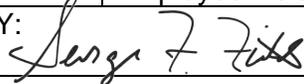




Greater Cleveland Regional Transit Authority
ADMINISTRATIVE POLICIES AND PROCEDURES

SUBJECT/TITLE: Positive Discipline Program	NO.: 1997-2
	EFFECTIVE DATE: 1/1/98 Revised: 10/1/99, 3/1/02, 3/24/21
	SUBJECT AREA: Employee Relations
ADMINISTRATOR: George Fields, DGM Human Resources	APPROVED BY: 

1.0 **PURPOSE/SCOPE:**

This document establishes guidelines and procedures for the implementation of the Positive Discipline Program for employees of the Greater Cleveland Regional Transit Authority.

2.0 **REFERENCES:**

- 2.1 Conditions of Employment with ATU-Local 268.
- 2.2 Collective Bargaining Agreement with FOP/OLC.
- 2.3 GCRTA Personnel Policies and Procedures Manual.
- 2.4 GCRTA Attendance Policy.
- 2.5 GCRTA Substance Abuse Policy for Safety-Sensitive Employees.
- 2.6 GCRTA Drug and Alcohol Policy for Non-Safety-Sensitive Employees.
- 2.7 GCRTA Departmental Policies, Rules, and Regulations.
- 2.8 GCRTA Code of Ethics.
- 2.9 GCRTA Bylaws.
- 2.10 Ohio Revised Code 306.30 et seq. Governing Ohio Regional Transit Authorities.
- 2.11 Employee Performance Code.

3.0 **OBJECTIVES:**

Positive Discipline is a performance management system designed to build commitment and responsibility among employees by recognizing good performance and assisting employees to succeed through coaching.

The goal of the Positive Discipline Program is to develop and maintain an employee work force committed to delivering high-quality service by emphasizing the individual employee's responsibility for his/her own performance and behavior. This is accomplished through recognition, coaching for performance enhancement, coaching for problem-solving, and formal discipline.

4.0 **APPLICATION:**

The Positive Discipline Program applies to:

- Regular full-time employees.
- Probationary employees (promotion or transfer).

- Part-time employees who have completed probationary status.
- Newly hired employees on probation.
- Part-time Transit Police Officers.

(Note: Probationary employees and part-time Transit Police Officers may be accelerated through formal discipline and discharge.)

The Positive Discipline Program does not apply to:

- Interns.
- Temporary or Seasonal employees.

5.0 **DISCLAIMER:**

The policies and procedures established herein are not intended to be and shall not be considered contractual commitments of any kind by the Authority. The Authority reserves the right to revoke, change, or supplement the Positive Discipline Program at any time. This program and the policies, procedures, and guidelines implemented thereunder are not intended nor is it implied by any statement contained herein that this policy is intended as a guarantee of continuity of benefits or rights. Permanent placement or employment is not intended nor is it implied by any statement in this policy.

6.0 **CONFLICTS:**

Positive Discipline will be used in conjunction with but will not alter existing programs.

In the event of a conflict, Federal, State, and Local laws, rules, and regulations take precedence over Positive Discipline policies.

In the event of a conflict, labor agreements take precedence over Positive Discipline policies.

7.0 **POLICIES OUTSIDE THE SCOPE OF POSITIVE DISCIPLINE:**

Management reserves the right to designate those GCRTA policies, procedures, rules, and regulations for which violations would be considered outside the scope of Positive Discipline. Employees shall be informed of those policies outside the scope of Positive Discipline.

Violation of the following policies will be considered outside the scope of Positive Discipline:

- Substance Abuse Policy for Safety-Sensitive Employees.
- Drug and Alcohol Policy for Non-Safety-Sensitive Employees.
- Commercial Drivers License.
- Code of Ethics.

8.0 **CATEGORIES OF PERFORMANCE:**

An employee's work performance can be categorized into the following areas as set forth in the Employee Performance Code.

- I. Duty to Perform Our Jobs.
- II. Conduct Required of an RTA Employee.
- III. Treating Our Customers Right.
- IV. Safety Is Everyone's Job.
- V. In the Event of an Accident/Incident.
- VI. Responsibility to Abide by Authority Policies/Attendance.

9.0 **SUPERVISOR ACCOUNTABILITY:**

Under Positive Discipline, Supervisors are generally held accountable for:

- Treating others with respect.
- Communicating appropriate standards and expectations regarding work performance, conduct, safety, and attendance.
- Seeking opportunities to express sincere appreciation for commendable performance in a timely and consistent manner.
- Bringing performance deficiencies to an employee's attention quickly and with sensitivity.
- Providing coaching to improve performance.
- Working effectively in teams and with other work groups.
- Applying this policy in a consistent and non-discriminatory manner.
- Knowing and following GCRTA and Departmental policies and procedures.
- Leading by example.

10.0 **EMPLOYEE ACCOUNTABILITY:**

Under Positive Discipline, employees are generally held accountable for:

- Treating others with respect.

- Meeting established expectations and standards regarding work performance, conduct, safety, and attendance.
- Arriving to work in a condition to perform their duties safely and efficiently.
- Maintaining a satisfactory attendance record.
- Working effectively individually, in teams, and with other work groups.
- Knowing and following GCRTA and Departmental policies and procedures.

11.0 **EMPLOYEE RECOGNITION:**

Positive recognition of good performance is an important part of the Positive Discipline Program. Recognition efforts are intended to reinforce good performance. Recognition may include:

- Verbal recognition.
- Written note on E-mail.
- Nomination for Employee of the month.
- General Manager's Award.

Employee recognition should be noted in the employee's personnel file at his/her work location.

A supervisor may recognize or commend an employee when the employee:

- Performs beyond normal duties and expectations.
- Improves unit/system reliability.
- Sets an example of what good performance is all about.
- Consistently meets performance expectations and standards.
- Does something above and beyond expectations.
- Makes a sustained improvement after coaching and counseling.
- Performs competently and diligently over an extended period.
- Maintains exceptional attendance over a significant period.
- Demonstrates a spirit of teamwork through specific actions.
- Provides outstanding customer service.
- Consistently maintains good safety practices and procedures.

- Makes a valuable suggestion to enhance safety or productivity.
- Completes a major project in a cost-effective and timely manner.
- Takes effective action in a crisis or emergency.
- Acts in a manner that exceptionally demonstrates GCRTA organizational values such as respect, self-discipline, teamwork, accountability, commitment, and personal excellence.
- Contributes to meeting or exceeding identified Authority or Departmental performance goals.

12.0 **COACHING:**

Supervisors are expected to help employees achieve excellence in performance by providing expertise, feedback, and training. The objective is to tell employees about a work-related problem and develop effective solutions.

The objectives of coaching are:

- Clarify procedures, practices, and/or standards or expectations of performance.
- Guide the employee to better overall performance and/or better performance in a particular area of his or her work.
- Help the employee recognize better ways to complete his or her work.
- Jointly develop effective solutions to better performance.
- Obtain a commitment from the employee regarding how his or her performance will improve.

There are two methods of coaching: (1) coaching for performance enhancement and (2) coaching for problem-solving.

COACHING FOR PERFORMANCE ENHANCEMENT

An employee should be coached by his/her supervisor to assist the employee with enhancing or improving his or her performance. Coaching for performance enhancement is feedback which consists of clarifying expectations and providing the employee with regular, specific information about his or her performance.

Examples of when coaching for performance enhancement is appropriate are:

- An employee needs to become familiar with the organization's goals, policies, structure, or products.
- An employee is asked to perform a new task or operate a piece of equipment with which he or she has no experience.

- A new policy is implemented or a new procedure is put in place.
- The quality of work can be improved by an increase in knowledge or skills.
- There is a need to develop people for back-up of other employees in order to increase the employee's knowledge or skills or for the continuity of operations.

COACHING FOR PROBLEM-SOLVING

An employee who has a problem in an area of one of the categories of the Performance Code should be coached by his/her supervisor to assist the employee in recognizing that a problem exists and to develop effective solutions to improve performance. Coaching for problem solving is feedback which consists of clarifying expectations, providing alternatives to improve performance, gaining the employee's commitment to improve, and providing the employee with regular, specific information about his or her performance.

Examples of when coaching for problem-solving is appropriate are:

- An employee needs to be reminded of the organization's goals, policies, practices, or work rules.
- The quality and/or quantity of work needs to improve.
- The actual level of performance of the employee is less than the desired performance level.

DOCUMENTATION

Supervisors shall document coaching sessions. It is recommended that supervisors use such forms as may be designated. Coaching is not a formal level of discipline and is not an appropriate subject for a grievance.

13.0 FORMAL DISCIPLINE:

Formal discipline is a series of corrective steps designed to change behavior and improve performance. Formal discipline is issued when an employee does not respond to coaching or when a performance problem is otherwise serious enough to warrant it.

There are three levels of formal discipline prior to discharge. Formal discipline may be issued by non-bargaining unit supervisors who have the authority to issue disciplinary action. Any of the three levels of formal discipline may be issued without following the normal sequence when a single incident is considered serious enough to warrant such action.

The three levels of formal discipline are:

- First Written Reminder.
- Second Written Reminder.
- Decision Making Leave.

First Written Reminder

A First Written Reminder is the first level of formal disciplinary discussion between a supervisor and an employee. During the discussion, the supervisor concentrates on getting the employee's agreement to change and to correct the problem. The conversation is followed by the supervisor's letter to the employee. A First Written Reminder can be issued only after an investigation by the employee's supervisor.

A First Written Reminder remains active six (6)-months except when an employee receives further formal discipline in the same category during the active period. In such case, deactivation occurs when there is no longer any active discipline in that category.

Second Written Reminder

A Second Written Reminder is the second level of formal discipline. It is a formal conversation between the supervisor and the employee about a continued or serious performance problem. The conversation is followed by the supervisor's letter to the employee. A Second Written Reminder can be issued only after an investigation by the employee's supervisor.

A Second Written Reminder remains active for nine (9)-months, except when an employee receives further formal discipline in the same category during the active period. In such case, deactivation occurs when there is no longer any active discipline in that category.

Decision Making Leave

A Decision Making Leave (DML) is the third and final formal level of the Positive Discipline Program before discharge. It consists of a discussion between the supervisor and the employee about a very serious performance or attendance problem.

A Performance DML will be issued for violation of Work Rules I-V. An Attendance DML will be issued for violation of the Attendance Policy/Work Rule VI.

In this discussion, the employee is made aware that he or she must decide whether the employee is willing to make a commitment to change job performance. This commitment will require a total performance commitment by the employee to meet all GCRTA work rules and standards.

The employee then will be placed on a DML the following work day with pay to decide whether he or she is willing to make the required commitment, thus allowing the employee to continue working for the GCRTA.

The employee reports the decision to the supervisor the day after the DML. It is an extremely serious step since, in all probability, the employee will be discharged if he/she does not live up to the commitment to meet GCRTA work rules and standards.

Because the DML is a total performance decision by the employee, only one active DML of each type (Performance and Attendance) is allowed.

Application

A DML is applied when:

- An employee's commitment to improve is not met during the nine (9)-month active time period for a second written reminder.
- or -
- An employee commits a very serious offense (whether or not previous discipline has taken place).

A DML remains active for a period of twelve (12)-months.

Because the Decision Making Leave is a total performance decision on the employee's part, there can be only one (1) active Performance DML and one (1) active Attendance DML at a time.

- No other levels of formal discipline for Work Rules I-V may be administered while the Performance DML is active.
- No other levels of formal discipline for the Attendance Policy/Work Rule VI may be administered while the Attendance DML is active.
- Coaching will be used to improve employee performance.
- Termination of employment occurs when formal discipline fails to bring positive change in the employee's behavior. Termination may also occur in those few instances in which a single offense of such major consequences is committed that the employee forfeits his or her right to the application of Positive Discipline.
- Termination of employment may take place when another performance problem occurs within the twelve (12)-month active period of a Performance DML. Termination of employment may take place when another attendance problem occurs within the twelve (12)-month active period of an Attendance DML. However, the Authority will consider mitigating factors (e.g., length of service, employment record, nature and seriousness of the violation, etc.) before making a decision to discharge an employee.

14.0 **PROCEDURES FOR ISSUING FORMAL DISCIPLINE:**

If formal discipline is issued to a member of a collective bargaining unit, the employee may have a union representative present during the formal discipline process.

The following procedures will be used to implement the three levels of formal discipline:

First Written Reminder

During the First Written Reminder discussion, the supervisor:

- Discusses the problem with the employee.
- Reminds the employee of the importance of his or her commitment to follow work rules and Authority standards.
- Informs the employee that this is the first step of formal discipline and restates the employee's need to live up to his or her commitment.
- Closes the meeting by expressing confidence in the employee's ability to change.

During the First Written Reminder discussion, the employee:

- Discusses the problem with the supervisor for understanding.
- Acknowledges the specific performance or behavior that is the subject of the First Reminder in order to improve performance.

For documentation, the supervisor will:

- Prepare a written letter/memo outlining the conversation, including the date the First Written reminder was administered and the supervisor's signature.
- Give the original letter to the employee, keep a copy for the supervisor's file, and provide a copy to the Labor and Employee Relations Department.

Second Written Reminder

During the discussion session for the Second Written Reminder, the supervisor:

- Discusses the problem with the employee.
- Reminds the employee of the importance of his or her commitment to follow work rules and Authority standards, citing any previous discussions regarding this performance problem as appropriate.
- Informs the employee that this is the second step of formal discipline and restates the employee's need to live up to his or her commitment.
- Discusses further steps of formal discipline and/or termination that could follow if performance does not improve.
- Closes the meeting by expressing confidence in the employee's ability to change.

During the second written reminder discussion, the employee:

- Discusses the problem with the supervisor for understanding.
- Acknowledges the specific performance or behavior that is the subject of the reminder in order to improve performance.

For documentation, the supervisor will:

- Write a letter to the employee that includes a summary of the discussion and states the exact performance problem, the date of informal discussions and/or First Written Reminder, what offense caused the Second Written Reminder, and the supervisor's signature.
- Give the original letter to the employee, keep a copy for the supervisor's file, and provide one copy to the Labor and Employee Relations Department.

Decision Making Leave

During the discussion session for the DML, the supervisor:

- Discusses the work performance/attendance problem with the employee and cites the date(s) on which it occurred.
- Reminds the employee of the importance of his/her commitment to follow work rules and Authority standards.
- Cites any previous discussions regarding the performance/attendance problem.
- Informs the employee that this is the final step of formal discipline and restates the employee's need to live up to his/her commitment.
- Advises the employee that discharge could follow if performance/attendance does not improve, based on the applicable DML being issued.
- Informs the employee to take the next day off, with pay, to determine what actions he or she will commit to do in order to improve his or her performance/attendance.
- Closes the meeting by expressing confidence in the employee's ability to change.

During the DML discussion, the employee:

- Discusses the problem with the supervisor for understanding.
- Discusses the commitments he/she is making, outlining specific performance/attendance or behavior that he/she must change to improve.
- Closes the meeting by agreeing to improve performance/attendance or behavior.

For documentation, the supervisor will:

- Write notes covering the key points of the conversation, including the exact dates(s) and offense(s), the employee's comments, the supervisor's signature, and the date of the discussion.

After the employee returns from the DML, the supervisor will:

- Write a letter summarizing the DML incident and the employee's decision, including the information from the notes (covered above) and the fact that termination of employment could follow if the employee fails to live up to his or her commitment to maintain satisfactory performance/attendance and abide by all Authority and Departmental rules. The supervisor will then give the original letter to the employee, keep a copy of the letter for his/her file, and provide one copy to the Labor and Employee Relations Department.

Because the Decision Making Leave is a total performance decision on the employee's part, there can be only one (1) active Performance DML and one (1) active Attendance DML at a time.

- No other levels of formal discipline for Work Rules I-V may be administered while the Performance DML is active.
- No other levels of formal discipline for the Attendance Policy/Work Rule VI may be administered while the Attendance DML is active.
- Coaching will be used to improve employee performance.
- Discharge occurs when formal discipline fails to bring positive change in the employee's behavior. Discharge may also occur in those few instances in which a single offense of such major consequences is committed that the employee forfeits his or her right to the application of Positive Discipline.
- Discharge may also take place when another performance problem occurs within the twelve (12)-month active period of a Performance DML. Discharge may also take place when another attendance problem occurs within the twelve (12)-month active period of an Attendance DML. However, the Authority will consider mitigating factors (e.g., length of service, employment records, nature and seriousness of the violation, etc.) before making a decision to discharge an employee.

15.0 **DOCUMENTATION AND FORMS:**

Bargaining unit and non-bargaining unit supervisors and managers shall document coaching and recognition.

Supervisors and managers shall be required to document all formal discipline.

Standard forms are available and recommended to document all levels of Positive Discipline, including recognition, coaching for performance enhancement, coaching for problem-solving, First Written Reminder, Second Written Reminder, and Decision Making Leave.

All written documentation shall be retained in the supervisor's file within the individual departments.

Documents shall be retained for the length of time required by the GCRTA Records Retention Policy for personnel files. All documents shall be retained for legal purposes whether they are used as a basis for future discipline or not.

16.0 **APPROVAL REQUIREMENTS FOR FORMAL LEVELS OF DISCIPLINE:**

For the purpose of administering the Positive Discipline Program, First Line Supervisors are non-bargaining unit supervisors and managers who have authority to issue disciplinary action.

The following approvals shall be required for formal discipline levels:

First Written Reminder

- First Line Supervisor.
- Next level of supervision (depending on department structure and department requirements).
- Department Director

Second Written Reminder

- First Line Supervisor.
- Next level of supervision (depending on department structure and department requirements).
- Department Director.

DML

- First Line Supervisor.
- Next level of supervision (depending on department structure and department requirements).
- Labor and Employee Relations representative.
- Department Director and DGM or equivalent.

Crisis Suspension

- Bargaining and non-bargaining unit supervisors have authority to issue crisis suspensions under specified circumstances.
- Investigation and discipline to follow.

17.0 **DEACTIVATION:**

The deactivation process recognizes improved performance and is an important part of the Positive Discipline Program. It is used when the employee improves his or her performance and maintains fully satisfactory performance during the active period of formal discipline.

First Line Supervisors shall be responsible for the deactivation of formal discipline, when the time for deactivating the disciplinary action has been reached.

The Labor and Employee Relations Department shall maintain a tickler system to assist in the documentation and deactivation of formal discipline.

The Deactivation process applies only to formal discipline. Coaching is an informal method to assist the employee improve performance and is never deactivated.

The following procedure shall be used:

First Written Reminder: At the end of the six (6)-month active time period, the immediate supervisor meets with the employee and informs the employee of the inactive status of the first written reminder and commends the employee for improved performance. If there is further formal discipline in the same category during the six (6)-month active period, deactivation is delayed until all formal discipline in the category is deactivated.

Second Written Reminder: At the end of the nine (9)-month active time period for the second written reminder, the supervisor meets with the employee and informs the employee of the inactive status of the second written reminder. It is recommended that the supervisor prepare a typed memo advising the employee of the inactive status of this step and commends the employee for improved performance. If there is further formal discipline in the same category during the nine (9)-month period, deactivation is delayed until all formal discipline in that category is deactivated.

DML: At the end of the twelve (12)-month active time period for the applicable DML, the supervisor meets with the employee and informs the employee of the inactive status of the applicable DML. The supervisor prepares a typed memo advising the employee of the inactive status and commends the employee for improved performance.

Records identifying levels of formal discipline shall be retained in a deactivated status for legal purposes and not as a basis for future discipline.

“Calendar days” commencing with the date formal discipline is issued shall be used for determining the period of time formal discipline remains active.

- If an employee is placed on approved leave, leave of absence, or becomes eligible for Temporary Total Compensation under Ohio Workers' Compensation law, the active period of the formal discipline will be suspended until the employee returns to duty.
- Time off for regularly scheduled vacation will not suspend the active life of formal discipline; any pending formal discipline shall remain in effect for the active life of that level of formal discipline.

18.0 **CRISIS SUSPENSION:**

A crisis suspension should be used when the employee's inappropriate behavior is so serious that immediate removal from the workplace is necessary. This may be necessary because the employee's actions indicate that remaining on the job or returning to the job may be detrimental to the employee, co-workers, customers, or the Authority. The employee will be required to leave Authority property pending an investigation. Examples of behavior that may require a crisis suspension include, but are not limited to the Offenses That May Result in Immediate Discharge under the Employee Performance Code.

After the investigation is complete, these situations will be handled in the following manner:

- The Authority may find that the alleged misconduct cannot be validly supported. The employee will return to work, meet with the supervisor, receive an explanation, and be paid for the time off.
- The Authority may find that disciplinary action is valid, but discharge is not. The appropriate level of formal discipline will be administered and the employee will be paid for the time off. However, if the employee is unfit for work or does not return to work when notified to do so, discharge of employment will result with the last day paid being the last day worked.
- The Authority may find that discharge can be validly supported. The administrative process must be considered as expeditiously as possible.

19.0 **UNPAID SUSPENSION:**

An unpaid suspension may occur in the case of:

- A violation of the Substance Abuse Policy for Safety-Sensitive Employees.
- A violation of the Drug and Alcohol Policy for Non-Safety-Sensitive Employees.
- Failure to maintain a valid Commercial Driver's License.
- Crisis Suspension followed by discharge.

20.0 **DISCHARGE:**

Discharge from employment occurs when formal discipline fails to bring positive change in the employee's behavior.

Discharge may occur when another performance problem occurs within the twelve (12)-month active period of a Performance DML. Discharge may occur when another attendance problem occurs within the twelve (12)-month active period of an Attendance DML. The GCRTA will consider mitigating factors (length of service, employment record, nature and seriousness of violation) before making a decision to discharge an employee.

Some offenses may be outside the scope of the Positive Discipline Program and can result in immediate discharge. Examples of such offenses are included in the Employee Performance Code under Offenses That May Result in Immediate Discharge.

Approvals for all pre-termination hearings and new hire probationary discharges are as follows:

- First Line Supervisor.
- Next level of supervision (depending on department structure).
- Labor and Employee Relations representative.

- Department Director and DGM or equivalent.

The following procedure shall be used when a decision has been made to conduct a pre-termination hearing with an employee:

- The employee shall be informed that he/she is being suspended without pay and provided with written notification of a pre-termination hearing.
- A pre-termination hearing shall be conducted.
- Written notification of the results of the pre-termination hearing shall be provided to the employee.
- If a decision is made not to terminate an employee, the employee will be returned to work and paid for the time off. This payment of time does not automatically apply if an employee is returned to work as a part of a grievance, arbitration or court settlement.

21.0 **APPEAL PROCESS:**

An employee may appeal any formal discipline issued to him/her by following the applicable bargaining unit grievance procedure.

Non-Bargaining classified employees may utilize the complaint procedure contained in the GCRTA Personnel Policies and Procedures Manual.

22.0 **AMENDMENT OR REVOCATION:**

This Positive Discipline Program may be changed or revoked at any time by the CEO/General Manager.

23.0 **ATTACHMENTS:**

None.