

Progressive Discipline Policy

1.0 Statement

The School expects all employees to be aware of and to follow workplace policies and rules for the well-being of our students, employees, and business operations. There are many institutional, divisional and departmental policies and rules at Bronx Lighthouse. Employees are expected to comply with these internal requirements as well as requirements from federal, state, and local laws. Additionally, the school has guiding principles, such as the C.R.E.W.S, and adherence to these principles is also expected.

2.0 Policy Definition

This policy defines the process for correcting single and repeat episodes of employee failure to comply with rules and/or to meet specific workplace expectations for conduct. Corrections to unacceptable behavior may be addressed under this policy depending on the individual circumstances and the nature and extent of correction that is needed. Workplace expectations, such as those set out in the Employee Handbook, may be addressed under this policy as well, depending on the circumstances of the situation.

3.0 Progressive Discipline

Progressive Discipline is a step-by-step process designed to modify unacceptable employee behaviors, which also allows for discipline to start at a higher step based on the severity and circumstances of the situation. For example, one incident of profanity overheard by others is different from profanity in anger directed at others; poor judgment in wearing inappropriate clothing in the workplace is different from overlooking a key safety protocol on handling toxic materials. The supervisor should assess the employee's understanding of the rules and expectations, their willingness to follow them, any systems failures and workplace obstacles interfering with compliance, such as equipment malfunctions, and whether the action was the result of an excusable mistake, an inexcusable error or deliberate action.

4.0 Examples of performance and conduct covered by this policy

- Violations of protocols, regulations and procedures governing safety or compliance for students or employees
- Misuse of fiscal or electronic resources or School facilities
- Inappropriate and unprofessional behavior, such as profanity, insults or solicitation
- Attendance and absenteeism
- Missing key deadlines and task related to teaching students (lesson planning, curriculum planning, data and assessment, gradebook updates)

5.0 Progressive Discipline Steps

The purpose of progressive discipline is to assist employees by being clear and precise about problems and the consequences if the same or other mistakes or misconduct reoccur. It is important that discipline is applied in a fair and consistent manner. The principal has a critical role in conducting a fair and objective investigation of a situation.

An investigation may be as simple as confirming a late arrival through a time clock or more complex with interviewing many employees and reviewing documents. More complex investigations should be conducted in coordination with the Senior Director of Operations. The supervisor should review all relevant documents, review how the employee was notified of the expectation that has been violated, speak with any witnesses (and obtain written statements, if appropriate) and ask the employee about the situation. The conversation with the employee should include asking if any extenuating or mitigating circumstances exist.

An employee may be placed on a paid administrative leave during an internal investigation. During the administrative leave, the Principal should remind the employee that s/he is expected to be available during their regularly scheduled hours of work, should not be in the workplace, and should not conduct any business on behalf of the School.

The Principal must have an understanding of the facts and circumstances before assessing appropriate discipline. The Principal should discuss the situation with a Senior Director of Operations to determine the appropriate level of disciplinary action.

This policy is not a legal document. This policy does not confer a term of employment, nor is the language intended to establish a contract of employment, express or implied, between any employee and the School. The School reserves the right to change, amend or terminate any of its human resources policies at any time for any reason.

Many situations should be able to be resolved through verbal counseling or discussion with the employee; however, some one-time incidents may be severe enough to merit a formal written warning, suspension (without pay), final warning or termination. The seriousness of the offense and the employee's disciplinary and performance history will be considered when determining the level of discipline to be applied. All decisions to escalate disciplinary action to a higher level of discipline should be made in consultation with Senior Director of Operations.

Situations may arise where an employee's conduct and performance falls under both the Progressive Discipline Policy and the Performance Accountability Policy. In these situations, the totality of the circumstances will be assessed when determining appropriate action.

Step1: Verbal Warning

In many situations, a verbal warning/counseling is sufficient. The purpose of a verbal warning is to clarify policies and expectations. The impact of the incident or violation should also be taken into consideration. The Principal should document for his or her records that the conversation occurred, keeping in mind the significance of the impact of the act or omission.

Step 2: Written Warning

If the conduct addressed by a verbal warning is repeated or additional problems occur within 12 months of a verbal warning, the supervisor should follow up with a written warning in the form of a letter. On the other hand, if a single incident is more serious than is appropriate for a verbal warning, the supervisor should issue a written warning in the form of a letter. The letter should describe the unacceptable conduct, outline expectations, and state that further disciplinary action will occur if the behavior is repeated within 12 months.

Step 3 - Final Written Warning (which may include a suspension without pay)

If the conduct addressed by the written warning is repeated or additional problems occur within a 12-month period, discipline may progress to a final written warning, which may include an unpaid suspension up to 10 business days. However, a single incident may be so severe as to merit an immediate final warning and suspension without pay. As noted above, the Principal should work in consultation with Senior Director of Operations prior to taking disciplinary actions at higher levels, such as written warnings, final written warnings (with or without unpaid suspension) and termination.

Step 4 - Termination of Employment:

Employment may be terminated based on progressive discipline within a 12-month period or based on the severity of a single incident.

Misconduct that involves dishonesty, violation of the law, or significant risks to School operations or to the safety or well-being of oneself or others is grounds for immediate termination of employment.

However, the facts and circumstances of each case will determine what action, up to and including discharge from employment, is appropriate.

Examples of misconduct that may lead to immediate termination

1. Violation of the following Anti-Harassment policies
2. Drugs and Alcohol on school grounds
3. Violence in the work place
4. Criminal activity and Disclosures
5. Seriously endangering the welfare of students and minors

6.0 Resources Available to Employees

An employee who believes that s/he has been subjected to discipline because of race, sex, religion, color, national or ethnic origin, age, disability, military service, genetic information, sexual orientation, gender expression, gender identity, or in retaliation for 1) filing or encouraging one to file a complaint of unlawful discrimination, 2) participating in an investigation of unlawful discrimination, 3) opposing unlawful discrimination, 4) or some other protected activity, should contact the School's Board of Directors at bronxboard@bronx.lha.net.

This policy is not intended to apply to statements or actions protected under Section 7 of the National Labor Relations Act.

This policy is intended as a guideline to assist in the consistent application of School policies and programs for employees. The policy does not create a contract implied or expressed, with any School employees, who are employees at will. The School reserves the right to modify this policy in whole or in part, at any time, at the discretion of the School.

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