



## Documentation Form

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

Department/Location: \_\_\_\_\_ Supervisor Name: \_\_\_\_\_

**Nature of Action:**

- ☐ Address a Concern
- ☐ Verbal Warning
- ☐ Written Reprimand
- ☐ Suspension with / out pay
- ☐ Termination

Has the employee been previously counseled or disciplined for same or similar reason?

☐ No ☐ Yes Date \_\_\_\_\_

Documented? ☐ No ☐ Yes Date \_\_\_\_\_

The reason/event/cause for this Action is the following:

The following Company rule/policy applies:

Specific change in the employee's performance or behavior that is expected:

If this situation is not corrected, the next step will be:

Employee Comments:

Employee's signature indicates receipt of report only, not agreement with content.

Employee Signature \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

[ ] Copy sent to Program/Department Supervisor

**Follow these steps in exercising progressive discipline with an employee:**

**Before the Meeting**

☐ Arrange to meet with the employee privately. Do not discipline an employee in public or in front of other workers. Note: Union employees may request to have a Union representative present. See Weingarten rights on reverse.

☐ Prepare for the meeting by reviewing your notes and files about both the specific incident or problem in question and any past discipline taken, either verbal or written.

### **During the Meeting**

☐ Explain to the employee why you've called the meeting if the employee doesn't know already.

☐ State the specific problem in terms of actual performance and desired performance.

☐ Review your progressive discipline policy/program with the employee, and explain what steps have been taken already and what the next step is.

☐ Give the employee a chance to respond, explain and defend his or her actions.

☐ Acknowledge the employee's story and be sure to include it in your notes of the discipline session.

☐ Tell the employee that you expect his or her behavior to change. Give specific examples and suggestions.

☐ Indicate your confidence in the employee's ability and willingness to change the behavior.

☐ Have the employee repeat back to you or otherwise confirm that he or she understands the problem and is clear on what changes are expected.

☐ Explain to the employee that you will write a memo summarizing the session as documentation.

☐ Reassure the employee that you value his or her work and that you want to work with the employee to make sure that he or she can continue to work at your business.

### **After the Meeting**

☐ Using your notes from the session, complete the "Documentation Form" to summarize the conversation.

☐ If a written warning has been issued, be sure to give the employee the opportunity to sign the documentation for the file. **Give the employee a copy of the document no later than the end of the day following the conversation.**

☐ Monitor the employee's behavior and performance to make sure that the problem has been corrected. Follow up on any next steps identified in the documentation.

### **WEINGARTEN RIGHTS**

Weingarten rights guarantee an employee the right to Union representation during an investigatory interview. These rights, established by the Supreme Court, in 1975 in the case of J'. Weingarten Inc., must be claimed by the employee. The supervisor has no obligation to inform an employee that s/he is entitled to Union representation.

What is an Investigatory Interview? An investigatory interview is one in which a Supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his/her conduct. If an employee has a reasonable belief that

discipline or discharge may result from what s/he says, the employee has the right to request Union representation. Examples of such an interview are:

1. The interview is part of the employer's disciplinary procedure or is a component of the employer's procedure for determining whether discipline will be imposed.
2. The purpose of the interview is to investigate an employee's performance where discipline, demotion or other adverse consequences to the employee's job status or working conditions are a possible result.
3. The purpose of the interview is to elicit facts from the employee to support disciplinary action that is probable or that is being considered, or to obtain admissions of misconduct or other evidence to support a disciplinary decision already made.
4. The employee is required to explain his/her conduct, or defend it during the interview, or is compelled to answer questions or give evidence.

It is an obligation of the Union to educate bargaining unit employees about their Weingarten rights **BEFORE** an occasion to use them arises. An employee must state to the employer that he/she wants a Union representative present; the employer has no obligation to ask: the employee if she/he wants a representative.

Weingarten Rules When an investigatory interview occurs, the following rules apply:

Rule 1 - The employee must make a clear request for Union representation before or during the interview. The employee can't be punished for making this request.

Rule 2 - After the employee makes the request, the supervisor has 3 options. S/he may either:

- a. Grant the request and delay the interview until the Union representative arrives and has a chance to consult privately with the employee: or
- b. Deny the request and end the interview immediately; or
- c. Give the employee a Choice of: 1)having the interview without representation or 2) ending the interview

Rule 3 - If the supervisor denies the request and continues to ask questions, this is an unfair labor practice and the employee has a right to refuse to answer. The employee cannot be disciplined for such refusal but is required to sit there until the supervisor terminates the interview. Leaving before this happens may constitute punishable insubordination.

**An employee has NO right to the presence of a Union representative where:**

1. The meeting is merely for the purpose of conveying work instructions, training, or communicating needed corrections in the employee's work techniques.
2. The employee is assured by the employer prior to the interview that no discipline or employment consequences can result from the interview.
3. The employer has reached a final decision to impose certain discipline on the employee prior to the interview, and the purpose of the interview is to inform the employee of the discipline or to impose it.
4. Any conversation or discussion about the previously determined discipline which is initiated by the employee and without employer encouragement or instigation after the employee is informed of the action.

Even in the above four (4) circumstances, the employee can still ask for representation. Most employers will permit a representative to attend even when not required to.