

**What every employer should consider prior to making a disciplinary decision:**

Yes	No	N/A	Question
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Was the investigation fair and objective?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Does the investigative summary, witness statements, and evidence support the conclusion?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Are there any missing pieces to the investigation? (emails, correspondence, computer forensics)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Are there any videos or audio recordings?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Thoroughly review the employee's personnel file. Is there any previous discipline? (If so, how old is it and what was it for?)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Has the employee ever been coached/counseled in the past? (If so, how old is it and what was it for?)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Review employee performance evaluations.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. What is the length of service with the employer?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Job assignment-Is the employee a supervisor? <b>(They may be held to a higher standard.)</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. If multiple employees are involved, consider each employee's participation level separately.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11. Has the employee attended any training relevant to the present issue?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12. Does the employee have any specialty assignments?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13. Review the Mission statement in light of the allegations.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14. Are there any mitigating circumstances that should be considered? (Chemical dependency, depression, disability, etc)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	15. What is the disciplinary history of the employer?



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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16. How have similar instances been treated?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17. What types of discipline have been issued in the past? (For what circumstances?)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18. Have policies been violated?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19. Was the employee advised of the policies? (If so how/when?)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20. Is there a signed acknowledgment form?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	21. Have the policies been followed consistently in the past?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	22. Do the allegations create a broader impact on the community?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	23. Does the employee's conduct impact their ability to perform the job in the future?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	24. Consult with department heads or supervisors, before taking action
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	25. Is the employee capable of rehabilitation?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	26. Did the employee meet the <u>reasonable</u> expectations of the employer?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	27. Have there been any rehabilitative measures tried such as a Performance Improvement Plan (PIP)? (If not, why not?)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	28. Are there other alternatives to termination?

\*\*\* This information is intended for informational purposes only and does not constitute legal advice in any particular situation! Please consult with an attorney if you need specific legal advice. Thank you!