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## Employee Disciplinary Policy

\_\_\_\_\_ ("Company")

Effective Date: \_\_\_\_\_

**Policy Description and Purpose:** This Employee Disciplinary Policy (the "Policy") is designed to explain how we handle employee misconduct or performance issues. This Policy describes our progressive action steps, including all consequences for employee actions. It is our desire to provide a process by which employees can correct any misconduct or improve their work performance prior to more significant disciplinary action, up to and including termination.

Although we describe a progressive action policy here, we reserve the right to bypass certain steps or combine steps depending on the individual nature of each situation. All employee misconduct or performance issues are addressed on a case-by-case basis.

This Policy should not be read to create any new contractual rights between employer and employee. Nothing herein modifies the employment-at-will relationship between the parties.

**Scope:** This Policy applies to all employees of the Company.

**Policy-in-brief:** The Company may impose discipline for workplace infractions, including employee misconduct and poor performance, in its sole and exclusive discretion.

Disciplinary action may include, but is not limited to, verbal or written warnings, disciplinary meetings, corrective action, paid or unpaid leave, demotion, reassignment, and/or termination.

**Factors to be considered:** The Company may consider any factor it deems appropriate when making a decision on employee discipline. Some factors that may be considered include: whether the misconduct or poor performance is a one-time infraction or has

been repeated, the employee's general work record, the employee's response to management, and the impact of the employee's behavior on the Company at large.

### **Disciplinary Guidelines:**

The Company wishes to provide guidelines for employee behavior. Although it may be impossible or very difficult to outline standards of conduct for every possible situation, the Company has established a set of broad guidelines for unacceptable employee behavior. The following list is not meant to be comprehensive, and the Company may discipline any employee for any action which may be deemed unacceptable. The following list of unacceptable conduct applies to all employees whenever they are conducting Company business both on and off Company premises:

1. Unsatisfactory job performance or lack of professionalism;
2. Abusing, threatening violence, or engaging in violence with another employee or Company staff member;
3. General disorderly or dangerous conduct not becoming of a workplace, such as using abusive language, practical jokes, or horseplay;
4. Fraud in any behavior;
5. Deceit;
6. Stealing or other unauthorized possession of property;
7. The use or possession of illegal drugs or weapons;
8. Failure to do assigned tasks;
9. Failure to comply with Company rules;
10. Excessive tardiness or absences;
11. Sexual harassment;
12. Misusing confidential Company information; or
13. Any other violation of any Company rule or policy.

### **Disciplinary Procedures:**

The procedures outlined below will be applicable to most disciplinary situations. Employer also has the option to implement any other disciplinary method as described above, instead of or in addition to any of the steps below.

**Step 1 - Verbal warning:** At the first sign that there may be a performance issue or employee misconduct, the employee's immediate supervisor will issue a verbal warning to the employee. The verbal warning may take the form of an informal discussion. At this stage, the supervisor will ensure that the employee clearly understands the issue, as well as what needs to be done for the employee to resolve the issue. The supervisor may work with the employee to create a counseling or corrective action plan.

The supervisor may create a written memorandum of the verbal meeting and request the employee's signature.

**Step 2 - Written warning:** If the situation has not been corrected to the supervisor's satisfaction, the next step is a written warning. This is to be considered a formal notice to the employee and official documentation in the employee's file.

The employee's supervisor will meet with the employee again and may include upper management, as well. During this meeting, the parties will review the situation, including the prior verbal warning the employee was given. The parties will also review the lack of progress on any counseling or corrective action plans. The supervisor and upper management, if involved, will set new expectations for the employee and will clearly communicate the consequences of the employee not meeting such expectations.

At this stage, the employee will receive a formal, structured performance improvement plan (PIP).

**Step 3 - Termination:** If the employee has not corrected the issues and not acted in accordance with the PIP, the third and final step will involve termination. Prior to this stage, the issues created by employee will likely have begun to affect the entirety of the workplace.

Management may choose to suspend instead of permanently terminate the employee if an investigation is required, but this is in management's sole and exclusive discretion. Suspension may be without pay consistent with all local, state, and federal laws.

All procedures under this Policy will be conducted in a confidential manner to the extent possible.

**Appeals:** Employees may appeal any disciplinary action, but must provide information and evidence to do so. Employees must appeal within the following time period after any

adverse employment decision is made: \_\_\_\_\_. The decision to update or adjust disciplinary action against an employee is in management's sole and exclusive discretion, and they are under no obligation to do so.

**Illegal activity:** Any illegal behavior is not subject to this Policy and will be grounds for immediate termination. Employer may also report such activity to relevant law enforcement.

**Questions:** For questions or comments about this disciplinary policy, employee may contact the following party: \_\_\_\_\_.