act (FMLA), please call the Leaves Section of the Office for Human Resources and Educator Quality at 42353. If you believe that the Employee Assistance Program may be of assistance to you, please call extension 42366.

Please see the attendance letter found in the section for templates appropriate for any category of employee. Please remember to call the Office for Employee Relations for guidance if an employee's attendance does not improve.