**How to Use a Progressive Discipline System**

Progressive discipline is a method of discipline that uses graduated steps for dealing with problems related to an employee's conduct or performance that do not meet clearly defined standards and policies. The ultimate objective of progressive discipline is to help employees correct conduct problems and resolve performance issues in the earliest stages. Using a progressive discipline system:

* Provides a consistent, objective and fair process for disciplining.
* Promotes open communication between a supervisor and his or her employee.
* Improves employee productivity.
* Potentially increases employee retention by resolving issues.
* Provides important documentation should a termination become necessary.

If you are currently using a progressive discipline system or are considering developing one, it is prudent to review your steps with a trusted employment law attorney. The following are sample steps that may typically be included in a progressive discipline system:

**Step 1: Counseling**

For a first offense where the infraction is minor, an oral discussion characterized as "counseling" is usually appropriate. The employee's supervisor should inform the employee of the infraction and clearly advise the employee both of the conduct expected and that future infractions may result in more severe discipline. Counseling sessions are different from verbal warnings because counseling sessions are used as a pre-emptive measure before the problem becomes too serious.

**Step 2: Verbal Warning**

A verbal warning may be appropriate for a more serious offense where counseling is inadequate. It could also be a step following counseling. When issuing an oral warning, the employer should clearly advise the employee as to what is needed to remedy the employee's infraction and advise the employee that more severe disciplinary consequences will follow if the infraction is repeated.

Note: If your company provides for such a nonpunitive first step, the supervisor should nevertheless maintain a written record of the counseling or verbal warning in order to prove that it used progressive discipline in the event that the problem continues.

**Step 3: Written Warning**

The next step in a progressive discipline system is the written warning. A written warning usually follows an unsuccessful verbal warning, or new problems that have arisen. This document should clearly state the infraction and the consequences for a repeat offense. The written warning should be addressed to the employee and a copy placed in the employee's personnel file.

* **Second Written Warning**. An employer may wish to include a second written warning as part of its progressive discipline program, or the employer may move directly from the first written warning to the next step (demotion, suspension, etc.). The determination of how many steps should be in the policy and the details of each step will be informed in large part by the nature of the business and the nature of the disciplinary issues that generally arise in that environment.

**Step 4: Possible Next Courses of Action**

Depending on the nature or repetition of the offense, one or more of the following actions may be appropriate.

* **Transfer**. Employers may consider a transfer in lieu of termination or other severe discipline.
* **Withhold compensation increases**. An employee who has a pattern of misconduct may be denied a compensation increase.
* **Demotion**. It may be appropriate to demote an employee, perhaps to a level where the employee may better perform.
* **Suspension**. Another possible course of action would be a suspension without pay. The length of the suspension may vary from a day or two to a week or more, depending on the seriousness of the infraction.
* **Termination**. The decision to terminate an employee should be one made as the result of consultation by the employee's supervisor with one or more upper-level managers (as well as legal counsel, if appropriate). The decision should never be made by a single person. Consistency is important. An employer opens itself to various legal claims if one employee is discharged for an infraction while another employee is merely suspended for a few days for the same infraction.