

Madawaska Valley Public Library Policy Manual

Policy Type: Human Resources

Policy Number: HR-06

Policy Title: Performance and Discipline

Initial Approval Date: April 24, 2023
Review Date: 2026

Employees' work performance and achievements contribute to the operational, and overall, success of the library.

The Madawaska Valley Public Library Board expects employees to meet standards of behaviour and competence when performing their duties, to respect others, to follow policy and to be accountable for their performance. The purpose of any disciplinary policy is to correct inappropriate actions (or inactions) of employees to promote growth and enable the employee to meet the expectations of the employer.

Section 1: Complaints

Situations may occur where an employee believes that the fair and consistent application of a policy affecting him or her has not been followed. A complaint is defined as a claim that the library has violated a published policy in the way an employee was treated. Complaints related to harassment in the workplace follow process defined in ***HR-07 Workplace Harassment and Discrimination***. For all other complaints, every effort shall be made to address the complaint fairly and promptly as follows:

- a) *Step 1. Informal Step.* In many cases, disputes over the application or interpretation of policy can be resolved through a discussion between the employee and the supervisor or the CEO. The employee should promptly bring the matter to the attention of the supervisor or CEO explaining the nature of the problem and the relief sought. A verbal response will be given in five business days. A written record of the response will be prepared.
- b) *Step 2. Formal Step.* If the matter is not resolved at Step 1, the employee may proceed by submitting a written statement to the CEO within five (5) days of receiving the verbal response for Step 1. This statement should outline the relevant facts that form the basis of the complaint indicating the policy that has allegedly been violated and stating the resolution sought. Upon the receipt of the written complaint the CEO will investigate and provide the employee with a written decision within ten (10) working days.
- c) *Step 3. Appeal.* If the employee is unsatisfied with the response from the CEO the employee can submitting a written request to the board chair for a hearing before an appeal committee of the library board. A three-member committee of the library board will hear the complaint and provide a written decision to the CEO based on stipulated facts and evidence presented at the hearing. The written decision will be reported to the CEO no more than twenty (20) working days after the conclusion of the hearing. The CEO will implement the decision of the library board.

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Section 2: Problem Resolution

The library board promotes fair and constructive treatment of unacceptable conduct or work performance. Corrective Action, also called Problem Resolution, is a system which applies a positive and consistent approach to improving an employee's behaviour and/or performance by identifying the problem, clarifying expectations, and developing actions to meet those expectations.

1. Where the actions or performance of an employee fail to meet reasonable standards of behaviour or competence, the Corrective Action shall be used to promote growth towards satisfactory performance unless the behaviour is such that immediate termination is warranted.
2. In all cases, an employee is made aware of a performance or behavior problem promptly and receives both verbal and written expectations to ensure that he or she knows the standard expected.
3. All corrective actions and problem solving discussions must be recorded by the direct supervisor and placed in the employee file.

Section 3: Discipline

1. All employees shall be disciplined in a respectful way to aid in their growth as workers in and out of the library. A progressive discipline process is intended to improve performance and behavior.
2. The progressive disciplinary process is initiated for serious situations in which policies and procedures have been ignored or contravened, or an employee's performance fails to meet acceptable standards. The process uses various levels of discipline that escalates to mirror the frequency and severity of the issue at hand. While the intent of this process is to use the lowest level of discipline required to address the issue, there are instances where it is necessary to escalate or accelerate discipline to match the seriousness of the issue.
3. Grounds for discipline include, but are not limited to:
 - Insubordination, not including a difference of opinion
 - Neglect or dereliction of duty
 - Repeated lateness to work
 - Leaving early from work without permission
 - Chronic absence
 - Not completing the daily operations routine as specified by the supervisor or in the operational procedures
 - Unwillingness to work co-operatively with other employees resulting in other employees not being able to complete satisfactory work
 - Violation of the Agreement to Comply with the Code of Conduct

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- Reporting to work under the influence of alcohol and/or drugs (non-prescribed)
- Theft, fraud, or misappropriation of funds or other property of the library
- Rudeness or disrespectful conduct towards other employees or the public
- Physical contact with the public or other personnel including physical bullying or assault
- Poor performance due to lack of effort or ineffective work methods

4. Rights of employees

- a) An employee has the right to request that another employee be present during disciplinary discussions. Likewise, the CEO or direct supervisor may have a third party present during the disciplinary discussions. By inviting other personnel into the meeting, all parties present are bound by confidentiality.
- b) Employees have the right to respond to any documents contained in their files. Files may be reviewed at any time and responses must be made in writing. Responses will become a part of the permanent record.
- c) An employee has the right to disagree with the actions respectfully and work to rectify the matter with the direct supervisor or CEO.

5. Types of Discipline

In all cases of formal discipline, the employee is notified within fourteen (14) working days of the infraction or culminating incident, or within fourteen (14) working days of being aware of the incident. Notice to the employee may exceed fourteen (14) working days if the employee is advised that the employer is currently investigating the incident. The Madawaska Valley Public Library relies on the below forms of discipline as part of its progressive discipline process:

- **Coaching:** an oral discussion with an employee that informally addresses performance and/or behaviour concerns before it becomes serious
- **Verbal Warning:** the first formal step in the process and includes orally advising that performance and/or behaviour does not meet standards set by The Madawaska Valley Public Library, and the consequences if it continues
- **Written Warning:** a written letter to the employee advising that performance and/or behavior does not meet standards set by the The Madawaska Valley Public Library, and the consequence if it continues
- **Suspension:** a written letter to the employee advising that performance and/or behavior has resulted in suspension, its duration, and that dismissal will occur if the reason for the suspension continues
- **Dismissal:** a written letter to the employee advising that their employment has been terminated

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It should be noted that due to the complexity of situations involving performance and/or behavioural issues in the workplace, various forms of discipline may be warranted to adequately address a specific issue, or a collection of issues that are related. Furthermore, one incident may involve more than one infraction for which discipline, of varying degrees, can be issued.

Section 4: Termination

1. The library values a secure employment relationship with its employees. However, in circumstances where this relationship must be terminated, the library provides fair and reasonable treatment in accordance with the *Employment Standards Act* and common law practices.
2. The library considers the following grounds for termination:
 - a) continual absence without appropriate notification
 - b)** failure to meet standards of performance after warnings and suspensions
 - c) an act of willful misconduct, disobedience or neglect of duty
3. Terminations are to be treated in a confidential, professional manner by all concerned.
4. Prompt notification to the staff will be given by the CEO that an employee is no longer employed by the Library Board.

Section 5: Resignations and Retirements

1. The library expects an employee who is leaving to cooperate in a smooth transfer of responsibilities.
2. The library asks that an employee who wishes to resign give written notice of a period equal to the individual's annual vacation entitlement.

Related Documents:

Policy Number HR-10 – Employee Conduct

The Country of Renfrew, H-02, Discipline and Dismissal

Employment Standards Act, 2000. S.O. 2000, Chapter 41