



Regional Transit Authority

Progressive Discipline

(HC25)

POLICY STATEMENT

The New Orleans Regional Transit Authority (RTA) provides a fair and constructive, progressive disciplinary process to correct unacceptable employee behavior; providing employees with the opportunity to correct improper conduct or conduct that violates RTA policy before imposing more severe disciplinary action, if necessary. Commission of the following offenses may result in the offending employee's suspension, demotion or discharge; acts that significantly and negatively impact RTA's day-to-day operations, behavior that increases safety risks, serious violations of RTA policy or the Employee Code of Conduct (ECC), violations of state or federal law, and other conduct adversely affecting the employee's work performance or environment.

PURPOSE

To establish and maintain RTA procedures for administering fair and prompt disciplinary action to correct employee misconduct or violation of RTA policies.

APPLICATION

This policy applies to all non-represented employees who have completed their initial probationary period, as well as project employees. Represented employees should refer to their respective collective bargaining agreements to determine the applicable disciplinary process

APPROVED:

ADOPTED: Board Chair

Chief Executive Officer

Effective Date:

Date of Last Review:



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1.0 PROCEDURES

RTA may impose the following disciplinary actions when addressing employee misconduct and violations of RTA policies. Disciplinary action(s) may be progressive or immediate, with the frequency and magnitude of the offense(s) dictating the appropriate form of discipline.

1.1 Informal Discipline Process

When an employee's conduct is unacceptable or violates RTA policy, the employee's manager or supervisor should counsel the employee regarding his/her misconduct or policy violation.

The manager or supervisor may verbally reprimand an employee regarding misconduct, and instruct the employee on how to improve his/her conduct in an attempt to prevent repeated misconduct and subsequent disciplinary action. Informal counseling and verbal reprimands are not considered formal discipline.

The manager or supervisor should retain working notes documenting pertinent facts of any employee counseling or verbal reprimand, and include essential information such as date, time, location, specific employee conduct, manager/ supervisor instruction given to the employee and his/her response (if any).

1.2 Formal Discipline Process

1.2.1 Investigation

When an employee is charged with misconduct, the immediate manager or supervisor will investigate and obtain as much information as possible about the incident to determine appropriate disciplinary action.

To facilitate the process, an employee may be placed on paid administrative leave during an ongoing investigation. Because this is a paid leave, the following conditions will be in place. The employee:

- must be available by telephone during their designated work schedule;
- will continue to be subject to RTA policies;
- will not be allowed on RTA non-public property or participate in RTA-sponsored events without their Department Head's express authorization;
- and will be subject to any other investigation-related requirements.

1.2.2 Written Reprimand

Managers or supervisors may give employees a signed, written reprimand if they fail to improve their conduct after being directed to change, or if their conduct violates RTA policy.



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The manager or supervisor will meet with the employee when issuing the written reprimand.

The written reprimand should include the following:

- Notice and description of RTA policy violation(s) and/or unacceptable conduct, including date, time, and any other relevant information;
- A statement of the allegedly violated policy (if applicable);
- A description of how the conduct has adversely impacted the RTA or the department's operations;
- Documentation that the misconduct was previously discussed with the employee (if applicable);
- The specific corrective action(s) required of the employee, and the expected date of correction or compliance; and
- A warning that additional disciplinary action may be taken if the employee's conduct does not improve.

Written reprimands are formal discipline and maintained in both the Human Capital's and the employee's departmental personnel files.

1.2.3 Notice of Proposed Disciplinary Action

A written Notice of Proposed Disciplinary Action (Notice) must be provided to an employee prior to any disciplinary action that could result in suspension without pay, demotion or discharge.

The written Notice should include:

- The reason(s) for the proposed disciplinary action.
- A list of materials supporting proposed action. The employee will be given a copy of, or provided access to, any documentation upon which the action is based.
- A right to respond; the employee will have the right to respond either verbally or in writing to the manager or supervisor imposing the discipline within a reasonable time (not to exceed 5 working days).

The manager or supervisor should consult with the Human Capital (HC) department prior to issuing a Notice; he/she must consult with HC prior to issuing a notice proposing demotion or discharge. A roundtable of managers from RTA, the HC, and/or Risk Management departments may consult on cases where potential issues may be related to those departments' areas of expertise.

1.2.4 Application of Discipline



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After providing the notice to the employee, he/she may respond with a verbal or written response within a reasonable time, not to exceed five (5) working days.

The manager or supervisor has ten (10) working days from the date of the employee's response to issue a Final Determination regarding the Notice. If a Final Determination cannot be completed within the 10-day period, the manager or supervisor will notify the employee in writing as to the reason for the delay, and when the Final Determination should be completed.

All disciplinary action should be administered by the employee's immediate manager or supervisor, appropriate to the seriousness of the offense, in a prompt, consistent and objective manner. Suspension, demotion or discharge may be considered if the offense significantly impacts day-to-day operations, is a serious violation of RTA policies, or violates state or federal laws as it relates to the employee's job.

The following forms of disciplinary action may be administered depending on the nature and severity of the offense.

- Suspension without Pay
- Suspension without pay is normally applied in the following circumstances:
 - As part of progressive discipline following a written reprimand; or
 - As a first step in discipline if warranted by the severity of the misconduct.

A suspended employee will only accrue Time Off with Pay and receive holiday pay for the first 30 days of a suspension. The manager or supervisor should consult with the HC department prior to issuing a Notice; he/she must consult with HC prior to issuing a Notice proposing demotion or discharge. A roundtable of managers from RTA, HC, and/or Risk Management departments may consult on cases where potential issues may be related to those departments' areas of expertise.

After providing the notice to the employee, he/she may respond with a verbal or written response within a reasonable time, not to exceed five (5) working days.

Demotion

Employees may be demoted with a reduction in pay if their conduct is a detriment to the day-to-day RTA operations at the employee's current level, but would not be a detriment to operations at a lower level. For the employee to warrant a disciplinary demotion, a manager or supervisor must have:

- Provided the employee an opportunity to improve his/her conduct within a specified time period;



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- After the time specified for improvement, determine that an employee's conduct has not improved; and
- Consulted with HC.

Discharge

An employee can be discharged for serious misconduct or when other disciplinary actions fail to correct misconduct.

For the employee to warrant a discharge, the manager or supervisor must have consulted with HC.

Discharge may be considered if:

- The offense is a serious violation of the ECC or RTA policy;
- The offense significantly impacts day-to-day operations; or
- The offense violates state or federal laws as it relates to the employee's job.
- A suspension or any other form of progressive discipline is not a prerequisite for discharge. Discharge may occur after a single or first offense.

1.3 Appeal Rights

Only non-represented employees who have completed their initial probationary period or project employees may appeal a Final Disciplinary action that results in a written reprimand, suspension, demotion, or discharge.

To appeal, the employee must submit his or her appeal in writing to the Department Head within ten (10) working days of the date the final disciplinary action was issued (see Step 2 of the Grievance (HC policy). The department head will provide a written decision to the appellant within twenty (20) working days following receipt of the appeal. A discharged employee who wishes to appeal may begin Step 3 of the Grievance Process (HC13) policy.

2.0 DEFINITION OF TERMS

Administrative Leave - Paid, excused leave for an employee while he/she is being investigated for misconduct.

Formal Discipline - Disciplinary action which includes one or more of the following: a written reprimand, suspension, demotion or discharge.

Informal Discipline - Disciplinary action involving an informal discussion or counseling or a verbal reprimand.



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Misconduct - Offenses that include, but are not limited to: dishonesty, insubordination, violation of the Employee Code of Conduct, RTA policies, and state or federal laws.

Notice of Proposed Disciplinary Action (Notice) - Written notification an employee receives prior to any disciplinary action that could result in suspension, demotion or discharge.

Progressive Discipline Process - Disciplinary action that gives an employee the opportunity to correct his or her behavior before more severe disciplinary action is taken. Progressive discipline provides for increasingly severe penalties to be imposed on an employee. More severe discipline, including discharge, may be administered the first time an employee commits a serious offense.

3.0 RESPONSIBILITIES

Chief Human Resources Officer receives notification of all proposed personnel actions involving discharge or demotion.

Department Heads (Director and above) review and concur on formal disciplinary actions relating to their direct -report employees.

Deputy Chief Human Resources Officer, Labor Relations processes personnel actions involving demotions, lateral transfers, and discharges.

Employee & Labor Relations Coordinator advises managers/supervisors on the progressive discipline process.

Managers/Supervisors administer disciplinary actions in accordance with this policy.

4.0 FLOWCHART FOR FORMAL DISCIPLINE

Investigation of alleged misconduct.

Potential outcomes after investigation: (1) no action; or (2) pursue formal discipline (written reprimand, suspension, demotion, or discharge).

Manager or supervisor should consult with Human Capital (HC) Department prior to issuing a Notice of Disciplinary Action; and the manager or supervisor must consult with HC prior to issuing a Notice proposing demotion or discharge,

If the decision is made to pursue a suspension, demotion, or discharge, the employee will be issued a Notice of Proposed Disciplinary Action by his/her manager.

The employee may respond in writing or in person to the Notice of Proposed Disciplinary Action within five (5) working days after receipt of the Notice. The



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Manager has ten (10) days to issue a Final Determination after the employee has responded

Employee may file an appeal of the disciplinary action in accordance with the Grievance Process (HC13) Policy

5.0 REFERENCES

- Employee Code of Conduct
- Grievance Process (HC13)
- Individual Performance Plan (HC36)
- Termination of Employment (HR17)
- Workplace Violence Prevention (HC3)
- Employment Status (HC34)

6.0 ATTACHMENTS

N/A

7.0 PROCEDURE HISTORY

N/A

8.0 SPONSOR DEPARTMENT

Human Capital

