APPENDIX B

TO THE
COLLECTIVE BARGAINING AGREEMENT
BETWEEN
SACRAMENTO REGIONAL TRANSIT DISTRICT

AND

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
LOCAL 1245, AFL-CIO

POSITIVE DISCIPLINE PROGRAM GUIDELINES

NOVEMBER 1, 2009 THRU MARCH 31, 2013
# POSITIVE DISCIPLINE PROGRAM GUIDELINES

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I. Introduction

The Sacramento Regional Transit District (RT) and the International Brotherhood of Electrical Workers (IBEW) adopted a “Positive Discipline” Program pursuant to the memorandum of agreement dated March 9, 1993. Positive Discipline is a total performance management system that supports Regional Transit’s belief that employees prefer successes in their work, and should be encouraged and recognized for these successes. Positive Discipline concentrates and relies on personal responsibility and decision making to build commitment and self-discipline. This is essential for the success of Regional Transit and its employees.

When employees perform their work well, they deserve to be recognized for it. When they do not, they deserve to have it discussed with them and to be given the opportunity to improve. Key aspects of the Positive Discipline system include recognizing and encouraging good performance, and correcting performance, which does not meet expectations. Positive Discipline focuses on communicating an expectation of change and improvement in a personal, adult, non-threatening way, while at the same time maintaining a commitment to RT’s performance requirements.

II. Application

The Positive Discipline Program applies to all regular IBEW member employees. It does not apply to newly hired employees while they are on probation. The performance of probationary employees shall continue to be monitored utilizing performance reviews and counseling. Employees on probation as a result of a promotion will be subject to the Positive Discipline Program.

III. Responsibilities

To be successful, it is important that all the participants under Positive Discipline understand their roles and responsibilities. The participants include Executive Management, IBEW, Senior Managers, Superintendents, Supervisors, and each employee. These responsibilities are outlined as follows.

A. Executive Manager

Executive Management is responsible for the top down support of the Positive Discipline Program. This includes monitoring departmental participation and holding Senior managers accountable for the effective application of Positive Discipline in their respective departments.
B. I.B.E.W.

The IBEW will actively participate in all elements of the Positive Discipline Program including education, communication and evaluation.

C. Senior Managers

Managers are responsible for the effective application of Positive Discipline in their departments. This includes assuring that supervisors have the necessary skills, supervisory performance, and monitoring consistency and fairness among supervisors.

D. Superintendents and Supervisors

Superintendents and Supervisors are responsible for the day to day application of the Positive Discipline Program with the employees, which they supervise. This includes providing positive recognition and feedback, coaching and counseling, and addressing performance problems as they occur. Each supervisor is responsible for clearly communicating RT’s performance expectations to the employees who work for them, and to let them know how they are performing, through coaching, counseling, recognition, and formal discipline.

E. Employees

Each employee is responsible and accountable for his or her own actions and performance, and for performing their jobs in a safe and efficient manner. Employees are expected to know the performance expectations for their jobs and to meet those expectations.

IV. Procedures and Practices

A. Recognition

The supervisor is a very important member of the work group. Since the supervisor’s job is to get work done through others, it is essential that energies be concentrated on helping employees be as successful as possible. What a supervisor expects of an employee and the way the employee is treated to a large extent determines that employee’s performance. Good performance is a shared responsibility.

The supervisor has an opportunity to foster a working environment that is based on mutual respect and trust. This is a collaborative team effort that is mutually beneficial to the supervisor, employee, and the organization. Positive Discipline is intended not only to resolve performance problems
but encourage improvement and recognize exceptional performance. Reinforcement of this behavior will help ensure its continuation and should be used in a variety of circumstances including the following examples:

1. When an employee’s attendance, conduct and/or performance improves, it is the responsibility of the supervisor to acknowledge the improvement in a way that encourages the employee to continue the improvement.

2. When an employee deserves recognition and commendation for performance that is above and beyond the call of duty.

3. When an employee deserves recognition and commendation for performing competently and diligently over a period of time.

In a discussion of this nature, the supervisor must refer to the specific improvement or incident with which the supervisor is pleased. The supervisor must be specific and sincere. These positive contacts should be noted on the employee’s operating file. If the employee’s performance is exceptional, or the supervisor is deactivating a step of formal discipline, a memo to the employee should be prepared by the supervisor recognizing this exceptional or improved performance. The memo should be presented personally by the supervisor to the employee. This type of recognition can be highly successful in establishing and maintaining a motivating, productive work environment.

B. Coaching and Counseling

Coaching/counseling is the expected method for the supervisor to inform an employee about a problem in the areas of work performance, conduct, or attendance. The objective of performance coaching/counseling is to help the employee recognize that a problem exists and to develop effective solutions to it. Since it is the supervisor’s approach to a performance problem that often brings about the employee’s decision to change behavior, it is critical that the supervisor be prepared. Coaching/counseling is intended to be a deliberation and discussion between the supervisor and employee. Normally, performance problems can be resolved at this step. Documentation (memoranda or forms) of coaching and counseling sessions shall be signed and dated by the employee.

Coaching/counseling memos, forms, or notes kept in the supervisor's operating file should be deactivated in the same manner as oral reminders. If a bargaining unit employee requests a shop steward prior to or during coaching/counseling, such requests shall be granted.
C. Formal Discipline Steps

When an employee fails to respond to counseling or a single incident occurs which is serious enough to warrant a formal step of discipline, the supervisor will have several options, depending upon the seriousness of the performance problem. These options include:

1. Oral Reminder

The oral reminder is a formal conversation between a supervisor and an employee about a conduct, attendance or performance problem. The conversation is followed by the supervisor’s memo to the employee summarizing the conversation and the employee’s commitment to change or improve in the identified deficiency. It is the first step of the formal discipline process.

   a. Application

   The supervisor discusses the conduct, attendance, or work performance problem(s) with the employee in a private meeting. The supervisor reminds the employee of the importance of commitment to follow work rules and District standards. In this problem solving discussion, the supervisor informs the employee that this is the first step of formal discipline and restates the employee’s need to live up to his or her commitment. The meeting closes with the supervisor expressing confidence in the employee’s ability to change.

   b. Documentation

      i. The supervisor will prepare a memo documenting the points covered in the conversation; this memo shall be signed and dated by the employee when received by the employee. The Supervisor shall retain it in his or her operating file. The employee will be given a copy of this memo.

      ii. An oral reminder is active for six (6) months.

2. Written Reminder

A written reminder is a formal conversation between a supervisor and an employee about a continued or serious performance, conduct, attendance problem. The conversation is followed by the
supervisor’s written letter to the employee summarizing the conversation and the employee’s commitment to change his or her behavior. It is the second step of formal discipline.

a. Application

This step is applied when

i. An employee’s commitment to improve is not met within the six (6) month active time period for an oral reminder; or

ii. An employee commits a serious offense whether or not any previous disciplinary action has been taken.

b. Documentation

i. After the conversation with the employee, the supervisor will then write a letter to the employee summarizing the discussion. It should describe the specific performance conduct or attendance problem, the date of previous coaching/counseling and/or oral reminders, if any, what offense caused the written reminder, the employee’s commitment and need to change in the future, and that further steps of formal discipline could follow if the problem is not solved. The letter shall be signed and dated by the employee.

ii. The original copy of the letter is given to the employee. The immediate supervisor retains a copy of the letter and a copy is placed in the employee’s personnel file.

iii. The written reminder is active for twelve (12) months.

3. Decision Making Leave (DML)

The DML is the third and final step of formal discipline. It consists of a discussion between the supervisor and the employee about a very serious incident or continuation of a performance conduct or attendance problem. The discussion is followed by the employee being placed on a decision making leave the following workday, with pay, to decide whether he or she wants and is able to continue work for RT. This means following all the rules and performing conducting or attending work in a fully satisfactory manner.
The employee’s decision is reported to the supervisor the next workday after the DML. The DML is an extremely serious step since, he or she will be subject to termination from employment if the employee does not live up to the commitment to meet all company work rules and standards during the next eighteen (18) months, the active period of the DML.

Because the DML is a total performance agreement by the employee there is only one (1) active DML allowed.

a. Application

   This step is applied when:

   i. An employee’s commitment to improve is not met during the twelve (12) month active time period for a written reminder; or

   ii. An employee commits or continues a very serious offense whether or not previous discipline has taken place.

b. Documentation

   i. When the employee returns from the decision making leave, the employee will be given a letter summarizing the decision making leave incident and the employee’s decision. The letter will advise the employee he/she will be subject to termination should the employee fail to live up to his or her commitment to maintain an acceptable level of performance, conduct and attendance and abide by all company rules. The letter shall be signed and dated by the employee.

   ii. The original copy of the letter is given to the employee. The immediate supervisor retains a copy of the letter and a copy is placed in the employee’s personnel file.

   iii. A DML is active for eighteen (18) months.
c. Prohibition on Promotion

An employee working under the terms of an active (live) DML is not eligible to bid for, or be awarded a promotion into another job classification with a higher top hourly pay rate.

4. Extension of Active Time Period for Disciplinary Action

During the active period of a disciplinary action, if an employee has an absence for anything other than floating holiday, military leave, jury duty or vacation, the active period of the disciplinary action will be extended by one (1) day for each day of any such absence.

5. Termination

a. Termination from employment shall occur when Positive Discipline has failed to bring about a positive change in an employee’s behavior, such as another disciplinary problem occurring within the eighteen (18) month active duration of a DML. Termination from employment will also occur in instances when a single offense of such major consequence is committed that the employee forfeits his or her right to the Positive Discipline Program. Examples include but are not limited to theft, possession of illegal drugs or alcohol on company property, during working hours striking a member of the public or another employee and other similar offenses.

b. Notwithstanding the forgoing, if a performance conduct or attendance problem which normally would result in any level of formal discipline occurs during an active DML, RT will take mitigating factors such as length of employment, employment record, nature and seriousness of the violation, etc. into consideration before making a decision to discharge. Should RT make the decision not to terminate, this decision should be documented and placed in the employee’s personnel file. The employee should also be given a copy of this documentation.

c. In the event of a proposed termination from employment for a violation of the terms of a DML or for a single instance of egregious conduct, the employee shall be subject to a pre-termination hearing, as set forth in Section 29.5, of the labor agreement.
V. Administrative Guidelines

A. Rule Infraction Categories

Rule infractions are generally divided into three (3) categories. These are:

1. Work performance
2. Conduct
3. Attendance

The maximum number of oral reminders that may be active at one time are three (3) and these must be in different categories. Should another performance, conduct or attendance problem occur in a category where there is already an active oral reminder, the discipline must escalate to a higher level of seriousness; usually a written reminder.

The maximum number of written reminders that may be active at one time is two (2), and these must be in different categories. Should another performance, conduct or attendance problem occur in a category where there is already an active written reminder, the discipline must escalate to a DML.

The supervisor is responsible for the Positive Discipline Program including each step of formal discipline. At each formal discipline step specific approvals are required as indicated on the attachment entitled Positive Discipline Summary.

B. Grievance Appeal

Placement of an employee at a Positive Discipline step or termination of an employee may be grieved by the Union on the grounds that such action was without “just cause”.

Because the Decision-Making Leave is a total performance agreement on the employee’s part, there is only one (1) DML that can be active at any time. While a DML is active, no other formal discipline may be administered.

C. Infraction Category Examples

The following list, which is not intended to be all inclusive, gives examples of rule violations and the general categories they fall into.
1. **Attendance**
   
a. Absenteeism
b. Tardiness
c. Sick leave abuse
d. Unavailability for work
e. AWOL

2. **Conduct**
   
a. Violation of employee work rules
b. Insubordination
c. Falsification of District records
d. Conducting personal business on District time
e. Failure to adhere to safe work practices
f. Sleeping on the job

3. **Work Performance**
   
a. Unsatisfactory work performance (quality/quantity, effort, or negligence)
b. Poor housekeeping

D. **Infraction Severity**

Offenses in each of the three (3) categories are normally assigned a level of severity. Their level of severity can be minor, serious, or major in nature. As a general rule, the seriousness of the offense dictates which disciplinary step of the Positive Discipline Program would apply.

E. **Practices, Rules and Common Sense**

The above list is not totally inclusive. RT’s standard practices, safety and procedural rules, along with sound judgment and common sense should govern individual conduct and actions. Individual departments also have rules and standards, which must be followed.

F. **Union Representation/Record Review**

Upon request, all employees are entitled to Union representation during any coach and counseling or formal discipline step of the Positive Discipline Program. Employees will be permitted to review their performance conduct or attendance record upon advance notice to their supervisor allowing a mutually agreeably time to be established.
G. Crises Suspension

Crises suspension should be used when the employee’s inappropriate behavior is so serious immediate removal from the work place is necessary because the employee’s actions indicate that remaining on, or returning to the job may be detrimental to the employee, patrons, or to RT. The employee shall be required to leave RT property with pay pending the results of an investigation. Some examples would be theft, gross insubordination, threat of violent action or, destruction of RT property. Such situations are to be handled as follows:

1. If, upon completion of its investigation, RT finds that there is insufficient evidence to support the alleged misconduct, the employee will be returned to work.

2. If, upon completion of its investigation, RT finds that there is sufficient evidence to support proposed termination of employment, the employee will be charged and given an opportunity to respond in accordance with procedures of the CBA. The response will be taken into consideration in making a final decision.

3. If, upon completion of its investigation, RT finds that there is sufficient evidence to support disciplinary action short of termination from employment, the appropriate step of formal discipline will be assessed.

H. Disciplinary Action Deactivation

A very important step of the Positive Discipline Program which recognizes improved performance is the disciplinary action deactivation process. If an employee’s attendance, conduct, and/or performance improves, it is mandatory that the supervisor acknowledge the improvement during a meeting with the employee. The administrative process of deactivation is summarized below.

1. Oral Reminder

At the end of the six (6) month active time period, the immediate supervisor will meet with the employee and inform him or her of the inactive status of the oral reminder, and commend the improved performance conduct or attendance. The original memo is to be removed from the supervisor’s operating file and returned to the employee.
2. Written Reminder

At the end of the twelve (12) month active time period for the written reminder the supervisor will meet with the employee and informs him or her of the inactive status of the written reminder. The supervisor will prepare a memo advising the employee of the inactive status of this step, commend the improved performance, conduct or attendance and sends a copy to the employee's personnel file.

3. DML

At the end of the eighteen (18) month active time period for the DML the supervisor will meet with the employee and inform him or her of the inactive status of the DML. The supervisor will prepare a memo advising the employee of the inactive status of the step, commend the improved performance conduct or attendance and sends a copy to the employee's personnel file.

I. Employee Assistance Program

The Employee Assistance Program (EAP) will continue to play a very important role and should be utilized by supervisors and employees when appropriate.

J. Options to Formal Discipline

At each step of the Positive Discipline Program, both the supervisor and employee should consider a variety of options to formal discipline. These may include EAP, training, demotion, leave of absence, etc.

K. Documentation

Documentation prepared by the supervisor as a part of the Positive Discipline Program, including recognition, coaching/counseling, and formal discipline, will be issued after a discussion with the affected employee. The documentation should address the following items.

1. The event leading to the discussion.

2. What was said by both parties during the discussion.

3. What future actions are expected.
The employee is to be afforded copies of all documentation related to the administration of this program.

VI. Program Duration

This Positive Discipline Program, first established on September 21, 1993, and as is revised from time to time, shall run concurrently with the present Collective Bargaining Agreement and will continue in its present form unless modified or terminated by the parties through collective bargaining.

FOR THE
DISTRICT:

FOR THE
IBEW, LOCAL 1245: