

Holliston Housing Authority
Cole Court
492 Washington Street
Holliston, MA 01746

PROGRESSIVE DISCIPLINE POLICY

The Holliston Housing Authority has adopted a progressive discipline policy to ensure that employees are treated equitably and offered an opportunity to improve and alter unsatisfactory behavior. It is important to note that different employees will not be treated in exactly the same manner since factors other than the unsatisfactory behavior (ie. employee length of service, promotion record, time and attendance history, etc.) are relevant when deciding on an appropriate form of discipline. Since similar unsatisfactory behaviors can vary in severity, employees should not expect identical treatment for similar violations. Notwithstanding, it is the intention of this policy to be fair to all employees, and to treat episodes of unsatisfactory behavior as fairly as possible, given all considerations.

The manager is directed to keep weekly employee logs where notes are made about employee performance. Minor problems should be addressed in private as quickly as possible with the goal of correcting problems before formal disciplinary action becomes necessary.

When informal efforts do not effect change, or where unacceptable employee behavior is more serious, the Holliston Housing Authority will administer discipline according to the following schedule:

- Initial Warning:** Oral discussion with documentation to the employee's file;
- Second Warning:** Written memorandum of warning, copy to the employee's file;
- Third Warning:** Final written memorandum of warning, copy to the employee's file and suspension without pay;
- Final Action:** Termination from employment.

IMPORTANT: If an employee's misconduct is serious, the Authority will **BEGIN** with a more serious form of discipline, up to and including termination.

Guidelines for Discipline:

1. All disciplinary warnings will describe the employee's unacceptable behavior, detail future expected conduct, and state the consequences for this and any further disciplinary infractions. Managers will meet with the affected employee to discuss the contents of the warning, and request that the disciplined employee sign the written warning to show receipt. If the employee refuses to sign, the manager will note this on the warning.

2. The purpose of the oral warning is to:
 - a. inform the employee that certain conduct or behavior or method of job performance is not acceptable;
 - b. allow managers to provide assistance to the employee to make behavioral changes;
 - c. encourage the employee to commit to making behavioral changes.
3. Managers may elect to issue an oral warning to the same employee more than one time if subsequent infractions are substantially different in nature, and/or if additional warnings are likely to improve employee conduct.
4. Typical unacceptable behavior which would trigger an oral warning includes (but is not limited to) the following:
 - a. Employee is late to work, leaves early, is absent without permission, engages in personal tasks off site during permissible excursions, or the like.
 - b. Employee engages in personal tasks during work hours or otherwise wastes work time.
 - c. Employee work performance is slow, damaging, without effective prioritization, or is otherwise below expectations.
 - d. Employee attitude is poor.
 - e. Employee does not follow authority procedures.
 - f. Employee is uncooperative with other employees regarding authority tasks.
 - g. Employee is rude or disrespectful to supervisor, tenants, co-workers, visitors, or individuals who work with or at the authority.
 - h. Employee commits a minor violation(s) of the state code of conduct regulation (for example, employee accepts a small gift from a tenant or creates an appearance that certain tenant(s) receive preferential treatment).
 - i. Employee violates lease or other authority rule/policy (for example, employee enters a tenant's apartment without proper notice or permission).
 - j. Employee fails to wear required uniform, or fails to report for work reasonably groomed and in clean clothing.
 - k. Employee is insubordinate.
5. A written warning may be given for a second violation of any infraction (or similar infraction) for which the employee received an oral warning. Additionally, a written warning may be given after one oral warning (even for a different infraction) if, in the manager's discretion, additional oral warnings are unlikely to improve employee behavior generally. Typical unacceptable behavior which would trigger a written warning without first giving an oral warning includes (but is not limited to) the following:
 - a. Employee refuses to follow manager's instructions.

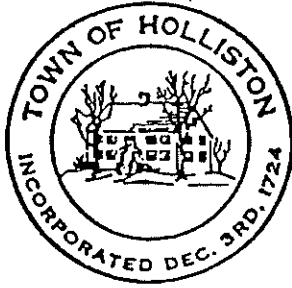
- b. Employee creates unsafe work or living conditions.
 - c. Employee commits a more serious violation of the state code of conduct regulation (for example, accepts a substantial gift from a tenant, gives clearly preferential treatment to a tenant, divulges confidential tenant information).
 - d. Employee speaks on behalf of the authority without authorization.
6. There are no grievance or appeal rights for employees who receive an oral or written disciplinary warning. Employees may file a personal statement in response to any formal discipline. Such statements should be dated and filed in a timely manner (within two weeks of discipline) when memories are fresh.
7. A suspension without pay may be issued for any disciplinary infraction committed after the employee received a written warning, even if the infractions are different.
8. An employee may be terminated from employment at the authority for any disciplinary infraction committed after the employee received a suspension without pay, even if the infractions are different.
9. Some disciplinary infractions are so serious that the manager may suspend without pay or terminate the employee even if there were no previous disciplinary warnings in the file. The manager will weigh the facts and use discretion to determine which level of discipline is most appropriate under the circumstances. Typical unacceptable behavior which would trigger a suspension without pay or a termination (depending on the severity of the behavior) without giving prior warnings includes (but is not limited to) the following:
- a. Employee harasses (based on race, color, religious creed, national origin, sex, sexual orientation, genetic information, disability, age or ancestry) a tenant, visitor, co-worker or other person on authority property, or the employee creates a hostile workplace for co-workers.
 - b. Employee engages in criminal activity on or off authority property, during working hours or during off duty time, if the nature of the criminal activity is the sort where if repeated on public housing property, it would interfere with or threaten the rights of tenants or authority employees to be secure in their persons or in their property or with the rights of tenants to the peaceful enjoyment of their units and the common areas of the housing development. A conviction is not required for disciplinary action including termination. The manager must be persuaded (by reliable evidence) that it is more likely than not that the employee committed the crime.
 - c. Employee steals or intentionally destroys property belonging to the authority, another tenant, or anyone on authority property, or fails to report that a co-worker did the same.
 - d. Employee engages in a fight or physical altercation with a tenant, co-worker, visitor or other person on authority property.

- e. Employee intentionally falsifies or alters housing authority records or documents (examples include time sheets, applications, billing sheets, work orders, insurance and medical forms, etc.), or fails to report that a co-worker did the same.
 - f. Employee is intoxicated or unacceptably under the influence of prescribed drugs or under the influence of un-prescribed controlled substances during working hours, or possesses, uses, or sells illegal drugs during working hours.
 - g. Employee carries unauthorized firearms, explosives or other dangerous weapons while on duty or on authority property.
 - h. Employee intentionally deceives the manager over a period of time about less serious infractions, but cumulatively, over time, the damage to the authority becomes serious.
 - i. Employee divulges substantial confidential tenant information or authority documents.
10. Employees (other than the Executive Director) who have held their office or position for a total of five years of uninterrupted service (as defined in M.G.L.c.121B, section 29) shall receive notice, hearing and appeal rights according to M.G.L.c. 31, sections 41-44 (attached).
11. Employees who have served for at least six months of uninterrupted service, but less than five years of uninterrupted service, and are not covered by Civil Service statutes cited in paragraph 10 (above) are entitled to reasonable due process when the manager plans to suspend without pay or terminate employment as follows:
- a. The manager will describe the unacceptable behavior in writing.
 - b. The disciplinary action will take effect immediately (employee does not come to work and is not paid wages for that time), however, if the employee is terminated, official separation from employment will not occur until grievance procedures under this section are complete.
 - c. The employee may file a request for reconsideration with the executive director within three days of notice of disciplinary action. The employee and the executive director shall meet, and the employee shall be afforded the opportunity to address the notice of suspension or termination, including the opportunity to present evidence pertaining to the personnel action and/or mitigating circumstances. The executive director will issue a written decision promptly.
 - d. If the employee remains dissatisfied with the executive director's decision, the employee may file a request to be heard by a single member of the board of commissioners within five days of notice of disciplinary action.
 - e. The board member will hear the employee's appeal and the manager's defense at a private hearing and will prepare a written decision as to whether the manager's decision is upheld or reversed.

- f. If the manager's decision is reversed, the employee is returned to work and the lost wages are repaid.
 - g. If the manager's decision to terminate is upheld, official separation takes place immediately.
12. In the event that a serious infraction is reported to a manager, and the manager cannot ascertain the veracity of the report without further investigation, the accused employee may be suspended WITH PAY while the matter is promptly and quickly investigated. No appeal rights are offered to employees affected in this manner.
13. If employees are represented by a Union, the collective bargaining agreement will control if it conflicts with this policy.

IMPORTANT: This policy is a guide for housing authority personnel and does not form a contract between the authority and any of its employees.

Policy Adopted by Board of Commissioners on July 14, 2015.



HOLLISTON HOUSING AUTHORITY

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RE: PROGRESSIVE DISCIPLINE POLICY

DATE: November 28, 1995

SCOPE

All Employees

PURPOSE

To define the conditions and procedure for application of the progressive discipline policy.

POLICY

- I. The Executive Director will issue all oral and written disciplinary action notices and will notify the Board of Commissioners of the disciplinary action taken.

II. ORAL WARNING

This is normally the first formal step in the disciplinary process in addressing misconduct, inadequate job performance or infraction of Housing Authority rules or policies. The Executive Director meets with the employee to discuss the circumstances on which the warning is based, the improvement required and the consequences of failure to improve as required. The discussion should be documented as an oral warning on the appropriate Housing Authority form and retained in the employee's personnel file.

III. WRITTEN WARNING

A written warning is normally the second step in addressing a problem if there is not sufficient improvement in performance or if the misconduct recurs after an oral warning. A written warning may be the first step in the event of a more serious offense such as negligence or irresponsibility on the job. In meeting with the employee, the same procedure should be followed as in the case of an oral warning and the disciplinary action notice should include substantially the same information which is required to be included in the oral warning notice as described above. This written warning should include the statement that any further incidents may result in further disciplinary action, up to and including discharge.

IV. FINAL WRITTEN WARNINGS WITH OR WITHOUT SUSPENSION

Suspension from work without pay accompanied by a progressive disciplinary action notice designated as "final" may be the next step if there is not sufficient improvement in performance or if misconduct recurs. Suspension without pay may be the first step in the event of a very serious offense which does not appear

FINAL WRITTEN WARNINGS WITH OR WITHOUT SUSPENSION (continued)

to warrant discharge. Suspension without pay may also be considered as an alternative to discharge if such a step would offer the opportunity for rehabilitation of a valued employee. A final written warning may be issued without a suspension if it is determined that a suspension is not necessary to ensure the employee's understanding of the seriousness of the conduct or, if in the judgement of the Executive Director a suspension would be counter-productive.

V. DISCHARGE

Discharge is the disciplinary action used if there is not sufficient improvement in performance or if misconduct recurs or without regard to prior disciplinary action in the event of very serious misconduct such as theft, dishonesty, willful and deliberate insubordination, or other reasons as defined in the discharge policy. (For the procedure to be followed in effecting a discharge, see Discharge Policy.)

This policy represents the spirit in which employee relations will be addressed at the Holliston Housing Authority. However, it may be necessary for us to change this policy or even deviate from it from time to time. This policy does not constitute a contract of employment.

Patricia J. Annas
Executive Director