


OPERATING PROCEDURES

SUBJECT:	DISCIPLINARY ACTION AND TERMINATION OF EMPLOYMENT
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POLICY STATEMENT:	PS HR01(09)	EFFECTIVE DATE:	17/05/2009
FUNCTIONAL AREA:	Human Resources	DOCUMENT REF:	OP HR01-05(09)
RESPONSIBILITY:	Chief Executive	REVISION NUMBER:	2

REVISION SCHEDULE

EFFECTIVE DATE	ALTERATION(S)	AUTHORISED Signed/Title	AUTHORISED DATE
29/08/2011	Wording in 3, 4, 6.		29/08/2011

1. General

Community Living and Support Services have an expectation that its staff will perform their duties satisfactorily and uphold a standard of professional behavior and conduct consistent with its values. On occasions where a staff member's job performance is unsatisfactory or whenever an incident of misconduct is reported or observed and disciplinary action is required, the procedures outlined in this document must be followed. Moreover, the adoption of these operating procedures will ensure that all essential steps are taken to afford a staff member the process of procedural fairness if disciplinary action results in the termination of employment or when a staff member is summarily dismissed because of serious and willful misconduct.

Disciplinary Action involving suspension or dismissal requires approval of the Chief Executive or Senior Management.

Committing any violation of an organisational rule or regulation will be sufficient grounds for disciplinary action, ranging from verbal warnings to dismissal dependent on the seriousness of the offence.

Matters relating to breaches of duty of care where risk to clients may result will be treated as misconduct.

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2. Verbal Warning

The first step in the progressive disciplinary procedure is for the line manager to meet with the employee to discuss the behavioral, attitudinal or performance problem with a witness present.

The employee will be issued with a report of the interview.

The Line Manager must explain to the employee:

- the reason for the rule that has been violated;
- evidence of the violation;
- the specific changes that are required;
- offer assistance as necessary, and express confidence that the employee will correct the problem and no further action will be needed.

The Manager will make notes of the conversation and retain a copy of the report in the personnel file for the individual staff member and forward the original to HR Consultant for inclusion in the employee's main personnel file.

3. Written Warning

If the problem continues, the Manager must again approach the employee with a witness present and:

- tell the employee what is suspected, observed, evidenced;
- ask the employee to confirm that he or she knows what changes must be made;
- prepare a written report explaining the inappropriate behavior or performance and the corrective action desired;
- ask the employee to sign the written report, signifying that the conversation took place;
- provide the employee with a copy of the written report;
- send the original to the HR Consultant to place on the employee's personnel file.

If the unacceptable job performance or behavior continues, further progressive discipline will take place. With each application of discipline, a record in writing must be made. A total of three warnings would usually be given before the decision to terminate employment can be made.

4. Suspension

With the approval of the Chief Executive, the Manager may choose to suspend an employee who refuses to make the necessary performance improvement changes.

With the CE approval, the Manager will immediately suspend an employee suspected of misconduct in relation to Duty of Care.

Whilst investigation is being conducted for serious and willful misconduct, the following steps will take place:

- the employee is told to not report for work for a day (with or without pay at management's decision), and to take time to make a decision as to whether he or she can meet the organisation's standards;
- the employee is advised future violations will result in termination;
- the employee is asked to report back to the Line Manager after the decision-making leave day, to advise of their decision;

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- conversations and decisions surrounding the suspension of an employee must be documented in memo form and signed by the employee and Line Manager to be placed in the employee’s personnel file;
- instant dismissal will occur for instances of serious and willful misconduct.

5. Dismissal

If dismissal becomes necessary, it will mean, in most cases, that the counseling efforts have failed. The discharge decision will be communicated to the employee, and should not be a surprise because the discussion prior to dismissal would have warned of the pending consequences.

Each dismissal must be fully documented.

The exact reasons for separation are to be annotated in writing, and the document must be signed by the employee and the Manager. This document will then be filed in the employee’s personnel file.

6. Other Considerations

If an employee disputes the facts presented in documentation at any stage, including the assumption that they have not made a reasonable effort to address the problem, the issue will be referred to the CE. Should an employee wish to appeal against their suspension or dismissal it will be referred to the Board who will appoint a subcommittee of 3 to consider the appeal. A reasonable time frame will be set for allowing the employee to address a particular problem.

Further breaches within this context will not warrant immediate disciplinary action. The details will, however, be recorded. They will become relevant if absences continue beyond the agreed time limit, or it becomes evident that the employee has not made an effort to take the action that they agreed was appropriate. A copy of any such note must be sent to the Human Resources Consultant.

7. Related Documents

These operating procedures are related to and should be read in conjunction with the following controlled documents.

- ✓ PS HR01(09) Policy Statement, Human Resources
- ✓ OP HR01-06(09) Operating Procedures, Disputes & Grievances

APPROVED BY THE CHIEF EXECUTIVE			
This Operating Procedures supersedes all other Disciplinary Action & Termination of Employment Operating Procedures and is applicable across CLASS inc. from the authorising date below.			
Authorising Officer	Position	Date	Signature
Mark Kulinski	Chief Executive	29/08/2011	