

**CONSIDER THE FACTS BEHIND DISCIPLINE**

- What happened?
- Policy violation?
- Altercation?
- Performance issue?
- Who are the witnesses?
- What is the documentation?
- Timeliness?

**LEARN WHAT MANAGERS, WITNESSES, AND  
DOCUMENTS HAVE TO SAY**

- First collect information from managers and review relevant documentation
- If appropriate, talk to witnesses who may have seen the event or may have knowledge about the issue (other managers about employee's performance)
- Talk to the employee and get his/her side of the story
- Document EVERYTHING

**EVALUATE WHAT DISCIPLINARY ACTION HAS BEEN  
TAKEN IN THE PAST**

- Do department, location and companywide analysis
- How has the manager reacted to similar situations in the past (differential treatment reasons)?
- “Didn't we only do “X” to Sally for this just last month?”
- How is Sally's situation different (new hire, different situation, etc.)?

**ANALYZE RISK**

- Who is the manager (short-tempered)?
- What is the support we have?

- Protected categories?
- Recent medical leave?
- COVID-19 considerations, such as FFCRA leave eligibility or OSHA complaints?
- Employee morale effect?
- Will the employee challenge the termination?
- Are there other issues he could raise only because we discipline him (wage/hour, safety, etc.)?

## **NARROW DOWN POTENTIAL OPTIONS AND DECIDE**

- Terminate and, if so, severance?
- Training, policy acknowledgment?
- Suspension, reduction in pay, change in schedule or position or office location?
- How are we treating similarly situated individuals?