



NON-UNION EMPLOYEES EMPLOYMENT GUIDELINES

FOR THE PERFORMANCE, MANAGEMENT AND DISCIPLINE OF NON-UNION EMPLOYEES

Issued by

Forrest Claypool, Chief Executive Officer

Effective – May 25, 2016

Non-Union Employee Employment Guidelines

Table of Contents

<u>Section</u>	<u>Page</u>
Guidelines Introduction	1
I. Performance Management and Discipline of Non-Union Employees	2
A. Introduction and Scope	2
B. Performance Expectations	2
C. Performance Improvement Plans	3
D. Discipline and Discipline Process for Non-Union Employees	5
E. Effective Date	
Appendixes:	
Appendix A – Performance Improvement Plan for Non-Union Employees	
Appendix B – Misconduct Form	

GUIDELINES INTRODUCTION

These non-union employee employment guidelines are issued by the Chief Executive Officer in accordance with the authorities granted under Board Rules 4-1(a), 4-5(b), and 4-7.

All full-time employees are classified as probationary employees for the first twelve (12) months of employment with the Board. Any period of absence from work in excess of five (5) days during the probationary period, including, but not limited to, approved leaves of absence shall extend the probationary period for a period of time equal to the absence. For probationary employees promoted or appointed to a different position, their probationary period shall be extended for sixty (60) days.

These guidelines are intended to establish professionally sound and respectful performance management practices for managers and employees. They are not intended to impose contractual obligations on the Board of Education or to create rights for employees with respect to any term or condition of employment. Consistent with Board Rule 4-5(b), employees covered by these guidelines are and shall remain at-will employees who serve at the pleasure of the Board and/or the Chief Executive Officer. They may be removed from their positions and their employment relationship with the Board ended for any or no cause and with or without notice.

These guidelines are not to be construed as containing binding terms and/or conditions of employment. They should not be considered a contract.

These guidelines may be amended and reissued, in whole or in part, as deemed necessary and appropriate by the CEO.

PERFORMANCE MANAGEMENT AND DISCIPLINE OF NON-UNION EMPLOYEES

A. Introduction and Scope

These guidelines are a general statement of performance expectations, performance improvement planning and disciplinary procedures for misconduct. **These performance management and discipline guidelines are not intended to limit or restrict in any way the Board's right to discharge a non-union employees for cause. Moreover, these guidelines are not to be construed as containing binding terms and/or conditions of employment. They should not be considered a contract.** The CEO reserves the right to change the content of these guidelines as the CEO deems necessary.

Non-union employees serve on an at-will basis at the pleasure of the CEO and have no property right to their position, employment or expectation of continued employment and therefore are not entitled to the performance management measures or disciplinary process outlined in Section I of these guidelines. At-will employees may be discharged from employment with or without cause and with or without prior notice.

B. Performance Expectations

The Board is a public employer that requires its employees to perform their job duties and responsibilities in a manner that promotes the best interests of the students of the Chicago Public Schools, furthers the goals of the Chicago Public Schools, and results in the highest level of public trust and confidence.

If a non-union employee is not performing in a manner that satisfies the requirements of the position or has acted in a manner that is not in the best interests of the Chicago Public Schools, an assessment of the situation should occur at the onset to identify whether the concern is based upon a lack of performance or misconduct.

“Performance” relates to an employee’s competence/ability to fulfill the duties and responsibilities of their position. “Misconduct” relates to compliance with rules, policies and behavioral norms.

In addition to determining whether the concern is related to a lack of performance or misconduct, a determination must also be made as to the appropriate steps to be taken to change the unwanted conduct including training and the timeline within which sufficient improvement will be evidenced. Once the appropriate action has been identified, the supervisor follows the steps for issuing either a Performance Improvement Plan as outlined in section C. or a misconduct form as set forth in section D. below.

C. Performance Improvement Plans

The supervisor may place a non-union employee on a Performance Improvement Plan (“PIP”) when his/her performance falls below expectations. A PIP is a written plan that a supervisor, in his/her discretion, may use which sets forth specific and measurable objectives that will help improve performance. A PIP can be issued at any time that a performance deficiency becomes apparent. The issuance of a PIP is not necessarily tied to an employee’s annual performance evaluation. See Appendix for PIP form.

The timeline typically afforded an individual to demonstrate significant improvement under a PIP is typically 60 calendar days in length, however, this may vary based upon individual circumstances. Supervisors reserve the right to modify the length of the PIP with support of the Talent Office.

The following steps outline the preparation needed to administer the PIP:

Step 1: Prepare: Before issuing a PIP, the employee’s supervisor shall consider the following factors: (1) the seriousness of the performance deficiency; (2) the number of times the performance deficiency has occurred; (3) prior performance deficiencies; (4) the length of time between performance deficiencies; (5) the level of cooperation of the employee; (6) the employee’s work history; and (7) the totality of the circumstances.

The PIP process shall start with an initial meeting and will progress with regularly scheduled follow-up meetings.

The PIP should include the following information:

- Name and identification number of employee who is receiving the PIP
- Date the PIP is issued
- Stage of the PIP you are completing
- Clear and comprehensive detail of the underlying Performance/Conduct giving rise to the PIP including facts and dates of prior efforts to address the performance/conduct concerns
- Clear and comprehensive explanation of the expectations of the performance that must improve
- Action Plan – describe actions that will assist in improvement
- Schedule of follow up date(s) of subsequent meetings
- Talent Office Approval of the PIP prior to issuance

The Plan shall identify the employee’s performance deficiencies, state the performance expectations, including a statement about the consequences for not meeting these objectives, and identify an action plan for improving. The supervisor shall consider if the employee may require any additional resources including but not limited to training or coaching in order to attain the objectives set forth in the PIP.

Step 2: Review of PIP: Prior to meeting with the employee, the supervisor shall request a review of the PIP and approval to administer the PIP from the Talent Office. The purpose of the Talent Office review is to ensure that the PIP is fact-based, clear and

comprehensive both as to the underlying concerns, as well as the expectations and measures for improvement.

Step 3: Issuance of PIP: During the initial meeting with the employee, the supervisor shall set forth the areas of concern and the expectations for improvement, including the plan of action. The supervisor may supplement the PIP after receiving the employee's input and feedback. All changes should be made before the supervisor and employee sign the PIP.

Step 4: Follow up meetings with employee: The supervisor and employee shall, as part of the PIP, establish regular follow-up meetings (weekly, bi-weekly or monthly). During these meetings they should discuss and document progress toward the objectives, and employees shall be provided the opportunity to ask questions and seek guidance or clarification on performance expectations. The supervisor shall ensure any potential roadblocks are discussed and that the employee has been provided the necessary tools and training.

Step 5: Concluding the PIP: Upon the conclusion of the timeline provided in the PIP for the employee to demonstrate improvement (typically 60 calendar days), the supervisor shall determine whether the employee will be:

- removed from the plan based upon demonstrated improvement, or
- retained on the Plan for an additional 30 days or a time period deemed appropriate by the supervisor, to demonstrate further improvement, or
- discharged due to failure to satisfactorily complete the PIP.

When the employee has met the PIP's objectives, the supervisor shall formally close the PIP and allow the employee to continue employment.

If the employee is unable to improve, refuses to commit to undertake the improvement outlined in the PIP, or his or her performance declines, then the supervisor may move to dismiss the employee.

Employees who are dismissed solely for not meeting a PIP's objectives shall not be designated as "ineligible for rehire" or "do not hire."

D. Discipline and Discipline Process For Non-Union Employees

1. Progressive Discipline and Types of Discipline.

a. *Types of discipline.* When a non-union employee commits an act of misconduct, there are three disciplinary options:

- Written Reprimand
- Suspension without pay (1 to 30 days)
- Recommendation of Dismissal.

Progressive discipline. The Chief Executive Officer encourages the use of progressive discipline in correcting employee misconduct or behavior. In deciding what level of discipline is appropriate in a given circumstance, the Chief Executive Officer or designee should consider the following factors: (1) the seriousness of the misconduct; (2) the number of times the misconduct has occurred; (3) prior acts of misconduct; (4) the length of time between acts of misconduct; (5) the reflection and cooperation of the employee in recognizing the misconduct and his/her willingness to take action to correct it; (6) the employee's work history; and (7) the totality of the circumstances.

While the Board encourages the use of progressive discipline, circumstances dictate that it cannot be used for every act of misconduct. Therefore, the Board uses progressive discipline at its discretion and does not solely rely on this concept in every instance when taking disciplinary action.

b. *Categories of Misconduct.* Categories of Misconduct categories include but are not limited to:

- Discrimination prohibited by the Board's Comprehensive Non-Discrimination, Title IX and Sexual Harassment Policy, which includes discrimination on the basis of race, color, sex, gender identity/expression, age, religion, disability, national origin or sexual orientation. Pregnancy discrimination is a form of sex discrimination.
- Retaliation prohibited by the Board's Comprehensive Non-Discrimination, Title IX and Sexual Harassment Policy, which includes retaliation against any person for having made a complaint or report of discrimination or sexual harassment, whether made internally, or externally with a federal, state, or local agency; or participating or aiding in an investigation of discrimination or sexual harassment, whether internal, or external with a federal, state, or local agency.
- Insubordination
- Integrity/Ethics
- Law/Policy/Rule Violation
- Residency Policy Violation
- Providing False/Incomplete Information During an Investigation
- Payroll/Time Fraud
- Attendance Abuse

- Fiscal Mismanagement
- Test Cheating
- Failure to Carry Out Duties
- Job Qualifications
- Drug/Alcohol Violations
- Corporal Punishment
- Negligent Supervision
- Conduct Unbecoming

c. *Progressive Discipline Guidelines.* The chart below provides guidance as to the Misconduct disciplinary process.

<u>Overview of Types and Progressive Discipline</u>			
<u>Type of Misconduct</u>	<u>Discipline</u>	<u>Description of Discipline</u>	<u>Support</u>
First instance of misconduct that should not be repeated but that does not warrant a suspension or dismissal	Written Reprimand	This is a notice to the employee that his/her conduct is inappropriate and if repeated after the Written Reprimand may result in a suspension or dismissal, depending on the circumstances.	Talent Office and the Supervisor
Violation of a serious workplace infraction	Suspension without pay of one (1) to thirty (30) work days	This is a suspension without pay to the employee that he/she violated a serious workplace infraction and if repeated may result in dismissal, depending on the circumstances.	Talent Office and the Supervisor
Egregious or repeated misconduct that warrants dismissal	Dismissal	A formal notice that the employee will be dismissed from Board employment due to egregious or repeated misconduct.	Talent Office and the Supervisor

2. Discipline Process.

For all discipline meetings, the following procedures shall apply:

- The supervisor shall invite the non-union employee to a meeting to discuss the alleged misconduct;
- At the meeting, the non-union employee shall be given an opportunity to respond to the alleged misconduct by presenting documents or making a statement;
- A suspension without pay may be for one (1) to thirty (30) days and may only be issued for serious workplace infractions. Dismissal may be warranted for

egregious or repeated misconduct. Examples of serious or egregious workplace infractions include discrimination, sexual harassment, retaliation, workplace violence, creating unsafe working conditions, and similar serious or egregious misconduct.

- After consultation with the Talent Office, the supervisor shall determine whether to issue a Written Reprimand, Suspension or a Recommendation of Dismissal. The supervisor's final decision shall be provided to the non-union employee in writing (see Appendix for form).
- A Recommendation of Dismissal shall be presented to the Board or CEO or designee for a final decision in accordance with Board Rules and State Law.

When a non-union employee engages in alleged misconduct, but transfers to a new Chicago Public Schools position before discipline is instituted, the employee's former supervisor or manager shall follow the discipline process outlined in this Section for misconduct that occurred prior to the new reporting relationship. The former supervisor or manager shall contact the Talent Office when they encounter this situation to coordinate this discipline with the employee's new supervisor or manager.

E. Effective Date

These guidelines shall take effect on May 25, 2016. Any misconduct that occurred before May 25, 2016 shall be governed by the prior Board rules and policies that were in effect at the time the misconduct occurred. Any misconduct that occurs on or after May 25, 2016 shall be governed by these guidelines.

Appendixes:

Appendix A – Performance Improvement Plan for Non-Union Employees

Appendix B – Misconduct Form

Employee Name:

Date:

Performance: <input type="checkbox"/> Initial Meeting <input type="checkbox"/> First 30 Day Follow <input type="checkbox"/> 60 Day Follow Up	Follow Up Date:
---	-----------------

Talent Office Signature Approval (obtain prior to issuance):

Corrective Action Category(s): *Identify the category(s) for which you are executing this Plan*

Description: *Describe in detail the employee's performance issue(s). Include facts, such as the date(s), time(s) and location(s) of instances as well as dates of prior discussions about this issue. Include the impact of the deficiency on students, CPS, other team members, etc.*

Complete this Section in Advance

Action Planning: *Set forth specific and measurable objectives that will help improve performance, changes that need to occur to resolve the deficiency as well as assistance that will be provided to support needed changes, if any.*

This Section May be Based on the Discussion with the Employee

Failure to improve this performance deficiency will result in a progression of this performance improvement process.

Supervisor Signature: _____ Date: _____

Employee Signature: _____ Date: _____

Employee Comments:

NON-UNION EMPLOYEE MISCONDUCT FORM

Appendix B

Employee Name:	Date:
<input type="checkbox"/> Written Reprimand <input type="checkbox"/> Suspension without pay for 1 to 30 days (serious workplace violations) <input type="checkbox"/> Recommendation for Dismissal	Follow Up Date (if any):
Talent Office Signature Approval (obtain prior to issuance):	
Corrective Action Category(s): <i>List the overall reason for the meeting (e.g., Attendance)</i>	
<p>Description: <i>Describe in detail the employee's misconduct. Include facts, such as the date(s), time(s) and location(s) of the event as well as dates of prior discussions about this issue. Include the impact of the deficiency on students, other team members, etc.</i></p> <p style="text-align: center;">Complete this Section in Advance</p>	
<p><i>Follow Up: Describe specifically any changes that need to occur to resolve the deficiency as well as assistance that will be provided to support needed changes, if any.</i></p> <p>This Section May be Based on the Discussion with the Employee</p> <p>If issuing a suspension without pay for serious workplace violations:</p> <p>a) Length of Suspension without pay_____</p> <p>b) Start and End date of suspension without pay_____</p>	

Failure to improve this deficiency will result in a progression of this process.

Supervisor Signature: _____ Date:

Employee Signature: _____ Date:

Employee Comments: