



CONNEX RAILROAD

THE DYNAMICS OF DISCIPLINE

Guide for Connex Managers

In Handling Disciplinary Matters

UNIT I

RESPONDING TO INFRACTIONS

AN OVERVIEW OF DISCIPLINARY OPTIONS

UNIT PURPOSE:

To emphasize that managers must be familiar with the various discipline options and must use good judgment in selecting the appropriate option in response to employee misconduct.

UNIT INFORMATION:

When you become aware of apparent misconduct by an employee, you must not ignore the act. An appropriate disciplinary response must be given. If you fail to take action when misconduct and/or failure to comply with instructions is observed it may be misconstrued as condoning the act.

The primary discipline tool with which to motivate people is not discipline and punishment. As Managers, our first approach to employee misconduct should be educational in all but serious offenses. In a broad sense discipline means to educate and train through instruction, control, example, and application. Formal discipline could and should be utilized if the educational approach proves to be unsuccessful and is rejected by the employee.

The punitive approach is acceptable as a first step for the most serious types of infractions where the nature of the offense could result in dismissal from service.

Formal discipline should not be used in cases of a minor nature unless a basic five-step process is utilized. In this process we use informal attempts to correct behavior prior to resorting to formal discipline.

If the informal attempts are not successful in correcting misconduct and the employee has reached the stage where formal discipline is necessary, the penalty imposed would most likely be a suspension of ten days or less. In essence, a six-step process was created. This process has become known as Connex's Progressive Discipline Policy.

Keep in mind that this discipline progression is intended as a guideline for handling minor offenses such as absenteeism, and should not be automatically applied in all cases. If there are any questions regarding the application of discipline you should contact the General Manager.

CONNEX'S DISCIPLINE POLICY

Connex's discipline policy emphasizes the need for effective communication between the Manager and the Employees. Its purpose is to motivate employees to achieve and maintain good job performance and should be viewed by the Manager as a tool to lead and accomplish the assignment.

It is important to note that the company is not relaxing its high standards of performance or the need for prudent adherence to rules and instructions. We believe that instead of utilizing primarily a punitive process, we can achieve better understanding and permanently correct problems by taking a positive approach, and by reinforcing good performance.

The Employee's Manager discusses the importance of complying with the rules and/or instructions with the employee. The Manager should exercise discretion to determine whether a verbal or written counseling is appropriate for a particular offense. If it is determined that a verbal counseling is all that is necessary, only a note to the working file needs to be made with a copy to the Assistant General Manager.

If the Manager determines that a written counseling is necessary, the discussion should be followed by a letter to the employee that includes a description of the occurrence and a statement of the desired future performance.

The employee will be provided with a copy of the letter with copies also sent to the General Manager along with a copy to the working file. This letter is not formal discipline, but a documentation of the discussion which took place between the employee and the Manager.

This approach will allow the Employee an opportunity to openly discuss the issue with the Manager and to determine what is expected of him or her.

The counseling will also provide the Employee with an opportunity to discuss any other problems which may have contributed to the occurrence.

The counseling letter should also include a warning. The letter should describe the employee's past performance in detail, expressing the hope that performance will improve but warning that continued violation of rules or instructions will result in formal disciplinary action.

We should always let the Union Representative know that counseling sessions are corrective in nature and that Connex has nothing to hide during these sessions. If the designated Union Representative desires to be present during the counseling, we should make every reasonable accommodation to assure that he or she is allowed to attend.

However, under no circumstances should the Union Representative's presence interfere with or disrupt the counseling process. The Representative is there as an observer only.

There may be occasions where the Representative will offer to “assist” you in correcting the employee’s behavior. This is often beneficial to both parties. If it becomes apparent that the employee will not correct their behavior or job performance despite the counseling or warning, then discipline will be assessed in a manner consistent with our labor agreements. The Assistant General Manager usually designates discipline and will have discretion in the amount of discipline assessed. Connex Managers should encourage waiver settlements which indicate the employee understands their responsibility.

With formal discipline, minor infractions usually warrant discipline of a written reprimand through suspension of less than ten days. A repeat of the offense in a relative short period of time would give grounds for a 10-day suspension through 30-day suspension, which we should emphasize, is considered a very serious penalty. At this time, the employee should be warned that additional infractions may result in dismissal.

We hope to obtain the desired educational result without causing prolonged loss of work to the employee or decreased productivity or added expense to Connex. In the event of a serious operating rule infraction not deemed to be a major, or dismissal offense, suspension of up to 30 days may be appropriate on the first offense.

In summary, the recommended procedure for dealing with offenses that do not warrant dismissal involves up to six levels, depending on the set of circumstances surrounding and between the violations:

1. Verbal Counseling (no limit to number of times used).
2. Written Counseling with written warning
3. Formal Discipline with Written Reprimand
4. Suspension of less than 10 days (this can be repeated based on the amount of time between similar offenses).
5. Suspension of 10 to 30 days with final warning that any proven offenses of a similar nature will result in dismissal. This step may also be repeated based on the time interval between offenses, if it indicates the employee has taken steps to modify their behavior.
6. Dismissal from service.

This policy is not meant to be “cast in stone” and managerial discretion should be utilized. Frequently, individual circumstances may dictate that an employee should be placed on a different level than indicated by their service record. Examples of instances, which would warrant different handling, may include:

1. An employee up to step four, performs acceptably for a significant period. If their service since the last discipline has been acceptable, they should be given discipline on a different level and not be terminated (of course, the record could have been expunged under our expungement policy).
2. Misconduct toward a customer, not of a nature to warrant immediate dismissal, may warrant a 10-day suspension and a warning that future misconduct may result in dismissal.

Remember, you should look not only at what step of the process the employee is on, but at all mitigating or special circumstances. Good judgment based on all of the factors viewed in the context of our management philosophy is required.

Major infractions of rules, policies or procedures such as insubordination, stealing, alcohol or drug use, major operating rule infractions, extreme negligence, disorderly or immoral conduct, gross misconduct toward a customer, or offenses bringing discredit upon the Company, will subject the employee to dismissal after being afforded an investigation in accordance with the labor agreement requirements. In these circumstances, counseling or warning sessions are not appropriate.

QUICK REFERENCE
DISCIPLINE POLICY GUIDELINES

When an employee commits a minor offense involving violation of a rule or instruction:

- The manager or supervisor reviews the matter with the employee. Counseling can be verbal or written, depending on circumstances. No limit to number of verbal counseling sessions.

- If counseling is warranted, discussion with the employee is followed up by letter, which includes description of occurrence and the desired future performance. A copy of the letter will be sent to the General Manager's office and a copy placed in the employee's working file. When applicable, the letter will contain a warning that future similar actions on the part of the employee will result in formal disciplinary action.

- Investigation. If found guilty, formal reprimand through suspension of less than 10 days. This step may be used two or three times, depending on the interval between violations.

- Investigation. If found guilty, suspension of 10 days through 30 days with final warning that a future offense will result in dismissal.

- Investigation. If found guilty, dismissal. Notice of investigation immediately utilized in cases of serious offenses (i.e., alcohol and drug use, insubordination, theft, gross negligence or dangerous misconduct, etc.). Employees found guilty of such offenses may subject themselves to immediate dismissal.

THE THEORY OF DISCIPLINE

THE GOOD LEADER ALWAYS CREATES THE FEELING THAT THE BEST INTEREST OF THE INDIVIDUAL HAS TOP PRIORITY.

Discipline, by definition, is training that corrects molds, strengthens, or perfects. In essence, it is the channeling of a person's efforts and energies into the realization of another person's goals.

To channel the efforts and energies of employees into the realization of a Manager's goals requires the recognition of the **employee's needs**:

- They need to know what is expected of them
- They need to know if they are fulfilling those expectations, and
- They need to know that their requests for help will not be viewed as weaknesses.

The fundamental **objectives** of discipline are to:

- inform the employee their behavior is unacceptable
- teach the employee what is acceptable
- encourage the employee to change their behavior

- Failing all else, discharge the employee who cannot or will not adapt their behavior to that which is acceptable.

SELECTING THE DISCIPLINE TOOL

There are three factors which operate to determine which of the tools of discipline should be used:

- The seriousness of the offense
- The employee's role and responsibility in the offense
- The employee's past record in similar or related offenses.

The old adage, "Let the Punishment Fit the Crime," is worthy of consideration in selecting the appropriate tool of discipline.

TOOLS OF EFFECTIVE DISCIPLINE

THE COUNSELING SESSION

An informal problem-solving session between the employee and their supervisor that is designed not to threaten or harass the employee, but to

find the root cause of the employee's inappropriate behavior and develop a remedy for that cause. The key points of the interview are:

- A positive search by the Employee and the Manager for the cause of the Employee's inappropriate behavior.
- Identification of that root cause of inappropriate behavior first as viewed by the Employee and next as viewed by the Manager.
- An attempt on the part of the Manager to surface as many relevant facts as possible.
- A statement of the Manager's perception of the problem.
- Drawing out the Employee by letting the Employee do most of the talking if possible.
- A joint effort on the part of the Employee and the Manager to establish, in writing, a remedy to the problem once it is thoroughly known to both.
- A statement by the Manager of the expected behavior norms from the employee in the future.

- A positive follow-up by the Manager to insure that the jointly agreed upon remedy has produced results.

THE WARNING LETTER

When conditions warrant, a warning is made part of the counseling letter or is sent separately. It is an informal tool that puts the employee on notice that the abhorrent behavior, if not drastically modified immediately, will soon lead to serious trouble with dire possible consequences. Usually, the tool is preceded by a face-to-face meeting with the employee during which the Employee is specifically informed that immediate results are expected.

The written warning letter contains the following ingredients:

- A statement that a discussion of the Employee's behavior did occur between the Employee and Manager.
- A statement of what the Employee's inappropriate conduct was.
- A statement of expected future conduct from the employee.
- A statement to the effect that if the future expected conduct is not forthcoming, serious consequences may result.

THE REPRIMAND

A “formal” tool of discipline, which may not be administered without the issuance of charges and the opportunity for the accused employee to participate in a formal investigation. The REPRIMAND is designed to publicly and formally rebuke the employee for inappropriate behavior. From an administrative view, the reprimand consists of:

- A formal investigation to demonstrate that a rule was violated, and accused employee was responsible for the violation
- A determination that a reprimand is the appropriate tool.
- A written notification to the employee that he or she is reprimanded, advising the employee of the nature, date, location of the incident for which he or she is being disciplined, the date and place of the investigation took place, if applicable, the rules or instructions that he or she violated, and the reasons why he or she was found to be guilty. If his past record was used to determine the severity of the discipline, then he or she should be advised in the Reprimand.

THE SUSPENSION

A formal tool of discipline that is designed to inform the employee that the intolerable behavior must change immediately if he expects to remain an employee of the company. In depriving the employee of monetary compensation (normally for periods that do not exceed 10 days, portions of which may be deferred either at your discretion, or if required by a labor agreement), the suspension gives the employee time to contemplate behavioral problems and change unacceptable behavior to that which is considered to be acceptable. Administratively, the suspension consists of the same elements as the reprimand.

THE DISMISSAL:

A formal tool of discipline that is designed to permanently sever an employee's relationship with the company. It is not to be used lightly, for not only does it demonstrate the Manager's failure to correct an employee's behavior but also it also permanently severs the employee from the company. Administratively, it, like the suspension, has the same procedural elements as the reprimand (formal charges, Investigation and a finding of guilt).

INFORMAL ACTION

Generally, informal action/discipline is defined as a Managerial approach to addressing unsatisfactory behavior or performance by an employee with the intent of modifying same to a satisfactory level. There is no “penalty” brought against an employee as a result of informal action/discipline. The nature of the action may be documented in writing and may be included in the departmental file. Major offenses may not normally be addressed with informal action/discipline. Examples of informal action/discipline are:

- Constructive Criticism
- Informal Correction
- Counseling
- Verbal Warning
- Written Warning
- Final Warning

FORMAL DISCIPLINE

The normal working definition of Formal Discipline includes any penalty imposed against a union covered employee which is listed on their Personnel Department permanent records. Prior to assessing any such penalty, Connex must comply with the stipulations of the employee’s labor contract. The

penalty usually comes in the form of a reprimand, a suspension from service for a specified period or dismissal from service, altogether. The form of discipline assessed may vary depending on the circumstances of the case and may include such tactics as disqualification from position, mandatory retraining, restitution or other penalties which befit the specific misconduct. In all cases, the General Manager must be notified of the discipline imposed.

Some examples of Formal Discipline are:

- Formal Reprimand
- Suspension-Deferred or Actual
- Restitution
- Disqualification
- Dismissal

EXERCISES

Bearing in mind the need to distinguish between major and minor offenses, as well as the Manager's need to identify what he/she hopes to accomplish when responding to misconduct, please answer the following questions. Be prepared to discuss your answers with the class.

Circle the letter which identifies the course of action which you feel is most closely appropriate for the following situation:

1. Robert Rose is a Manager who observes a Conductor, Phillip Parr, telling a patron "I'm sorry sir, but it is against our policy to allow skate boards on the train. You will have to leave it behind if you want to ride the train today."

The patron is astounded and irate upon receiving this information and proceeds to complain to Manager Rose. Rose is aware that no such policy exists and proceeds to apologize and informs the passenger that he may board the train. After doing so, he ponders how he should respond to Parr's obvious infraction.

Rose knows that Parr has been a Conductor for five years and also knows that he has personally observed him allow skate boards on numerous occasions in the past, albeit with grudging reluctance usually expressed with a negative comment about skate boarders after the patron left the premises.

Supervisor Rose also realizes that Parr has been an above-average performer during the previous five years and that he has only had to utilize informal correction to address some minor policy misunderstanding during that period of time. Obviously, this situation dictates that Rose should:

- A. Proceed with formal discipline charges

- B. Not do anything until the patron actually follows through with a formal complaint to the agency.
- C. Casually inform Mr. Parr that Connex does accept skate boards.
- D. Counsel Mr. Parr for his misconduct.
- E. Issue a written warning to Mr. Parr.
- F. None of the above. Mr. Rose should:

2. Greg Hudson is an Engineer who has been employed for nine months. Fred Evans is Hudson's Manager. It is lunchtime and Evans decides to visit the T&E Lunch Room where he will eat his lunch. He finds that Hudson is the only person in the room, so he proceeds to sit down across the table from Hudson. In doing so, his foot comes in contact with a hard package which was under Hudson's chair. Evans lifts up the package, opens it and discovers, much to his disappointment, that it is a cold six-pack of beer.

Hudson immediately explains that he has purchased the beer for consumption at home and intended to store it in his locker until quitting time. Evans evaluates that explanation and decides that he should:

- A. Give the beer back to Hudson, leave the locker room with the intent of returning to catch Hudson in the act of drinking the beer.
- B. Review the Company's Policies, Procedures and Rules concerning drugs and alcohol in the workplace with Hudson to make sure that he understands all of its stipulations.
- C. Counsel Hudson for violating the company's rules, policies and standards with respect to alcohol and drugs in the work place.
- D. Remove Hudson from service and issue formal disciplinary charges.
- E. Review Hudson's records for the past nine months, then decide how to proceed after ascertaining if Hudson can be classified as a good or bad employee, or
- F. None of the above. Evans should:

3. Jennifer Tyson is a Manager at a crew base. Upon arriving for work one day she finds a handwritten statement from Mark Powell, a crew caller and exempt employee under her jurisdiction who worked the previous shift. The statement reads: "At 4:30 a.m., I gave Engineer Anthony Rollo a direct order to work one hour of overtime, until 7:30 a.m. He stated that he could not stay because he had to drive his wife to work. I reiterated my directive and explained that it was an emergency situation dictated by a train/auto incident. Mr. Rollo said he 'didn't care what kind of emergency it was, "that his personal life came first". Mr. Rollo then alleged that I had made him too nervous to continue working and he proceeded to leave the property."

Tyson feels that Powell has proven himself to be a competent, dedicated employee in the two years he has held the position. She has recognized and approves of his whatever-it-takes-to-get-the-job-done approach to his job. Also, she perceives that he does exercise sound judgment and that he is well liked and respected by the workers. Tyson has similar positive feelings about Mr. Rollo. He has 12 years service as an Engineer. He was terminated seven years ago for being under the influence of alcohol while on duty, but was reinstated on a leniency basis after he

completed a treatment program. In Tyson's opinion, he has been a model employee since then.

She knows that he does not ever accept voluntary overtime and places a high value on the amount of time spent with his family. After carefully evaluating her options, Tyson realizes she must:

- A. Offer constructive criticism to Powell as to how he could have handled the situation better.

- B. Remove Rollo from service and charge him with insubordination.

- C. Obtain Mr. Rollo's version before taking further action.

- D. Tell Powell that she will "let the situation resolve itself" and not take any action since it was an isolated occurrence and "Rollo obviously wasn't himself."

- E. Counsel Rollo on the necessity to follow orders in emergency situations.

- F. None of the above. My solution would be:

4. Mike Reed is a Manager at CMF. Vicki Wayne is an exempt employee who performs crew calling and various other functions and has worked under Reed for the past six months. Prior to that, she worked the 12:00 midnight shift to 8:00 a.m. shift. She did this for three years. Wayne's current shift is 8:00 a.m. to 4:00 p.m., the same as Reed's. Reed is irritated by the fact that Wayne has arrived 10-15 minutes late for duty on several occasions. Reed checks Wayne's attendance log and realized that this pattern has occurred on an average of two times a week for the past six months.

Reed realizes that several other employees have similar records, but with one glaring difference – everyone else seems contrite when they are late and offer an excuse as to the reason why. Ms. Wayne, on the other hand, jokes that she "is a night person and just can't get up in the daytime." She often tells Reed that "I guess you'll just have to dock me."

Reed has had enough and decided that Wayne will have to start complying with the Departmental attendance requirements. He has never previously counseled or disciplined her because he felt that to do so; he

would have to address the lateness of several other remorseful employees.

Her records indicate that she had excellent attendance in her three years on night shift and no previous counseling or discipline. Mr. Reed decides that his most effective option in responding to Ms. Wayne's misconduct would be:

- A. Tell Ms. Wayne to bid back to night shift.
- B. Counsel Ms. Wayne on her lack of remorse when arriving late.
- C. Proceed with formal disciplinary charges against Ms. Wayne.
- D. Counsel all employees that report late, including Ms. Wayne.
- E. Proceed with formal disciplinary charges against all employees with late-reporting records including Ms. Wayne, or
- F. None of the above. Mr. Reed should take the following approach:

CONCLUSION:

The preceding exercises should have illustrated the point that discipline options are not always easy or clear cut. For this reason, Managers should feel comfortable with approaching their superiors for input in making the best decision. It is important and Connex's success is frequently affected by the way we treat our employees. The stakes increase significantly when the decision is made to pursue formal discipline against an employee.

The next unit will focus on the complex vehicle required by most labor contracts to effective formal discipline – The Formal Investigation.