Disciplinary Advanced

1. Introduction

Disciplinary Advanced is a more complex section and allows administrators and users of the system to record offences, disciplinary actions, and legal processes and proceedings. It is a dynamic section that will apply guidelines based on information provided to load and display other sections.

Disciplinary Advanced is developed to record every aspect of the disciplinary process.

Fundamentally, the disciplinary process consists of 3 steps. The first step is to record an event that occurred, the second is to furnish the event with details and the last step is to record any disputes.

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2. Add a Disciplinary Record Item

To add a new disciplinary record, click “Disciplinary Advanced”, then click “Add” to add a new record item. Once the “Details” page has loaded, the events and details of the disciplinary action can be loaded.

Records that have been saved will display on the Disciplinary List window. The record will show the IR Category, Outcome, Action Date, Action Outcome Date, Referred, Add/ Edit Dispute and Delete Columns.

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3. Disciplinary Record Details

The same process is used to add a disciplinary record for both Disciplinary Standard and Advanced processes. A more detailed explanation of the fields is given below:

- Action Date: The official start date of the disciplinary process.
- IR Category: The category relates to the reason for the disciplinary action, such as “Misconduct”. The IR Category determines the available tabs, this is configured in master data.
- Short description: A description of the events that lead to the disciplinary action.
- Process followed: A formal legal/organisational process or an informal process can be indicated.
- Line Manager: The employee’s line manager.

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- Suspended: If the employee was suspended, it should be indicated in this section.
- Date of Suspension: The date of suspension is the first day that the employee is required to stay away from the work place.
- Date of Return: The date of return is the first day that the employee should report for duty.

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- Organisation Unit: The employee’s organisational unit.
- Province: The province of the organisation unit.
- Location of incident: List the location (i.e. the name of the branch, store or business unit where the offence took place).

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- Disciplinary Outcome: The decision that was made regarding the process forward. This includes termination of employment, suspension or no penalty to the employee.
- Action Outcome Date: This is the date on which the outcome was decided (not necessarily the date on which is was issued).
- Sanction: Sanctions may range from first time verbal warnings to dismissal without compensation. The sanction is recorded in the “Outcome” dropdown and the details thereof should be recorded in the Sanctions section.
- Date Issued: The date on which the sanction is given to the employee can be recorded here.
- Date employee signed: The date on which the employee signed the sanction.
- Override Expiry Date/Period: Each sanction will have a pre-defined expiry date. If a longer or shorter period is agreed upon, the new expiry date can be added.
- Outcome Details: Record the Outcome details in the textbox provided.

- Feedback Date: Should the employee require feedback, it can be indicated by selecting the feedback date.

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- Dispute Outcome: If there is a dispute lodged against the employer or a manager, the outcome of the dispute will be displayed in the Dispute Outcome section. This is recorded automatically when the details of a dispute are saved to the system.

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- Status of record: If the disciplinary process has been completed, the status “Completed” should be selected. If the disciplinary process is still ongoing, then the status “Not Complete” should be selected. By selecting “Not Complete”, the record can be saved without completing the mandatory fields.

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Depending on the configuration of the module, a selection of tabs is available.

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The accessible tabs are determined by the selected IR Category. Ideally, with Poor Performance, you will include a Poor Performance Improvement Plan, however, for Desertion this would not be required.

- Charges: This tab allows you to add the Charge Code, Incident Date and Allegations to the record.
- Counselling: Details of individuals involved in counselling session(s).
- Hearing: Date, Time, Venue, Chairperson and other details related to the hearing can be added here.
- Consultation: Details regarding the request for consultation and the outcome of the consultation session can be added here.
- Legal Payments: When legal costs are incurred, these costs are recorded here.
- Risk Assessment: Details of events that pose a risk to a favorable outcome.
- Documents: Documents such as notice hearings, written warnings and outcome details can be loaded onto the system by using this tab.
- Poor Performance Improvement: Description of the Improvement Plan for the employee (ideally to be linked to the Learning Management Module).

4. Charges

To record the charges that were laid against the employee, click on the Charges Tab.

The search function at the top of the page can be used to search offences that have already been loaded.

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To add a new record, click “Add”. A popup window will load where the user can record the details of the record. Existing records can be removed by clicking on the text box next to the charge and they by clicking “Delete”. To return to the previous screen, click “Back to List”.

- Charge Code: Click on the Charge Code Dropdown to add the charge code. It is related to the form of misconduct and provides a broad overview of the incident. It can be any of the offences below.
    - Time Related offence
    - Industrial Action
    - Dishonesty
    - Breach of Policy
    - Sleeping on Duty
    - Offences can be added in Master Data should it be required.
- Incident Date: Click on the calendar icon to add the date of the offence.
- Allegations against Employee: Use the textbox to provide a description of the charges against the employee.

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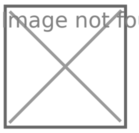
5. Counselling

If it is decided that an employee requires counselling, this tab can be used to record the details of the individuals who are involved.

Should the employer choose to have a counselling session, the details of all parties involved can be captured on the system. As the counselling session may be confidential, the system does not require the user to capture the details of the counselling session itself.

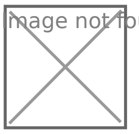
The fields that need to be completed are described below:

- Manager: The employee’s manger will be pre-assigned, but can be changed. The manager’s contact number can be added manually should it not already be loaded onto the system.
- Representative: The employee may opt to have a representative present. If the representative is an employee of the organisation, he/she can be added. If an external representative is present, their details can be added. The user can record the name and surname of the representative, their email address as well as their contact number.
- Initiator, Witness: The same process can be followed for the Initiator, as well as Witness 1 - 5.
    - Remember that the initiator is the employer’s representative (who would be opposing the representative; or the employee’s representative. Both individuals may be legal representatives).
    - Witnesses details are recorded if they need to be contacted at a later stage.
- Notes: Should there be a need to record specific notes, these can be added in the “Notes” section.
- Follow-up Required: The tick box icon allows the user to record the date of the next session. This is determined during the first counselling session.
- Review Date: The Review Date is the day on which the employee’s progress will be discussed in a follow up session. It will only be loaded once the “Follow-up” tick box icon has been marked.
- Follow up: Click “Add” to record the goals or the plan of action that was agreed upon in the first session. A popup window will load where the details can be loaded.



The Follow-Up Detail page allows users to record the proposed process for going forward.

- Goals / Plan of action: This text box is used to record the set goals that were agreed upon during the session.
- Follow-up required: If follow up is required after the action plan has been implemented, click on the tick box icon to record the requirement.
    - This will prompt the system to load a calendar icon which allows the user to load when the follow up session is scheduled for.
- Is employee fit to continue? If it is decided that the employee is fit to continue with his/her work, then click on the tick box icon next to “Yes”. If it is decided that the employee is not fit for duty, then click on the tick box icon next to “No”.



6. Hearing

If an employee has multiple charges against him/her, or a major offence occurred, the organisation can choose to hold a disciplinary hearing.

All the details of a hearing can be recorded from this page onwards.

- Date the completed investigation pack was submitted to HR: Before a hearing can be scheduled, an investigation pack needs to be submitted to HR – this can be loaded at the “Documents” tab, it will be discussed at a later stage. Click on the calendar icon to indicate the date on which HR received the investigation pack.
- Date of Hearing: Click on the calendar icon next to the “Date of Hearing” to indicate the date on which the hearing occurred.
- Time of Hearing: Record the time that the hearing started by filling in the textbox. Note that a 24-hour format should be used i.e. from 00:00 to 23:59.
- Actual time spent in hearing: Record the length of the hearing by indicating the “Hours” and Minutes” in the separate section.
- Venue: This is an open field where the venue in which the hearing is conducted can be recorded.
- Initiator/Complainant: This individual is the representative for the organisation. He /she can be selected by clicking on the hand icon. To add an external Representative such as a labour consultant or a lawyer, click on the tick box icon next to the hand icon. Doing this will open 2 textboxes, where the Initiator/ Complainant’s name and email can be added.
- Chairperson: This is the individual who facilitates the hearing, they are not representing anyone in the hearing. The chairperson can be added in the same way that the Initiator/Complainant is added.
- Representative: This is the individual who attends the hearing on behalf of the employee whom against the charge was laid. They can be added in the same manner that the Initiator/Complainant is added.

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7. Consultation

When the employer and employee seek to engage in discussion regarding the events and process forward, they enter into a consultative process. The goal of the consultation session is to find a solution that would benefit both parties; the goal of the system is to record the events. Consultation will only be recorded after the counselling or hearing sessions have concluded.

The Consultation Tab allows users to record specific details should either of the parties opt for consultation.

- Request for Consultation Date: The date on which either of the parties notified the other party that they wish to engage in consultation.
- Consultation Date: The date of the consolation session.
- Consultation Chairperson: This individual can be selected from the list of current employees. This will require the user to record the chairperson’s full name and email address.
    - Note that the system will not block the Consultation Chairperson from being the same person as the Hearing Chairperson, but the system will flag that they are the same.
- Reason for Consultation: The goal of the consultation session is recorded and more than one reason can be selected at a time.
- Reason for Consultation (Additional): This tab should be used if there is any other reasons for consolation.
- Consultation Outcome: The outcome should be recorded by clicking on the dropdown and selecting either “Decision Upheld” or “Re-Instatement”.
    - Re-Instatement Value: If the outcome “Re-Instatement” is selected, the system would require a “Re-Instatement Value”. This is any amount payable to the employee over and above his/her salary.
    - Re-Instatement Date: The date upon which the employee is to return to work can be recorded the start date is selected.

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8. Legal Payments

When the services of an external consultant were used during the any of the Counselling, Hearing or Consultation sessions, the details of their payments can be recorded on the Legal Payments section.

The cost of Legal Advice can be recorded at any time onto the system. To record a payment made to a legal representative or for legal advice, click on the “Add” button. This loads a pop-up screen where the details of the legal costs are captured. The pop-up screen is called the Legal Payment Detail Page.

Once all of the Legal Representative’s details have been loaded, a summary table will load on the Legal Payments page.

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9. Legal Payment Detail Page

On the Legal Payment Detail page, the below information can be captured:

- The Legal Representative Name: The Legal Representative can be selected by clicking on the hand icon. This will open a third window with a list with the names of all the Legal Representatives.
- External: If the legal representative is not loaded onto the system, their details can still be captured by clicking on the “External” tick box icon. This will provide the user with additional fields to load the information.
- Legal Representative Name: The full name and surname of the legal representative can be added here.
- Email: The legal representative’s work email should be provided here.
- Description of Service: The text box allows the user to record the details of the services rendered by the legal representative.
- Amount: This window allows the user to record the total amount of the invoice.
- Invoice Number: The invoice number provided by the legal representative should be provided here.
- Date of Invoice: Click on the calendar icon to record the date on the invoice.
- Date of Payment: Click on the calendar icon to record the date on which payment was made to the legal representative.
- Save: Once the legal representative’s payment details have been recorded, click on “Save” Search

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The Search function is a quick way to find any legal payments associated with this record. It is available when the Legal Payments Tab is loaded.

- Search: This is an open field and will look for any key words or parts thereof that can be found in the summary table. This function will look for key words in “Advisor Name” “Description of Service” and “Invoice Number”.
- Amount Between: This option allows users to specify a minimum and maximum amount paid to a legal advisor. The system will return all records with payments that fall within the criteria. Payments that match the exact amount specified, or that fall within the payment range will be returned. Note that “The Amount Between” value should be a numeric value; therefore, it is not allowed to indicate currency such as Rand “R”.
- Payment Date Between: To find a record on a specific date, click on the calendar icons and select the date range. Records that were made on the day’s specified, or between the two dates will be returned.

- Search / Clear: Click on “Search” to search for the specified record or “Clear” to clear the fields and restart with the search.
- The search function will return all records that match the criteria – click on the record to view and edit it.

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10. Risk Assessment

Risk assessment allows users to indicate factors that may place the employer at a disadvantage during any disciplinary process. These factors are identified as risks should there be a CCMA/Labour Court case.

To indicate that a specific factor is a risk, click on the tick box icon next to the risk factor.

- Procedure not followed: This is to indicate that the user is aware of a process/procedure that is outlined in the company policies or that is stipulated by legislation was not followed.
- Witnesses no longer employed / available: This is used to indicate that one or more of the witnesses are no longer available.
- Substantively unfair: Use this to indicate that the punishment/outcome does not fit the crime e.g. an employee was fired for accidentally bumping into a manager.
- HR not consulted: When decisions were made and processes followed without consulting an HR manager or ER Specialist.
- Evidence lost: When evidence is no longer available or of use by the employer.

Click on “Save” to save the record, or on “Back to List” to return without saving.

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11. Documents

Documents that are associated with the Charges, Counselling, Hearing, Consultation, Legal Payments or Risk Assessment can be loaded on this tab. These include Notices, Requests, Court Documents, or any other document that relates to the Disciplinary Action.

12. Poor Performance Improvement

To record the conversation and outcome of the poor performance improvement discussion, click on the “Add” button. This opens a pop-up window where improvement plan details are recorded.

After the Poor Performance Improvement Plan has been loaded the record will show on the Poor Performance Improvement Window. Click on the Grey area to open the Poor Performance Improvement Plan pop-up window.

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12.1. Poor Performance Improvement Plan

- Description: A description of the Performance Improvement Plan can be added in the “Description” textbox.
- Due Date: The due date should be added by clicking on the calendar icon and selecting the date upon which the improvement plan should conclude.
- Addressed: If the improvement plan has already been actioned, click on the “Addressed” tick box icon.

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13. Conclusion

Once the details have been completed, the system can produce a full record of each employee’s disciplinary history. These reports can be found in the reports module (covered separately).

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