

14.12: Progressive Discipline

Learning Objectives

- Discuss the progressive discipline process

In order to avoid perceptions of arbitrary or discriminatory discipline, HR management should establish a progressive discipline policy and process. A critical implementation step: training supervisors and managers to overcome the human tendency to avoid difficult conversations. An analogy that may help managers understand what's required is the “hot stove rule,”^[1] that suggests viewing administration of discipline as similar to touching a hot stove. Specifically, an employee being disciplined should:

- Experience an immediate and painful response; there should be no question regarding cause and effect
- Have advance warning; that is, he knows what will happen when he touches a hot stove
- Experience the result consistently; every time he touches a hot stove, he gets burned
- Experience the result as impersonal; the burn is related to his action, not his personality.

With this analogy in mind, let's discuss the progressive discipline process. As illustrated in Figure 1, progressive discipline generally begins with a verbal warning and progresses to termination.



Figure 1. The progressive discipline process

Step 1: Verbal Warning

The first step in the disciplinary process is for the employee's immediate supervisor to issue an unofficial verbal warning or what is sometimes referred to as a written verbal warning. Although the warning is verbal, the conversation should be documented. If behavior or performance improves, the documentation does not become part of the employee's permanent personnel file.

Documentation should include the date, purpose and outcome of the meeting.

- Meet with the employee and communicate clearly what rule was violated or what performance expectations wasn't met.
- Discuss the performance gap or behavioral concern. Give the employee an opportunity to propose a resolution.
- Restate the required behavior or performance expectations.
- Provide a timeline and resources for improvement.
- Report consequences of failure to improve.
- Document conversation.

Note

If an employee is represented by a union, he or she can exercise their “Weingarten Right” to union representation.^[2]

Briefly, in *NLRM v. Weingarten*, the U.S. Supreme Court ruled that an employee who reasonably believes that an investigatory meeting may lead to a disciplinary or adverse action has the right to union representation and cannot be penalized for exercising this right. This right is not applicable to routine discussions of work instructions and procedures.

Learn More

For additional perspective on this decision and the implications, refer to The Effect of the Weingarten Karen Sutherland and Doug Albright's article The Effect of the Weingarten Decision on Employee Discipline.



Step 2: Official Written Warning

If, by the time frame specified in step 1, behavior or performance is still not to expectations, it's time to issue a written warning, which will be included in the employee's personnel file. It may be advisable to consult with Human Resources staff at this point. The supervisor should document the unsatisfactory behavior or performance, including previous informal efforts to correct, and the current problem. As in step 1, the supervisor should meet with the employee to discuss a plan for improvement. The employee should sign the written warning and copies of the warning should be submitted to HR and, if applicable, sent to the union.

Step 3: Suspension/Final Warning

If, by the time frame specified in step 2, behavior or performance is still not to expectations, an employee may be suspended from work for a time frame ranging from a day to weeks, depending on the employer's policy and the scenario. Note that if the infraction was serious, it might warrant suspension as a first step. Also, some organization's skip this step entirely or to instead issue a final warning. The immediate supervisor should conduct any necessary investigations and summarize previous progressive discipline. The supervisor should again discuss the situation with the employee, specify the time frame for suspension or providing the final warning in writing and indicating that, unless there is a course correction, the next step is termination. As in step 2, the employee should sign the suspension/final warning and copies should be submitted to HR and, if applicable, sent to the union.

Step 4: Termination

The final step is not one to be taken lightly; DeCenzo, et.al. state that almost 90% of discrimination charges are related to termination.^[3] Prior to making this decision the employee's immediate supervisor should review the employee's work history and disciplinary documentation with Human Resource management or other authority. For more on the documentation point, see below. Some cases—for example, sexual harassment, violence or threats of violence, theft—warrant immediate dismissal. Once the decision is made, a letter of termination should be delivered to the employee in person or via certified mail.

? Practice Question

<https://assessments.lumenlearning.co...essments/18211>

One of the models used as a framework for documenting and implementing progressive discipline is the FRISK Model.^[4] The acronym stands for:

F: Facts evidencing the employee's unsatisfactory conduct

R: Rule of authority violated by the employee's behavior

I: Impact of the employee's unsatisfactory conduct on the workplace

S: Suggestions to assist the employee in improving performance and directions

K: Knowledge of the employee's right to respond to corrective documentation placed in the personnel file

There are three key considerations in using this model:

- The process is positive, with the emphasis placed on the employee's potential to change/improve behavior/performance rather than on the punishment.
- This process is corrective; supervisors have a responsibility to support positive change.

- The process is progressive, with the intent of increases in severity of communications and disciplined designed to incentivize corrective action.

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For a SlideShare presentation on the FRISK Model, see St. Vrain Valley School's [Frisk Documentation Model Training](#).

1. Derived from DeCenzo, et.al. who cited J. Schermerhon, *Management* 11e, Wiley & Sons ↩
2. Sutherland, Karen and Doug Albright. "The Effect of the Weingarten Decision on Employee Discipline." Accessed September 12, 2019. ↩
3. Derived from DeCenzo, et.al. who cited J. Schermerhon, *Management* 11e, Wiley & Sons ↩
4. Lauer, Diane. "Using the FRISK Documentation Model." St. Vrain Valley Schools. Accessed September 12, 2019. ↩

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