

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL		AM - 2.4.2
Section Standards of Performance	Subject Managing Unsatisfactory Performance	

**1. APPLICATION**

This policy applies to all employees of the Municipality of the County of Annapolis.

**2. AUTHORITY**

Section 74, *Municipal Act*. Approved by Municipal Council 98/05/20.

**3. POLICY INTENT**

Management of unsatisfactory performance is an important and necessary part of the authority and responsibility of managers and supervisors. Although it may be unpleasant to deal with, it is only one part of the overall responsibility for developing each employee and encouraging full participation in the collective effort of the Municipality's staff. The employer is entitled and obliged to ensure the efficient running of the workplace and to ensure that employees perform their role as required in their contract of employment.

This policy is intended to outline steps a manager or supervisor should consider when the performance of a subordinate requires corrective action. While the guidelines provided are not designed to apply to all situations, managers and supervisors should be mindful of the general principles and apply them to each situation using appropriate discretion. It is important that all staff see that management will take action to address such situations in a timely, fair and consistent manner. A well-performing organization will ensure each person is encouraged to broaden his/her contributions to the organization and its success.

**4. GUIDING PRINCIPLES**

**A problem solving approach** will ensure that the problem is properly defined before solutions are sought and corrective action is taken. It is often unfair for all the blame for unsatisfactory performance to be placed on the employee. Other factors such as significant change in operating conditions, the attitude of a manager toward his/her subordinates and the absence of jointly established or clearly defined performance objectives and standards may have contributed significantly to the problem.

**Careful and considered use of punitive behaviour and action** recognizes that its use, however slight, can have negative effects if not well managed and may lead to further, more serious performance deficiencies. Managers and supervisors should maintain an ongoing awareness of how their behaviour impacts on subordinates. They should also be mindful of the cumulative effect as well as the isolated effect of negative reinforcement. Punitive behaviours should be the exception. Positive reinforcement should be the norm.

**Performance management, job satisfaction and work motivation** are key to having a healthy work place. A manager's concern about performance should not be limited to managing unsatisfactory performance. Addressing poor performance is only one part of challenging, encouraging and developing employees.

**Behaviour, attitudes, ability and performance can change.** Unsatisfactory performance should be examined within the context of work motivation, job design and other human relations approaches to management. While successive levels of disciplinary action may be necessary, each step should be employed only after ensuring a reasonable opportunity has been provided for observable and meaningful change to occur. This is not intended to suggest that a sequential approach is required when a serious matter warrants immediate and more severe disciplinary action by a manager.

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## 5. DISCIPLINE

Taking disciplinary action to address unsatisfactory performance is a difficult and often time consuming process. Nevertheless, it must be undertaken when the need arises, for two reasons:

- the discipline process may quickly result in better performance by the employee; and
- inaction often negatively impacts performance and work standards of an entire group.

## 6. STEPS IN MANAGING DISCIPLINE

### 6. *Identification and Investigation*

When performance and/or conduct deficiency has been identified, the manager or supervisor should investigate to obtain all pertinent facts concerning the deficiency.

Where performance and/or conduct deficiency exists, the manager or supervisor should promptly bring it to the attention of the employee.

Departmental or administrative policy on the matter and the type of disciplinary measure that may apply should be reviewed and established.

The manager or supervisor should clearly understand his/her authority to use disciplinary measures. Consultation with the CAO is required in serious matters.

### 7. *Documentation and Discussion*

The manager or supervisor should document accurately and completely all relevant facts concerning a performance or conduct deficiency that has been identified. Reference should be made to applicable policies, procedures, organizational practices, performance objectives and standards of conduct or performance.

The manager or supervisor should decide what type of action should be taken with reference to Section 7, Discipline Administration. When deemed appropriate, the manager or supervisor should encourage the employee to make use of the Municipality's Employee Assistance Program on a voluntary basis.

The manager or supervisor should be mindful that there may be a need for documentation and discussion in addressing unsatisfactory performance or conduct whenever it occurs, not just in circumstances when it is ultimately necessary to take disciplinary action.

## 7. DISCIPLINE ADMINISTRATION

### 8. *Types of Deficiencies*

In assessing disciplinary measures which will result from the failure of an employee to meet standards of conduct and performance, it is important for managers and supervisors to know that there are two general categories of offences prompting disciplinary action, up to and including termination.

Acute offences are those which are immediately identifiable and require immediate response by managers and supervisors (e.g., misappropriation of funds or assets, substance abuse, drinking on the job). The appropriate level of disciplinary action should be applied without delay.

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**Chronic deficiencies** involve an observed pattern or occurrence of infractions, such as insubordination, tardiness and frequent substandard work effort, attention or achievement. Such performance and/or conduct deficiencies may be more appropriately addressed by working up through the levels of disciplinary action. All deficiencies and offences can be considered serious if they disrupt or could disrupt the orderly, safe or efficient functioning of the workplace.

9. Criteria for Administering Disciplinary Action

**Action should be prompt.** There should be as little delay as possible between identifying a deficiency and taking the necessary action.

**Action should be appropriate.** The disciplinary measures used should relate to the nature of the deficiency, its effect and the employee's previous record.

**Action should be consistent.** Within each department and work group, managers and supervisors should ensure there is a consistent standard applied across the employees under their supervision. Managers and supervisors are encouraged to discuss application with the Director and the CAO.

**Action should be defensible.** Any employee is free to submit an appeal to the CAO regarding disciplinary action. Where a financial penalty or dismissal occurs, legal action may result.

10. Disciplinary Measures

The following measures are normally considered appropriate to the employer/employee relationship.

- i. **Oral reprimand** - a formal procedure in which the employee is summoned before the Director or his/her designate, informed of the performance or conduct deficiency, told that he/she is being formally reprimanded, and provided a warning of the possible consequences of further unsatisfactory behaviour or performance. A date should be specified by which improvement is expected (particularly in cases of a chronic deficiency). The details of the discussions will be documented for possible future reference and use.
- ii. **Written reprimand** - a written statement from the Director or his/her designate informing the employee of the reason for the reprimand and warning of the possible consequences of further unsatisfactory behaviour or performance. This action is usually accompanied by discussion of the problem with the employee. The employee should be clearly told that it is a formal reprimand that will be placed on file (with notation of date and time of delivery by hand).
- iii. **Suspension with pay** (normally not more than 5 working days) - a measure that is normally used in two circumstances. Where an employee is suspected of a serious offence or alleged to have committed an acute offence but further investigation of the performance or conduct deficiency is required, immediate suspension with pay may be applied by the CAO or his designate pending further investigation.

