

Progressive Discipline

Each employee is required to know and understand the terms and conditions of this Policy, and any other policies, practices or procedures of _____ (the “Band”) that relate to the employee's position as failure to adhere to these policies, practices or procedures may result in disciplinary action up to and including termination.

The Band recognizes that it has a responsibility to inform its employees of unsatisfactory performance or behaviour, or misconduct, in a timely and open manner and where appropriate, to provide employees with an opportunity to correct their performance, behaviour or conduct.

The Band uses the following system of progressive and corrective discipline.

The Band will apply each level of discipline in successive order, the level of discipline that is applied in a situation will be determined by several factors, such as:

- the severity of the incident
- the employee's length of service
- the employee's work record and disciplinary history

In exceptional cases, before initiating disciplinary procedures, the Band Manager, may temporarily suspend an employee with pay (administrative leave) pending investigation of the allegations against the employee.

Days suspended cannot be replaced by sick leave or vacation time.

Each disciplinary measure taken against an employee will be documented in their employment file.

Grounds for Disciplinary Action

Grounds for disciplinary action or termination may include, but are not limited to:

- non-performance or inadequate performance of duties
- purporting to represent Band or the Council without authorization
- frequent unexcused absences or tardiness
- gross misconduct
- negligence
- being at the workplace while under the influence of alcohol, cannabis or illegal substances
- threats or violence against employees, clients, members of the Band or the Council
- breach of confidentiality
- breach of the Band's laws, bylaws or policies, including the Drug and Alcohol Policy

Progressive Discipline Levels

In the normal course, progressive discipline is the preferred method. However, should the Band find it appropriate to do so, it reserves the right to bypass some or all of the steps of progressive discipline and render more serious discipline or immediate termination for cause, if it deems the circumstances serious enough to warrant such action.

Warning Letters

All warnings should be given to the employee in writing, with a copy properly kept in the employee's file.

All verbal warnings must be witnessed by a third party and recorded in the employee's file and all information must be specific, such as time, date, incident, signatures of employer, witness, and even the employee.

Warning should consist of:

- identifying the unacceptable behaviour
- advising the employee how they can correct their behaviour
- consequences for repeated unacceptable behaviour

Level One

In a private meeting, the supervisor will give the employee a verbal warning, and will explain the cause for the warning, the need for improvement and the consequences for failing to follow the warning

On the recommendation of the Band Manager and at the sole discretion of the Council, the Band may purge a disciplinary letter from an employee's records after four years, provided that no further disciplinary letters have been issued against that employee.

Level Two

In a private meeting the supervisor, will give the employee a written Warning Letter that sets out the cause for the warning, suggested steps for improvement and the consequences for failing to follow the warning

Level Three

The employee will meet with a the Band Manager and the employees direct Supervisor to review the situation and expected changes in behaviour or work performance and the Employee will be given an opportunity to explain the gap.

The Band Manager and supervisor will review the information and determine the appropriate discipline including another written warning or suspension without pay.

Level Four

Should the employee fail to correct the behaviour or conduct or cooperate in the process, then this step is suspension without pay.

The duration of the suspension is to be considered in light of the circumstances and will be from 1 to 5 days.

Note: Days or pay suspended cannot be replaced by sick leave or vacation time.

Level Five

The Band Manager, in consultation of the Council (if appropriate) will terminate the employee.

An employee will face more serious discipline or immediate termination for the following, which is a non-exhaustive list:

- insubordination
- workplace harassment or abuse
- willful neglect of duty that has not been recommended by the employer
- Excessive tardiness
- Excessive absenteeism
- misrepresenting qualifications in employment applications
- willful misconduct
- willful damage of Band property
- neglect of duties
- insubordination
- workplace harassment or abuse
- bullying
- personal or sexual harassment
- breach of confidentiality
- misappropriation of Band property or services
- fraud
- use of inappropriate language or profanity
- incompetence
- dishonesty
- intoxication or impairment at work
- final step of Discipline Process as per policy