

Employee Management Guide

This guide provides the community council and supervisors with a resource on issues relating to employee management and problem-solving methods, including procedures to follow, along with support available from the department. It contains information on hiring, supervision, employee discipline and performance management. Each topic contains all the necessary information, as well as specific forms relating to the tasks required when managing employees. The *Northern Affairs Manual of Policies and Procedures* (NAMPP) contains other related attachments referenced. The *Recreation Director's Handbook*, which is no longer updated by the department, is a good resource for specific details relating to the recreation director.

Managing employees is a very important responsibility. Good hiring and supervision practices will help to ensure council retains an effective and qualified work force. Community residents rely on community employees to provide services for community benefit. *"A well trained employee is an asset. An untrained employee is a liability."*

For detailed information on Manitoba's Employment Standards Code which applies to all community employees, you can contact the Employment Standards Branch of Manitoba Labour and Immigration toll-free at 1-800-821-4307, online by visiting the Manitoba government website <https://www.gov.mb.ca/labour/standards/> or by email employmentstandards@gov.mb.ca. Employment standards officers are available to provide support and guidance on employment issues and interpretation of the applicable legislation.

Northern Affairs Branch regional office program consultants (municipal development, technical and public works, environmental, water operations, protective services) are available to provide support and guidance on human resource best practices and employee job description preparation.

Revisions to this guide will be posted on the Manitoba government website at <https://www.gov.mb.ca/mr/northern/community-docs.html> for communities to access and print required copies. Notification will be provided to each community from the department when revisions occur (including an explanation of changes made). It should be noted, Appendix G – Sample Interview Questions is not posted to the website, but sent to communities in separate form to use internally.

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Hiring

Introduction

Hiring is one of an employer's most important functions. It is important that special care is taken in hiring the right person for the job. The following guidelines outlined in this section will assist to plan and decide who is the right person to hire.

Staffing is the process of selecting the right person to fit the job. This will have a direct impact on the community's growth and development. Selecting the wrong person will prove costly to the community and increase turnover rates.

The key to the selection of the appropriate individual is a thorough knowledge and understanding of the community's business, awareness of community organizations and future requirements. Especially critical, is understanding the need to match a potential employee to a position to ensure the right person is selected for the job. Some positions, such as water, wastewater and landfill operators, have mandatory regulated certification and training requirements attached to them that must be considered in hiring. Water and wastewater operator certification includes minimum mandatory (regulated) education requirements.

First and foremost, council needs to pass a resolution giving the authority to fill the position and ensure there are funds available to pay the salary. The community administrative officer (CAO) manages and supervises all employees of the community, except as the council may decide otherwise, who in turn reports to council. The immediate supervisor participates in the hiring process.

Job Description

The first step of the hiring process is preparing the job description. The job description is a valuable written record that defines responsibilities, relationships and results expected of the employee. A job description first identifies the job, using a title that accurately summarizes the position, followed by a listing of the assigned duties. Exactly what is included in the listing of job duties will depend on the level and nature of the position. The job description usually lists specific duties performed, equipment used and procedures followed, as well as working conditions and skills required.

The supervisor prepares the job description for council with assistance from the department, if required. A standard employee agreement (including job descriptions) for the CAO, assistant CAO, public works employee (PWE) (includes water and wastewater delivery/operators),

community safety officer (CSO) and recreation director is provided in Appendix A – Employee Agreement/Schedules. Simply add to or delete duties in these job descriptions as per the individual community requirements. Seek department support to review, if required. The resulting schedule as prepared by the supervisor is then attached to the employee agreement.

Employee agreements must be approved and signed by council and its employees upon hiring and job descriptions reviewed annually in conjunction with the performance appraisal or whenever there is a change in the job. The Manitoba government's employment standards legislation applies to all employees of a community who work in a non-unionized environment. Under these standards, council can not impose a probationary period on new hires. Only unionized workplaces can legally impose probationary periods.

Performance Standards

Simply put, performance standards are used to measure employee job performance. They focus on key result areas and are crucial to have in place. An employee should know exactly what the standards of the job are and the expected period of time to reach the standards. Make the employee aware that failing to achieve the standards in the period of time allotted could mean dismissal.

See Appendix B – Community Employee Standards/Core Competencies for a complete list of community employee standards and core competencies for the CAO, assistant CAO, PWE (includes water and wastewater delivery/operators), CSO and recreation director. These standards identify skills the applicant should already have and skills that can be developed on-the-job in order to perform the requirements outlined in the job description prepared.

Requirements normally include:

- education – Grade (specify)
- experience – years (specify)
- valid Manitoba driver's licence (specify class)
- trainable in the respective job, if skills are lacking

Employers can request proof of education or other qualifications required for the employment opportunity at anytime.

Certification Requirements

Water, wastewater and landfill operators hold a great deal of responsibility. Their job performance can have significant impacts on public health, safety and the environment, and these positions are highly regulated. It is the law that these positions hold valid (not expired) certifications appropriate to the facilities they work in. It is council's responsibility to ensure these certification requirements are tracked and maintained, and operators receive proper supervision, training, educational upgrades and on-the-job work experience as needed to obtain and maintain certification requirements.

Council must ensure certificates and a Table of Organization (TOO) for any water and wastewater facilities the community operates are submitted to the department, posted in the facility and routinely updated.

Proof of education is required to apply as an operator-in-training (OIT) or to get certified. Operators cannot make any adjustments to the water or wastewater treatment process, even under the supervision of a certified operator, without an OIT certificate. OITs and operators who are not yet fully certified should always be working under the direction of an appropriately certified operator.

To assist communities with their responsibilities for compliance with operator certifications see Appendix C – Managing Operator Certification Requirements.

Criminal Record Check and Child Abuse Registry Check

It is department policy that council ensure prior to final selection of an applicant for a position of public trust (ex: supervising children, working with money) the applicant provides a satisfactory criminal record check or child abuse registry check or both. Refer to the NAMPP under Policy G6 – Criminal Record and Child Abuse Registry Checks.

Conditions

If the person would be employed in a position of public trust, the potential employee must be advised to complete a criminal record check and/or a child abuse registry check. An employer is not permitted to seek this information for any other purpose. Accordingly, the following are designated positions to which the policy applies:

Criminal Record Check

- CAO and/or assistant CAO
- PWE (where they enter residential homes or handle a significant amount of money)

Criminal Record Check and Child Abuse Registry Check

- recreation director and recreation employees
- CSO

The criminal record check applies to all designated positions while the child abuse registry check applies only to the recreation director, CSO and positions that supervise children.

IT IS THE LAW, THAT THE INFORMATION OBTAINED UNDER THIS POLICY IS CONFIDENTIAL. It is council's responsibility to ensure proper handling of employee records at all times. Access is to be limited only to those persons required to have access, ex: current members of council and the CAO. Properly locked storage of personnel files is required.

Application Form

A resume or completed application form provides a written summary or history of the applicant's education and experience. Essential credentials are explored and clarified further during the employment interview. Under The Freedom of Information and Protection of Privacy Act (FIPPA), personal information on the application form is voluntary and collected to determine suitability for employment purposes. It is protected by the privacy legislation.

Information requested on the application form should suit the requirements of the position and be legally defensible. It is the employer's responsibility to ensure all questions conform to applicable laws. Certain questions cannot be asked of applicants under the Human Rights Code. For example, a question that is illegal to ask an applicant on an application form is their race or marital status.

An application for employment is provided in Appendix D – Application for Employment. The application form serves three purposes:

1. Indicates formally that the applicant desires a position with the community.
2. Provides the interviewer with the basic information needed to conduct an interview.
3. Becomes part of council's personnel documentation if the applicant is hired and is treated as confidential.

The following questions should be asked when designing an application form:

- What information is needed about an applicant to assist in the initial selection of persons to be interviewed?
- Why is this information required?
- What information is mandatory for record purposes after the applicant has been hired?
- Why does the council need this information?

Soliciting Applications

The CAO and council are responsible for determining the appropriate method to use to solicit applications, where applicable, with assistance from the department, if required. It may be decided to solicit applications through: advertisements in the newspaper, local radio, local advertisement, Service Canada referral or program specific website (ex: Manitoba Water and Wastewater Association). The request for receiving applications or resumes should include a brief description of duties, wages, benefits, skills and requirements, and how and where to apply.

Remember the advertisement should include:

- title of the position being advertised
- skills required in order to perform the job
- starting salary
- hours and days of work
- benefits (ex: Municipal Employees Benefits Program (MEBP), vacation, sick leave)

- location where applications can be picked up and sent once completed
- deadline for applications
- state that applicants may be subject to a criminal record check and/or child abuse registry check
- bottom statement: *We thank all who apply and advise that only those selected for further consideration will be contacted.*

It may be desirable to add a statement advising that council reserves the right to re-post for the position. Five sample position advertisements are provided in Appendix E – Sample Position Advertisements for the CAO, assistant CAO, PWE, CSO and water operator.

Screening Process

Employee screening starts with the completed application form or resume from which the essential information is obtained and determines which applicants will be interviewed. The detail and the questions asked will depend on the position being filled.

The individual(s) who are screened in should be the person(s) who most closely conform to the selection criteria for the job to be filled. Particular attention should be paid to the skills and requirements previously identified to determine the qualifications required by an applicant. The selection criteria may also stipulate unsuitable qualities that would not be appropriate characteristics for the position. If there are no qualified applicants, the job should be re-posted rather than hiring someone who is unqualified. Re-posting could mean expanding the advertising area.

The more closely an applicant's background relates to the standards of the job, the greater the probability the individual will be successful in the position. If the applicant's qualifications exceed or fall short of the position standards, the greater the chance the person will not work out well in the position.

Work history provides an indication of the person's present behaviour pattern. The interviewer can assess how many jobs the applicant has held which indicates stability, ex: has the applicant moved from job to job in a short period of time. Keep in mind people leave jobs for many reasons. For example, the inability to deal with responsibilities and/or co-workers in an effective manner or the result of a conflict with a supervisor. These reasons may or may not be a reflection on the applicant's ability to perform the job duties for the position. Promotions granted by a previous employer will indicate the applicant's level of ambition and motivation. Salary progression is also a good indicator of success.

Educational background should be matched with the requirements of the job. An over-qualified applicant may not be content to stay with the job once the challenge is gone. Academic records, although a good indicator of learning and work habits, may not necessarily be a reliable indicator of job success. Community involvement can reveal a great deal about the attitude, stability and maturity of the applicant.

Keeping the number of people to be interviewed down to a reasonable amount will assist the selection committee to concentrate on the most qualified applicants.

Interview Process

Determine who will be conducting the interview. The selection committee should include the immediate supervisor of the position being hired and council members. The Municipal Council Conflict of Interest Act applies; therefore any member(s) of the selection committee in conflict must declare such and remove themselves from the process.

Notify in writing or by phone, only those applicants who have been selected for an interview. The notification letter should include the date, time and place of the interview. Two sample letters to applicants are provided in Appendix F – Sample Letter to Applicants.

The selection committee should prepare questions to be asked at the interview before looking through the applications. Sample interview questions for the CAO, assistant CAO, recreation director, CSO and public works supervisor – water and wastewater operator are provided in Appendix G – Sample Interview Questions (not posted online as internal for community use). Use these questions as a guide when establishing interview questions for these and other positions. Ensure the questions relate to the standards of the job and contain ranking criteria in order to rate candidates on each core skill. Make sure to use the same rating system for all candidates and have clear criteria for each rating level.

It is critical the same questions be asked to **all** applicants. Some information may already be available from a letter of application, the resume or the application form. The interview will seek to find further information about the applicant's skills and abilities, which could not be determined from the information on record.

Reference Check

After the interview and prior to offering the successful applicant the job, complete a reference check. Check at least three of the applicant's references, as this will give a good indication of the applicant's past work history and character. All information disclosed about the applicant during a reference check is confidential and protected under the FIPPA legislation.

Some questions to ask when checking a reference are as follows:

1. What was your relationship with _____?
2. What was _____'s approach to their job like?
3. What task(s) were they superior in?
4. What task(s) were they weak in?
5. How did they get along with their supervisor and co-workers?
6. Was _____ self-motivating?
7. Did they pitch in and do extra work when the pressure was on?
8. If you had an opportunity, would you hire them again?

Offering

Upon completion of the reference check, the most suitable applicant is selected. Selection is made by consensus of all selection committee members. The initial offer should be presented to the successful candidate verbally first (by phone or in person). Once the verbal offer is accepted, a formal letter of employment from the employer should be made to the successful applicant in writing. The letter of offer should include the starting date, wage, hours of work, position title, any other conditions of employment (ex: MEBP enrollment, workplace safety and health training, respectful workplace training) and any acknowledgements.

Once the successful applicant accepts the offer, notify the other applicants who were interviewed, that they were unsuccessful. See Appendix H – Sample Letters (Letter of Offer and Thank-you Letter) for samples of both types of letters.

Wages

Council needs to determine the wage that the successful applicant will be paid. The department provides a salary scale (see Policy F9 – Community Employees of the NAMPP) for the different positions. A new employee would normally start at the beginning of the scale, depending on qualifications. If a new employee is hired at a lower rate it provides flexibility for staff training.

Council is responsible to support and implement a compensation and benefits policy, including providing the necessary financial and human resources to carry out its intent. Such a policy will show council's commitment to providing quality services to its community residents. Establishing and maintaining a competitive salary and benefit program will attract, retain, motivate and reward qualified employees while remaining cognizant of council's fiscal responsibility to community residents.

Council employees in the Local Government Services Program (LGSP) funded positions must be paid at minimum the levels as specified in Policy F9 – Community Employees of the NAMPP and increments provided as stipulated until the maximums have been reached. Council may at their discretion pay higher than the policy states at council's expense.

Supervision

Organizational Structure

As per s. 134(1)(c) of The Northern Affairs Act (the act), the CAO is the administrative head of the community and is responsible for the management and supervision of the employees of the community, except as the council may decide otherwise. This provides a defined reporting line to and from council. Council as the employer, is the ultimate authority in the organizational structure for staff. Under council's authority, staff are hired and supervised.

The supervisor keeps council informed on matters relating to staff. If decisions are required, council is the authorizing body. As council members are not paid employees and cannot direct any employee, except by council resolution, a council member cannot be appointed as a supervisor for any community employee.

A sample organizational chart follows, which describes the reporting line. This is the typical structure used in local government where the CAO reports directly to council with other community employees reporting to the CAO as their supervisor. It ensures **one** person is responsible for staff reducing any confusion as to the reporting line.

Council members may not serve as community employees, even in an acting or temporary status, without first resigning from their position on council. This is in accordance with s. 84(d) and s. 87(1) of the act.

Sample Organizational Chart

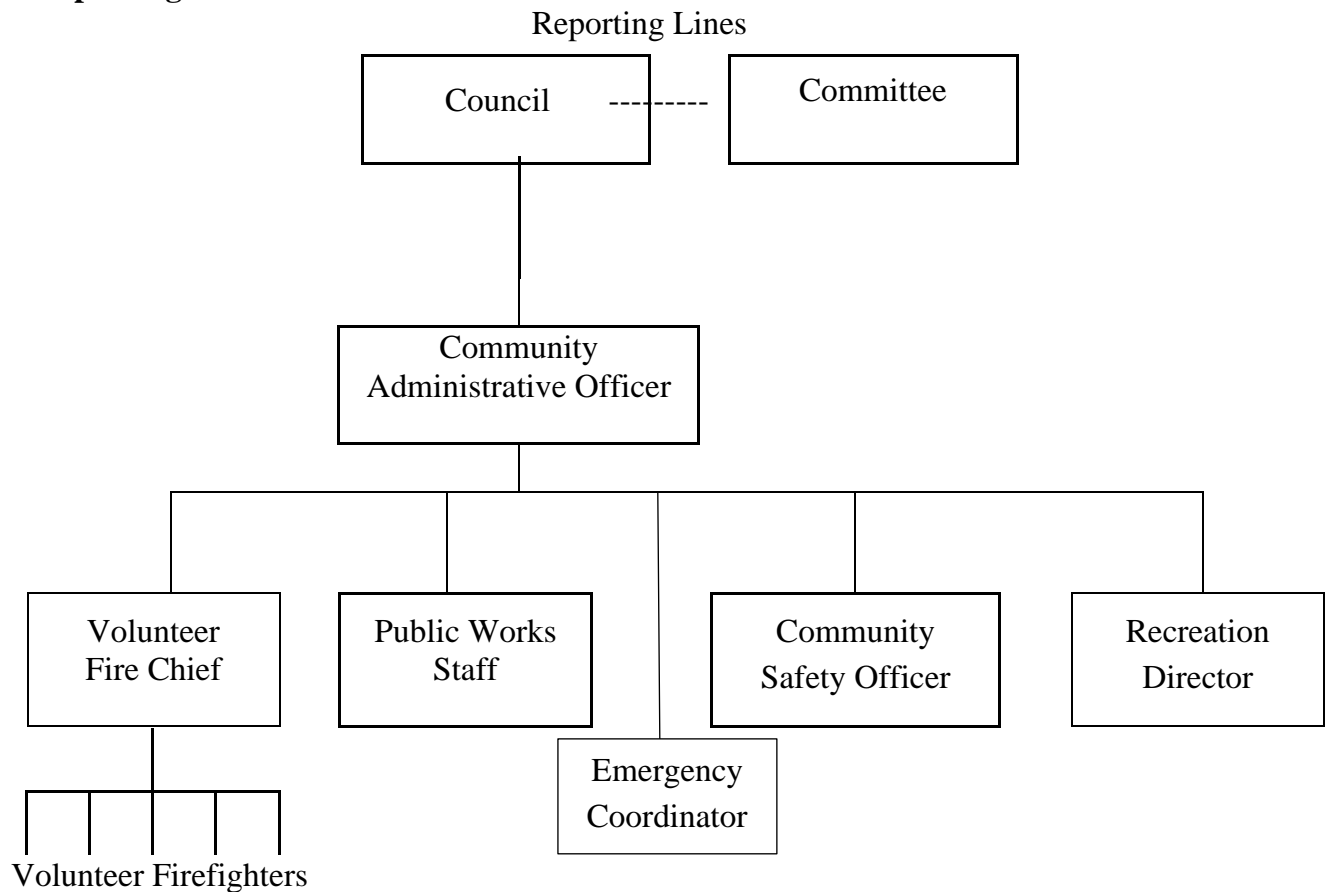


Table of Organization for Water and Wastewater Facilities

In addition to the organizational chart mentioned above, s. 24 of the Water and Wastewater Facility Operator Regulation requires communities that operate water or wastewater facilities to maintain a TOO for those facilities. The TOO is similar to the organizational chart, but specific to the water and wastewater facility operations. The TOO must identify an Operator-in-Charge (OIC) of each facility that is appropriately certified to operate it. If the local operator, is not fully certified to operate the facilities in your community, an external OIC will need to be identified. The TOO should be signed by the OIC and adopted by council resolution. Example TOOs can be found in Appendix C – Managing Operator Certification Requirements.

Orientation

Orientation of a new employee is one of the most important roles of the supervisor. New employees should be given an introduction to the organization and made aware of any issues affecting them. For councils that hire employees occasionally and in small numbers, there may be no need for a formal orientation program. An informal orientation related to the job will be adequate. Ensure the new employee understands what council expects from its employees. A sample employee code of conduct is provided in Appendix I – Sample Employee Code of Conduct which sets out the types of behaviours that are prohibited and procedure for resolving conflict. A code of conduct is critical in creating a positive and respectful work environment as it establishes clear expectations for employee behaviour.

The supervisor meets with the employee on the first day of work to do as follows:

- have employee complete and sign necessary tax forms
- explain employee benefits:
 - vacation leave/general holidays
 - sick leave
 - MEBP
- advise on hours of work
- review job description and employee standards and have employee sign the standard employee agreement (if not done prior to the first day of work)
- request proof of education and any certificates that were not provided previously
- where proof of education is required, but not available, complete paperwork as needed to obtain it (see [Request form: Manitoba Statement of High School Marks \(Transcript\)](#))
- where a water, wastewater or landfill operator is certified, but cannot provide their certificate, contact the certifying authority for a replacement (see [Environment and Climate Change | Province of Manitoba](#) or [Manitoba Landfill Operator Certification Program | SWANA Northern Lights Chapter](#))
- where a water or wastewater operator is not yet certified, register them as an OIT (see [Application for Operator Certification Form](#))
- explain what type of training is available, both on-the-job and training supplied by other agencies

- review any relevant policies and procedures of council with the employee, ex: being late, time off, job performance, coffee breaks, council responsibilities, employee code of conduct, community respectful workplace and harassment prevention policy, workplace safety and health requirements, etc.
- tour facilities and workplace
- advise of reporting relationships and introduce the employee to other staff
- advise that an employee evaluation in the form of a performance appraisal will be done annually in conjunction with reviewing the job description

The supervisor should recognize several common barriers that detract from the effectiveness of an orientation. Make sure the employee is not:

- overloaded with too much information in a short time
- assigned only menial activities that discourage job interest
- overwhelmed/intimidated with numerous forms to complete and manuals to read
- pushed into the job with inadequate instruction and orientation

Attendance Form

The attendance form records vacation leave, sick leave and overtime used or accumulated by a community employee. An attendance form is made up for each new employee upon hiring. Record the sick leave and vacation leave an employee is entitled to from the date started and add or deduct at the end of each month accordingly.

Time sheets are used to record the number of hours worked daily, including time off for sick leave, overtime, etc. and are the source document required to complete the attendance form. Do not confuse time sheets and attendance forms (see Appendix J – Time Sheet and Attendance Form, for an example of each).

Overall, an employer has the right to expect reasonable attendance from an employee in exchange for the wages and benefits provided.

Performance Appraisal

One of the primary responsibilities of a supervisor is to periodically evaluate the performance of employees. This is called a performance appraisal. A formal appraisal should occur at least once a year and normally prior to consideration of a salary increase. LGSP funded positions must be paid at minimum the level specified in the policy. If as a result of a performance appraisal a salary increase is not approved, then the reason must be documented in the performance appraisal including a corrective action plan to bring the employee to the required level. Through the use of the performance standards set out for each specific job, this event should be a positive experience for both the supervisor and the employee. Employees should feel free to ask questions, so any matters can be solved together.

Never should employees be asked to do their own appraisal. However, it is acceptable for an employer to ask an employee to do an employee self-evaluation prior to the supervisor conducting the performance appraisal. An employee self-assessment is a reflective process where employees evaluate their own performance, skills and goals and to identify key accomplishments or strengths and how they align with their job responsibilities. They can identify any challenges affecting their ability to do their job and how they were overcome, outline training goals, any areas for improvement and/or support they need. An employee self-assessment **does not** have to be submitted to the supervisor, rather it is meant to assist employees in preparing for their appraisal.

There must be an assessment of how well the employee performed each responsibility, by comparing actual performance to standards and objectives. It is important both positive and negative aspects of performance are noted. It may be helpful to review changes in performance levels since the last appraisal.

Any factors that may have caused unfavourable performance are noted. These may include:

- lack of knowledge/training
- existence of performance barriers or interferences
- refusal to complete assigned tasks
- lack of supervisor support
- altered or new standards
- insufficient resources
- lack of coaching and counselling
- lack of performance feedback
- job being too difficult or cumbersome
- inappropriate consequences for performing or not performing
- personal, health or other problems

Supervisors are often reluctant to rate employees on their job performance. They do not feel comfortable during this sensitive and difficult type of interview. It takes knowledge, experience and sound judgement to evaluate employees effectively to foster improvement rather than resentment.

Seven steps that establish a path toward understanding and acceptance of the appraisal are:

1. Prepare the employee and yourself, to come to the meeting to compare notes, so all of the facts are at hand and the employee has the same opportunity to recollect their performance. Always give adequate notice of when the appraisal will be conducted.
 - For PWEs and operators in particular, review infrastructure maintenance audits and regulatory inspection reports.
2. Compare accomplishments with specific targets. Do not be vague or resort to generalizations. Be specific about what was expected and how close the employee has come to meeting these expectations.
3. Be sure to give adequate credit for what the employee has accomplished. It is a temptation to take for granted those things that have been done well and concentrate on the employee's shortcomings.

4. Review those things that have not been accomplished. Emphasize where improvement is needed and explore together with the employee how this can be done and why it is necessary for the employee to do it.
5. Avoid the feeling of sitting in the judge's chair. If there is blame to be shared, acknowledge it. Do not talk in terms of mistakes, faults or weaknesses. Never compare the employee with a third party. Stick to a mutual examination of the facts and what they imply to both of you.
6. Agree on targets/goals to be met during the period ahead. Be specific about them and relate them to what has not been accomplished during the current period. This sets the stage for a more objective appraisal discussion the next time around.
7. Review what kind of assistance can be offered to be of greater help. Improvement is almost always a mutually dependent activity. When a supervisor and an employee mutually accept responsibility, the task can be approached with confidence.

It is a good idea for a supervisor to deal with deficiencies from job standards as they occur throughout the year and have regular performance meetings as a check to identify both the positives and areas for improvement. Otherwise, the employee will be overwhelmed with the negative after the fact when it comes time for the yearly performance appraisal.

Performance appraisal templates for each community employee are provided in Appendix K – Performance Appraisal Templates, where each standard is a heading with specific tasks for that standard listed in point form. The supervisor would simply add to or delete from the applicable template using the job description as prepared for the position. Also included as an option when conducting a performance appraisal is to use a performance development conversation form. This is a more generic document that can be used for all employees regardless of position title.

Training Needs

The performance appraisal will identify areas where the employee needs training. When an employee lacks the necessary knowledge and skills to perform an assigned task satisfactorily, it may be necessary to develop a training plan to improve performance shortfalls. Some training is mandatory, required by regulation (ex: water, wastewater and landfill operator certification). The department can assist in developing a training plan and provide referrals to appropriate resources, if required. Council must ensure employees meet any training requirements set out in legislation or the department advises the council it deems necessary is mandatory. The staff training plan forms part of and is a requirement to include with the community management plan (CMP) which council must file annually with the department.

The core competencies can assist in determining appropriate training for the specified positions. Competencies that share a similar intent are grouped together into six clusters. Contact the department for additional information on core competencies and to obtain a more detailed sheet on each position and the skill level required for each competency.

Employee Discipline

Forms and Steps of Disciplinary Action

Correcting a problem with an employee may be one of the most difficult jobs for an employer. It is very important to be aware of the procedure for correcting problems and if the situation warrants, a dismissal from the position. Acknowledge and deal immediately with any problem brought to council's attention. Complacency is little different than ignoring the problem and may prove more harmful in the long run. In order to avoid any wrongful dismissal claims, proceed cautiously when an employee's actions lead to applying disciplinary action. An employer or employee in non-unionized workplaces can end the employment relationship without reason as long as the proper notice is followed as outlined in the employee agreement and in accordance with the Manitoba government's employment standards legislation. An employer can not dismiss an employee on a protected leave.

When reviewing performance management and possible disciplinary action, these next points should be followed:

- review the symptoms
- identify the problem
- ask the following questions:
 - Is the employee's understanding of the task the same as yours?
 - Does the employee understand why the performance of the task is important?
 - Does the employee know the consequences of non-performance?
 - Can the employee do the task?
 - Does the employee get regular feedback on performance?
 - Are the consequences of good performance non-punishing?
 - Does the employee have adequate resources?
 - Are the employee's work needs being met?

If the answer to any of these questions is no you may have a performance problem. If the answer to any of these questions is yes you may have a discipline problem. It is important to note the difference between the two:

- Performance Problem: Employee willing, but unable to do a job.
- Discipline Problem: Employee able, but unwilling to do a job.

If there is a performance problem, start an action plan to help the employee develop the skills needed to perform their job. If there is a behavior problem, then the focus should be to turn the employee around through corrective action as opposed to punishment.

When disciplinary action is warranted, the four forms commonly used are:

- verbal warning
- written warning
- suspension
- dismissal

The supervisor needs to consider the severity of the offence and/or problem when deciding upon the appropriate form of disciplinary action to use and at what level. Simply discussing the problem with the employee and mutually agreeing on how it will be corrected may be enough. It is recommended a meeting be held with the employee prior to determining whether to discipline and the appropriate level of disciplinary action. This allows the employee to explain their action and provides for documentation. Dismissal is the last resort after all other forms of disciplinary action have been exhausted, unless the employee's actions warrant immediate dismissal.

In cases involving criminal activity such as fraud or assault, it is recommended the Employment Standards Branch of Manitoba Labour and Immigration and/or the RCMP be consulted, as well as the department.

Generally, there are four basic steps to follow in dealing with a problem employee, which will assist in handling the matter in the most effective manner (see Appendix L – Sample Warnings for sample warning forms and letters for each form of disciplinary action).

Step 1: Meet with the employee to determine what the problem is.

Step 2: Verbal Warning

The supervisor should discuss the problem with the employee and attempt to work out a solution. This must be documented in the employee's personnel file on a verbal warning form. This would be used for future reference, if necessary. The formal meeting with the employee to discuss the problem could include mutually agreeing to a solution, further training or dismissal from the position.

Step 3: Written Warning

If the problem continues, further discussion with the employee may be necessary. The discussion must be documented in writing and given to the employee with a copy kept on file. The written warning should include:

1. nature of warning
2. time frame for improvement
3. how work will be measured

This written warning gives the employee a clear picture of the situation and how to correct it. There is no misunderstanding between the supervisor and the employee, as both will have a file copy to refer back to.

Step 4: Suspension or Dismissal

If the problem continues and has not been corrected within the time frame specified on the written warning, further action is warranted. The employee should be well aware of what measures may be taken, given no improvement at this point. Options would be one of the following:

- letter regarding further infractions and employee dismissal
- suspension without pay (one to five days) depending on seriousness

- immediate dismissal in accordance with the terms of the employee agreement

An example which would constitute grounds for immediate dismissal is assault on an employee or supervisor or any criminal offence that may pose an immediate threat. **Notify the department, at the appropriate Northern Affairs Branch regional office, prior to dismissing any employee.**

Following all the steps in dealing with performance management and disciplinary action ensures the employee is given all the information and allows them the opportunity to correct the problem. Ensure all the steps have been documented in order to formally record what the problem is and what will be done to rectify the situation. This will protect council against any wrongful dismissal cases, as these can be very costly and lead to bad employee relations.

Importance of Documentation

Documentation, in the form of verbal and written warnings, are extremely important both to the employee receiving it and the supervisor completing it. Facts and statements should be recorded in a written report prepared at the time of the investigation, so the details are fresh in everyone's mind and to document the event. This report will assist in backing up council and the department with a complete trail of evidence if a claim of wrongful dismissal is brought against council. In dismissal proceedings, the employer must prove there was cause for discipline and the action taken was just and reasonable under the circumstances. It is also important for the employer to assess the impact of the incident on the employment relationship, to determine if the ties have been irreversibly broken.

Handling Disputes

Handling disputes among employees is an important part of an employer's role. Conflict, between employees and their supervisor, reduces everyone's ability to do their job effectively. It is the job of a supervisor to smooth things out. Disputes are unavoidable, but when they do happen most disputes can be settled by being patient, using common sense and remembering a few important tips of what not to do.

- **Don't** let disputes get away from you.
- **Don't** threaten anyone.
- **Don't** become emotionally involved.
- **Don't** take sides – get the facts.
- **Don't** trample on anyone's self-respect.

If the employer makes an effort to help the employee, the employee's performance should improve to the community's benefit. If the employer does not take any action then the employee's job performance suffers, and nobody is happy.