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## **POLICY**

The purpose of discipline is to ensure high standards of performance and efficiency, and maintain good working relationships among all employees.

Discipline in the organization is, for the most part, “self discipline”. It is conscientious effort of employees to work and behave in accord with the values, service standards, rules and regulations of the organization and the area in which they work. We expect employees to work hard at being the best at what they do and in helping the organization provide a high level of professional service.

When an employee does not exercise adequate self discipline or is not successful in meeting the requirement of their job, it may be necessary for their supervisor to consider disciplinary actions to correct the problem.

## **PROCEDURE**

### **A. An Employee is Subject to Disciplinary Action if:**

- The employee’s conduct violates personal rules and regulations, or any other written regulations or procedures established in the department in which the employee works
- The employee’s conduct reflects, hinders, or discredits the effectiveness or efficiency of operations.

### **B. Misconduct Subject to Disciplinary Action:**

This list is not all inclusive, but is representative of the types of misconduct subject to such action: The Kaw Nation is an at-will employer, and reserves the right to take appropriate action for any violation, up to and including termination of employment for any violation, with or without previous warning.

- Conviction of criminal laws of any applicable jurisdiction
- Failure to follow applicable regulatory requirements of Kaw Nation, State, or Federal governments
- Failure to follow departmental rules and regulations
- Falsifying information on any Kaw Nation records.
- Discourteous or disrespectful conduct to citizens.

- Inattention to duty, carelessness, breakage or loss of property
- Inefficiency or incompetence
- Negligence on the job, willful or malicious damage, or destruction to Tribal property or property of others.
- Insubordination or refusal to obey proper orders or to perform job assignments.
- Lack of Integrity
- Claiming sick leave, annual leave, or comp time under false pretenses
- Failure to report tardiness or absence from work.
- Possession or use of alcohol or illegal drugs on the job or to the extent the employee's job performance or effectiveness as an employee is impaired
- Possession of weapons, explosives, or other dangerous materials on the job without written authorization from the Chair.
- Posting or removing of any material from a bulletin board without proper authorization.
- Concealment of or failure to report a significant error, mistake, unsafe working conditions, conflict of interest or inquiry.
- Excessive absenteeism or tardiness
- Abandonment of position (absent from work without permission)
- Sleeping on the job
- Sexual Harassment
- Retaliation against an employee by any person for reporting offenses.
- A violation of Professional Conduct
- Improper use of authority by using position for personal profit or advantage, using their job positions as a means of personal advancement of themselves, relatives, or friends.
- Acceptance of a gift or money given with the intent of influencing employee in the performance of his/her official duties.
- Violation of a safety rule or the performance of unsafe work practices.
- Conviction of, or plea of, guilty to a traffic violation while in a Tribal Vehicle.
- Taking more than specified time for meals, rest periods, or coffee breaks.
- Engaging in horseplay, scuffling, demonstrations, or other actions which are disruptive to the normal work process.
- Vending, soliciting, distributing written materials, or collecting money for any purpose during working hours unless given proper authorizations.
- Threatening, intimidating, coercing, or interfering with other employees on the job.
- Abusive, disrespectful, or insubordinate language.
- Removal of any property or materials from the work premises without proper authorization.
- Use of Tribal personnel or materials for purposes, which are not authorized.
- Violation of these policies concerning political activity.
- Divulging confidential material or reports.
- Breaches in confidentiality or making public statements, disclosures, or utterances which imply an official spokesperson for the Kaw Nation unless specifically assigned that duty.

- Violations of the policy against harassment.
- Violations of the information Technology policy.

### C. Discipline Actions

Each disciplinary action will be inserted in the employee's personal file. The Kaw Nation officially recognizes the following types of disciplinary actions:

- **Verbal Warning:** a verbal warning is oral redirection and is given to an employee by his/her supervisor
- **Written Warning:** a written warning is received by an employee from his/her supervisor. Included in this warning are positive actions needed to be taken by the employee to correct the problem
- **Suspension Without Pay:** The removal of an employee from service without pay for a specified period of time.
- **Suspension With Pay:** A separate and distinct form of disciplinary action of suspension without pay would be: A supervisor may suspend an employee *with pay* if deemed appropriate, and with the approval of the Chair. Meanwhile the employee's conduct will be under review for the issue of alleged misconduct.
- **Salary Reduction:** The lowering of an employee's rate of pay.
- **Demotion:** The placement of an employee into a position of lower pay.
- **Dismissal:** Permanent termination of employment with Kaw Nation.

### D. Procedures for Taking Disciplinary Action

- Document the misconduct in writing
- Determine the appropriate counseling action to correct the problem
- Meet with the employee to review the problem and the proposed disciplinary action. The meeting should be private and include only the employee, supervisor, and a Human Resource representative.
- Give the employee an opportunity to refute the facts or argue against the proposed disciplinary actions. The employee may submit comments in writing to be attached to the record of the disciplinary action within 5 working days
- The Chair will make the final decision of disciplinary action.
- The Chair must approve demotions, suspensions, salary reductions, and all terminations of employment.

### E. Progressive Disciplinary Action

The purpose of disciplinary action is to correct unacceptable behavior or misconduct by an employee by applying a penalty for such behavior or misconduct. It is also for the purpose of terminating employment of an employee where a serious misconduct has occurred. Whenever a situation occurs that requires disciplinary action the supervisor will indicate to the employee what the disciplinary action was for, what behavior or action is needed to avoid the problem from happening again and the

anticipated disciplinary action that will be used should the misconduct be repeated. Where possible the supervisor will use the least severe disciplinary action appropriate to the situation. For repeated infractions of a similar or related behavior the severity of the sanction will be increased until the person's employment with Kaw Nation is terminated. Depending on the severity of the infraction, the Kaw Nation may determine that immediate termination is warranted and shall not implement a progressive plan of disciplinary action for this situation.