

YUROK TRIBE GUIDE TO PROGRESSIVE DISCIPLINE

PROGRESSIVE DISCIPLINE

What follows is the "Progressive Discipline Matrix Guidelines." These guidelines spell out recommended consequences for inappropriate actions or behaviors that can occur in the workplace. Discipline typically involves three areas; performance, attendance and conduct. In some instances off-duty incidents may occur that may require discipline up to and including termination. The purpose of the guidelines is to ensure consistency in application.

Certain of the serious violations listed in the Matrix are subject to prosecution and Yurok Tribe will pursue criminal action to the fullest extent of the law. These guidelines are management tools only and do not replace your individual assessment of appropriate discipline in specific cases. As you know, employment at the Tribe has no specific duration, and either the employee or the Tribe can terminate the employment relationship for any reason or no reason. This "at will" relationship exists between the Tribe and all employees. Consequently, no employee may rely on these guidelines as a "contract", "promise" or "agreement" by the Yurok Tribe to impose the discipline contained in the guidelines. Our experience has demonstrated that in most cases, the disciplinary action spelled out in these guidelines provides employees with every opportunity to succeed. It is important that these guidelines be administered consistently.

Why do we need a progressive discipline policy?

Even well-trained and informed employees make mistakes. Correcting them can be simple or difficult. We believe the simplest way is also the best way. With that philosophy in mind, we've put together a guide that helps managers take the guesswork out of the discipline process and make appropriate decisions – from determining if there really is a problem to choosing and administering appropriate consequences.

How it works: Many problems can be avoided by properly training employees and making them aware of company policies and rules. Inappropriate behavior must be addressed as soon as it's detected. Follow-through should be swift and consistent. Yurok Tribe's Progressive Discipline approach is designed with these principles in mind. It consists of four basic steps: **verbal counseling, written counseling, probation and/or suspension and termination**. The guidelines match each infraction with the appropriate step. Day-to-day performance issues can usually be resolved by coaching and counseling the employee. When that doesn't work, management must move on to the next step. Sometimes, when the problem is extremely serious, a manager may have to skip the first steps entirely. Each situation will be different and care should be taken to correctly match management's response to the level of the problem. In other words, the punishment should fit the specific situation.

Human Resources and This Policy: This booklet contains guidelines for using this policy, the purpose of which is to assist managers in choosing the appropriate disciplinary action for most situations. Please remember these are management tools. Yurok Tribe reserves the right to terminate any employee at any time for any reason not prohibited by law and to change these guidelines as needed. In cases where suspension or termination are possibilities, it's always a good idea to consult with your Human Resources Representative. Managers should also ask for help when unsure as to the appropriate degree of discipline to use.

Now a few other facts you should know:

- YUROK TRIBE employees do not have contracts or employment agreements.
- These guidelines are just that – guidelines – and should not be considered a promise or agreement to handle an infraction of the rules in any certain way.
- Have questions? Ask Human Resources. They will be happy to provide guidance and assistance.
- Always work with Human Resources and the Executive Office on more serious disciplinary issues.
- It is mandatory that all supervisors provide Human Resources with copies of all disciplinary actions.

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Determining Appropriate Disciplinary Action

Mary has been a role model employee with no prior disciplinary record for the past 3 years. She comes in late today for the first time ever. What do you do?

It should be pretty easy to handle this issue with Mary, however, not all performance or behavior issues are that simple. Determining the appropriate disciplinary action is an important factor in maintaining the morale and performance levels of your employees. Here are some important factors to consider when disciplinary action becomes necessary:

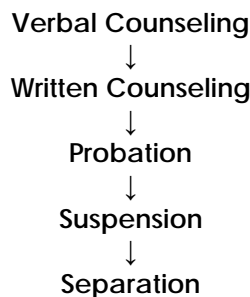
- Discipline should be timely
- Focus on the problem or behavior - discipline shouldn't be a personal issue
- Choose the level of discipline with care
- Refer to the Progressive Discipline Matrix and the "6 Questions To Ask Before Administering Discipline" to help choose the right course of action
- Remember - your Human Resources Representative is there to answer questions and assist you with this process if you need it
- Work with Human Resources and the Executive Office on all serious disciplinary issues

6 Questions to Ask Before Administering Discipline:

1. Did the employee know that his/her conduct could result in disciplinary action?
2. Is the level of the disciplinary action appropriate for the employee's violation? Does the punishment fit the crime?
3. Are the consequences consistent with past practice and company policy?
4. Does the disciplinary action follow the Matrix Violation Guideline?
5. Are there any circumstances that you think should increase or lessen the consequences of this violation?
6. Are there previous disciplinary issues?

Steps in Progressive Discipline

Always start with **Counseling** as part of daily routine supervision. If Counseling doesn't help to correct the performance issue or behavior, take the action at the lowest level necessary in the progressive disciplinary process to correct the performance or behavior. More serious disciplinary issues may require a different step in the progressive discipline process.



Step 1: Verbal Counseling and Warning

Step 1 may be passed depending upon the specific circumstances before the supervisor. See questions to ask before administering discipline.

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Step 1 creates an opportunity for the immediate supervisor to schedule a meeting with an employee to bring attention to the existing performance, conduct or attendance issues. The supervisor should discuss with the employee the nature of the problem or the violation of Tribal policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve performance or resolve the problem.

Within five business days of this meeting, the supervisor will prepare written documentation of a Step 1 meeting. The employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action. The supervisor will provide a copy of any written documentation to Human Resources. Should the employee choose to not sign the written documentation the action will still be considered taken.

Step 2: Written Counseling

Step 2 may be passed depending upon the specific circumstances before the supervisor. See questions to ask before administering discipline.

Although the Tribe hopes that the employees will promptly correct any performance, conduct or attendance issues that were identified in Step 1, the Tribe recognizes that this may not always occur. The Step 2 written warning involves more formal documentation of the performance, conduct or attendance issues and consequences.

During Step 2, the immediate supervisor and director will meet with the employee to review and additional incidents or information about the performance, conduct, or attendance issues as well as any prior relevant corrective action plans, or other discipline. Management will outline the consequences for the employee or his or her continued failure to meet performance or conduct expectations.

A formal performance improvement plan requiring the employee's immediate and sustained corrective action will be issued within five business days of a Step 2 meeting. A warning outlining that the employee may be subject to additional discipline up to and including termination if immediate and sustained corrective action is not taken may also be included in the Written Counseling.

Step 3: Probation

Step 3 may be passed depending upon the specific circumstances before the supervisor. See questions to ask before administering discipline.

An employee placed on disciplinary probation will be issued a written notice. The written notice shall explain the reasons for the disciplinary probation, identify the duration of the probationary period, set forth an action plan for the employee, a Supervisor's reviewing plan, and outline the standards to be used in judging the employee's improvement.

Disciplinary probation may be for a period of up to three months, at which time the Department Director may reinstate the employee to regular status, extend probation, or terminate the employee. Under no circumstances, will an employee be permitted to remain on disciplinary probation for a cumulative total of more than six months.

Step 4: Suspension

Step 4 may be passed depending upon the specific circumstances before the supervisor. See questions to ask before administering discipline.

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A Supervisor may recommend to the Executive Director, that an employee be suspended without pay for a specified period of time. An employee suspended without pay will receive written notice of this action, which states the reasons, and duration of the suspension, and the date the employee may return to work. The Supervisor is responsible for providing the employee with written notice and the Human Resource Office with a copy.

Step 5: Separation

Steps 1-4 may be passed depending upon the specific circumstances before the supervisor. See questions to ask before administering discipline.

The last and most serious step in the progressive discipline procedure is a recommendation to terminate employment. Generally the Tribe will try to exercise the progressive nature of this policy by first providing discipline as described in Steps 1-4. However, the Tribe reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action.

All terminations must be processed through Human Resources and final approval is required by the Executive Office.

Discipline must be fair and consistent to all employees. To accomplish this the following matrix has been developed for the appropriate range of disciplinary actions for violations. Supervisors/Directors should select a penalty to ensure that it is within the guidelines of the matrix and give appropriate and consistent consideration to any mitigating circumstances.

- Sustained allegations
- Determine that counseling is not appropriate
- Research the employee's prior discipline
- Determine placement within the matrix
- Prepare final recommendation
- Submit to next level of supervision for review and recommendation
- All recommendations for probation, suspension or termination must be approved by the Executive Director
- Human Resources is to receive copies of all disciplinary actions.

Performance and Conduct Issues Not Subject to Progressive Discipline

Behavior that is illegal is not subject to progressive discipline and any such behavior may be reported to the local law enforcement authorities.

Similarly, theft, substance abuse, intoxication, fighting and other acts of violence at the work place may not subject to progressive discipline and may be grounds for immediate termination depending upon the specific circumstances.

Matrix Violations

- Class A offenses are serious violations and disregard of policy, potentially non-correctable offenses, including crimes and violations of public trust, for which dismissal is the usual penalty regardless of the employee's prior disciplinary and work record.
- Class B offenses are more serious violations or disregard of rules or policies
- Class C offenses are generally minor violations or disregard of policy
- Class D offenses are generally minor violations of performance based policy

A Matrix Violations
(Offenses are serious violations and disregard of policy)

Number	Serious Violations	1st Offense	2nd Offense	3rd Offense	4th Offense
A-1	Theft from the Tribe, client, employee or any agent of the Tribe	Suspension Pending Separation (ineligible for rehire for 2 years)	--	--	--
A-2	Intentional manipulation of funds or inventory	Suspension Pending Separation	--	--	--
A-3	Intentional falsification of records/information (including time sheets and/or employment application)	Suspension Pending Separation (ineligible for rehire for 2 years)	--	--	--
A-4	Disorderly conduct, including gross abuse or mistreatment of other employees, tribal members or clients (physical or verbal)	Suspension Pending Separation	--	--	--
A-5	Flagrant violation of Drug and/or Alcohol Policy	Suspension Pending Separation (ineligible for rehire for 12 months)	--	--	--
A-6	Gross misconduct (negligence, insubordination, etc.)	Suspension Pending Separation (ineligible for rehire for 2 years)	--	--	--
A-7	Serious violation of local, state or federal law	Suspension Pending Separation	--	--	--
A-8	Flagrant violation of Anti-Harassment and Anti- Discrimination Policy	Suspension Pending Separation	--	--	--
A-9	Possession of weapons or firearms on Company property or while on Company business	Suspension Pending Separation	--	--	--
A-10	Violation of policy that results in injury, death, or significant risk to an Employee, client or vendor	Suspension Pending Separation	--	--	--
A-11	No call / No show for 3 consecutive workdays	Voluntary resignation	--	--	--
A-12	Willful destruction or waste of Tribal property	Suspension Pending Separation			
A-13	Divulging proprietary or confidential information to employees or other individuals or entities not authorized to receive the information.	Suspension Pending Separation			
A-14	Unsuccessful completion of initial trial period	Separation			

B Matrix Violations
(Offenses are more serious violations or disregard of rules or policies)

Number	Serious Violations	1st Offense	2nd Offense	3rd Offense	4th Offense
B-1	Non-flagrant violation of Anti-Harassment and Anti-Discrimination Policy	Written	Probation and/or Suspension	Suspension Pending Separation	--
B-2	Insubordination (intentional refusal to follow lawful instructions of supervisor)	Written	Probation and/or Suspension	Suspension Pending Separation	--
B-3	Unauthorized access to confidential information	Written	Probation and/or Suspension	Suspension Pending Separation	--
B-4	Abusive or offensive language/behavior towards a client, employee, or vendor. This will include use of email, texting, etc.	Written*	Probation and/or Suspension	Suspension Pending Separation	--
B-5	Violation of local, state, or federal law	Written	Probation and/or Suspension	Suspension Pending Separation	--
B-6	No Call / No Show	Written	Probation and/or Suspension	Suspension Pending Separation	--
B-7	Violation of Drug and/or Alcohol Policy	Probation and/or Suspension	Suspension Pending Separation		--
B-8	Violation of Company Policy and/or Procedures which does not cause a loss of funds, injury, death, or significant risk to an Employee, client, or vendor.	Written	Probation and/or Suspension	Suspension Pending Separation	--
B-9	Sexual, racial, ethnic, religious, disability, age or other unlawful discrimination, retaliation, harassment or intimidation of any kind	Written	Probation and/or Suspension	Suspension Pending Separation	
B-10	Inappropriate use of social media, email, or cell phone.	Written	Probation and/or Suspension	Suspension Pending Separation	—

C Matrix Violations

(Offenses are generally minor violations or disregard of policy)

Number	Serious Violations	1st Offense** Routine Supervision	2nd Offense	3rd Offense	4th Offense
C-1	Tardiness and/or absenteeism	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation
C-2	Not calling in expected tardiness	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation
C-3	Not reporting personal injuries timely	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation
C-4	Violation of routine standards and procedures	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation
C-5	Inappropriate verbal remark or behavior	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation
C-6	Failure to provide common courtesy to client (internal & external)	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation
C-7	Violating confidentiality/chain of command	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation
C-8	Sleeping or otherwise loafing during work time	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation
C-9	Failure to follow established procedures provided for resolving problems arising out of the employer-employee relationship	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation

D Matrix Violations

(Offenses are generally minor violations or disregard of policy)

Number	Serious Violations	1st Offense Routine Supervision	2nd Offense	3rd Offense	4th Offense
D-1	Incomplete orientation forms including goals, objectives and timelines	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation
D-2	Supervisor fails to complete 3 month evaluation for employee	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation
D-3	Supervisor fails to complete 6 month evaluation for employee	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation
D-4	Supervisor fails to complete annual evaluation for employee	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation
D-5	Fail to complete Personnel Action Notice timely	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation
D-6	Not reporting address or telephone changes	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation
D-7	Failure to meet the performance standards of the job or failure to perform job duties successfully.	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation
D-8	Violation of nepotism rule	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation
D-9	Violation of Conflict of Interest rule	Verbal Counseling	Written Counseling	Probation or Suspension	Suspension Pending Separation