



References:

Purpose: To ensure fair and equitable disciplinary action for all Library employees with the intent of improving performance where possible. This policy is intended to be implemented with respect to acts or omissions of an employee (staff or Library Director) including but not limited to: unacceptable behaviour, poor work performance, and/or violation of Library policies, practices or procedures (“Misconduct”). This policy is subject to the Alberta Human Rights Act and the Canadian Human Rights Act.

1. Responsibilities

- 1.1. *Employees:* Employees are responsible for ensuring they are aware of and fulfil work expectations; acting in a respectful manner towards co-workers, superiors, and patrons; and adhering to Library policies, practices and procedures.
- 1.2. *Library Director:* In addition to their responsibilities as an employee, the Library Director is responsible for advising staff of work expectations; supervisions and providing ongoing feedback to staff; administering this Discipline Policy with respect to staff, in consultation with the HR&F Committee when required; and maintaining appropriate disciplinary documentation in staff personnel files.
- 1.3. *HR&F Committee:* HR&F Committee is responsible for reviewing and revising this Discipline Policy; providing policy interpretation and guidance; advising and consulting with the Library Director with respect to staff when required.
- 1.4. *Library Board:* The Board is responsible for supervising and providing ongoing feedback to the Library Director; administering this Discipline Policy with respect to the Library Director; maintaining appropriate disciplinary documentation with respect to the Library Director; and ensuring that this Discipline Policy is enforced in a fair and consistent manner for all employees.

2. Initial Resolution Procedure

- 2.1. Except in the case of serious Misconduct, the employer (being the Library Director in the case of staff Misconduct, and the Library Board in the case of Library Director Misconduct), should make attempts to prevent and/or resolve incidents of Misconduct through Investigative Meetings and Performance Evaluations prior to administering Formal Discipline.
 - 2.1.1. *Investigative Meeting:* involves recognizing Misconduct in its early stage, discussing the matter with the employee, and assisting the employee in achieving the expected job performance standards or conduct.
 - 2.1.2. *Performance Evaluations:* outlines employees’ areas of strength and areas requiring growth. They provide a structure for discussing performance expectations and Misconduct in a non-threatening environment. Regular evaluations document growth and change in employee performance. Where possible and appropriate, Misconduct should be discussed with the employee during an Investigative Meeting prior to the Performance Evaluation.

3. Formal Disciplinary Procedure

- 3.1. In cases of serious Misconduct, and/or where Investigative Meetings and Performance Evaluations do not resolve Misconduct issue(s), the following Formal Disciplinary Procedure is to be followed, where the objective of all but the final stage is to encourage improvement.
 - 3.1.1. Process: Written Reprimand > Suspension. (Standard or Indefinite) > Discharge.



References:

- 3.1.2. Written Reprimand: The Misconduct and expectations for improvement are discussed with the employee and documented. A time-period within which the problem is to be corrected shall be established and follow-up taken. The employee shall be informed that failure to correct the situation could result in further disciplinary action.
- 3.1.3. Standard Suspension (defined duration): The employee shall be interviewed and issued a written notice of the suspension and the reasons for the same. The suspension shall be without pay and the employee shall not be allowed in Library staff areas unless specifically requested by the Library Board, Human Resources and Finance Committee, or Library Director. Detailed documentation is required for all suspensions.
- 3.1.4. Indefinite Suspension: Shall be implemented only where the employee is suspended pending an investigation. Circumstances requiring indefinite suspension include, but are not limited to: situations where the employee could be a hazard to property, other persons, or him/herself, or instances where the employee is incapable of performing required duties. Such suspension is with pay. The following steps shall be taken:
- 3.1.4.1. An investigation notice is issued informing the employee that discipline may be applied with respect to Misconduct or suspected Misconduct, that incident details are under investigation, and that appropriate discipline, if required, shall be applied after such investigation is complete.
- 3.1.4.2. A copy of the notice is kept in accordance with the file retention policy until disciplinary action is taken or grievances or appeals are satisfactorily dealt with in the employer's opinion.
- 3.1.4.3. The investigation team is comprised of the Chair of the HR&F Committee, the Library Director (or alternate if deemed necessary), and a Board member or HR&F Committee member. In the case of an investigation of the Library Director, the Board will form an investigation team comprising such persons as the Library Board deems appropriate in the Library Board's discretion.
- 3.1.4.4. Investigation results:
- No action to be taken: Letter issued informing the employee of the results of the investigation
 - Action warranted: Circumstances documented, and letter issued informing the employee of the disciplinary action to be taken and the reason(s) therefor.
- 3.1.5. Discharge: A letter shall be issued to the employee outlining the terms and reasons for discharge. Discharge may result from:
- 3.1.5.1. An employee's lack of response to attempts to resolve Misconduct issue(s).
- 3.1.5.2. A 'culminating incident' where the Misconduct would not normally result in discharge, but in consideration of other documented Misconduct of the employee, justifies discharge. The documentation of the incident of Misconduct immediately prior to the 'culminating incident' must specify previously documented incidents of Misconduct and contain a warning that the next incident of Misconduct will be considered a culminating incident and result in discharge.
- 3.1.5.3. Misconduct of a sufficiently serious nature.



References:

4. General Procedure

- 4.1. Disciplinary action is usually taken in sequence; however, depending on the situation, any of the above steps may be repeated, omitted, or taken out of sequence at the employer's discretion.
- 4.2. Each case is considered on an individual basis and the employer reserves the right to effect immediate discharge should the situation warrant.
- 4.3. At any meeting within the Formal Disciplinary Procedure, the employee has the right to have an advocate or peer present to observe and document on the employee's behalf.
- 4.4. At all stages in the Formal Disciplinary Procedure, written notice shall be presented to the employee and signed by the employee to indicate receipt of the same. Refusal to sign shall be documented and signed by presenter. In the case of Suspension or Discharge, a copy of the notice shall also be forwarded to the Human Resources and Finance Committee. The notice shall include the following information, at a minimum:
 - 4.4.1. Type of Misconduct.
 - 4.4.2. Details of Misconduct.
 - 4.4.3. Discipline to be applied; if a Standard Suspension is applied, the notice must include the dates during which the Standard Suspension will be served.
 - 4.4.4. Mitigating factors lessening the severity of the Misconduct or discipline applied, if any.
 - 4.4.5. Aggravating factors increasing the severity of the Misconduct or discipline applied, if any, including the dates and the discipline applied for similar Misconduct, if applicable.
 - 4.4.6. Prior action taken including but not limited to Initial Resolution Procedures, if applicable.
- 4.5. Mitigating/Aggravating Factors which may affect the degree of discipline:
 - 4.5.1. Seriousness of the Misconduct.
 - 4.5.2. Effect or potential effect of the Misconduct.
 - 4.5.3. Prior warnings and discipline taken or administered.
 - 4.5.4. Impulsive versus premeditated acts.
 - 4.5.5. Provocation.
 - 4.5.6. Misunderstanding.
 - 4.5.7. Employee record.
- 4.6. Any written record of employee discipline in an employee's personnel file shall, be dealt with in accordance with the file retention policy (**LM 2**).

5. Appeals

- 5.1. Library employees, exclusive of the Library Director, have the right to appeal disciplinary action through the HR&F Committee.
- 5.2. All Library Board decisions with respect to administration of this Discipline Policy against the Library Director are final.
- 5.3. All employees, including the Library Director, may explore further recourse options defined by the Alberta Employment Standards Act.

6. Exceptions

- 6.1. Exceptions to this Discipline Policy:
 - 6.1.1. Approved absences.



Town of Banff
Public Library

Policy: HR 12 – Human Resources
Title: Employee Discipline Policy
Motion No. 2019-29-05-07
Reviewed: May 29, 2019

References:

- 6.1.2. Incarceration.
- 6.1.3. Inadvertent or unforeseeable conflict of interest.
- 6.1.4. Insubordination where:
 - The employee perceives a safety risk.
 - The order constitutes an illegal act.
- 6.2. Where an employee has not met their work requirements or has otherwise demonstrated Misconduct and the employer has reason to believe that the employee's actions may be related to a disability as defined in the Human Rights Act, then the employer must take such steps as the employer deems appropriate in the circumstances to satisfy the employer's legal duty to accommodate the employee.