

Disciplinary Procedures

The parties will deal with each other in good faith, with good reason and be subject to a fair process.
The employee will be given the opportunity to have support and/or representation.

Performance?

1) Identify the issue

- What does the job description say about the agreed performance standard?
- Where is the employee failing, meeting and exceeding expectations?
- What training has the employee had to meet performance standards?
- What training/support could be provided to improve performance?

2) Organise a meeting

- A meeting request will be in writing, stating the purpose is to discuss performance and that the employee can bring a support person (e.g. worker representative or management GRASP liaison) to the meeting

3) Meeting

- Discuss overall performance and areas of concern
- Employee will have opportunity to respond and consider any contributing factors
- Parties will agree upon acceptable standard going forward and what needs to happen for the employee to achieve this
- Organise a time to review performance and discuss the impact if standard is not met
- Document performance agreement and give a copy to the employee for their reference

4) Track progress

- Performance will be tracked and documented from initial meeting and the review

5) Meeting to review

- Meeting request will be sent in writing, stating the purpose is to review performance and that the employee can bring a support person
- Will discuss whether performance standards have been met, areas of improvement and the significance of areas still needing to improve
- Based on the review, next steps could be:
 - agree performance has improved and no further action required
 - repeat performance management process until performance is acceptable
 - issue a formal warning in line with the following process

Is the issue about...

Possible misconduct?

Is there a good reason to start a disciplinary process?

YES

UNSURE

In serious circumstances, the employee may be suspended pending the investigation

OR

Notify the employee in writing about the problem and that it will be investigated

An investigation will be carried out, proportionate to the size of the issue

Based on the findings of the investigation, does the issue require disciplinary action?

NO

YES

Is the misconduct serious enough to amount to serious misconduct?

NO

YES

Employee will receive a letter inviting them to a disciplinary hearing about the potential misconduct. The letter will set out the evidence gathered and possible consequences the employee could be facing.

Employee will receive a letter inviting them to a disciplinary hearing about the potential serious misconduct. The letter will set out the evidence gathered and possible consequences the employee could be facing.

If the issue is minor or you are unsure, an informal action may be sufficient, such as an informal conversation

Employee will be notified in writing that no disciplinary action will be taken and why

Disciplinary Hearing

All concerns will be discussed and the employee will be given the opportunity to respond.

A decision will not be made at this meeting. Time will be taken to fully consider the employee's explanation and whether a disciplinary action should be taken.

Reinvestigation may be required if there is new relevant information.

Following the hearing, time will be taken to consider the employee's response and what actions could be taken

Decision

A preliminary decision will be communicated to the employee

Appeal or revision

The employee will be given the opportunity to respond. Consideration will be given to the employee's response before making a final decision.

Final Decision

Employer will provide the employee with the final decision.

Depending on the circumstances the final decision could be to take no action, an informal action, provide a verbal warning confirmed in writing, a written warning, a final written warning or to terminate employment with or without notice.

For more information about performance management, potential misconduct or serious misconduct please visit:
<https://www.employment.govt.nz/workplace-policies/employee-performance/managing-performance-issues/how-to-manage-performance-issues/> and <https://www.employment.govt.nz/resolving-problems/steps-to-resolve/disciplinary-action/disciplinary-process/>