

Step by Step Guide to Conducting a Pre-disciplinary Conference

1. Pre-disciplinary conferences are conducted in the context of an employer's formal discipline procedure. Make sure that you are familiar with the procedure. Ensure that the employee has been given written details of the aspects of his/her conduct or performance that will be the subject of discussion and that s/he has had adequate time to consider them (Normally at least 5 days).
2. Make suitable arrangements for the employee to be accompanied by a designated representative, if this has been requested.
3. Arrange for another member of the management team to be present and to take notes.
4. Have all documents related to the case on hand and in order. Read any papers again immediately before the conference, so that they are fresh in your mind.
5. Ensure that you will not be disturbed. Leave strict instructions that you will not be available to answer the telephone during the conference. If this is impossible, conduct the conference in a room with no telephone.
6. Make sure the seating arrangements are adequate.
7. By their nature pre-disciplinary conferences are stressful. Try to be calm. Allow time to clear your desk and your thoughts. Do not rush around at the last minute. You should appear focused not frantic.
8. Start on time and take breaks as required.
9. Keep meticulous notes. The person who accompanies you is the best person to do this. Your notes will ensure that you do not forget what is actually said. Retention of the notes will make it easier to respond to any potential subsequent claims or appeals.

The pre-hearing conference may only be recorded if ALL parties are provided notice of the recording. Even if one party objects, so long as there is "notice" the recording may proceed.

10. When the employee enters, ask whether he/she understands that the interview about to be conducted is of a disciplinary nature. Note the answer.
11. The employee is entitled to bring a designated representative into the meeting, but remember, this is a conference, not an adversarial hearing. The employee is there to hear the allegations against him/her, and to respond as appropriate – not to argue a case.

12. Start the conference by introducing yourself and the person who is accompanying you.
13. Review the nature of the allegations against the employee. If you are at a later stage of the discipline procedure, review the previous discussions and the warnings issued.
14. Give the employee precise details of the allegations against him/her that have led to this particular conference. Note what is said.
15. When you have finished speaking, ask the employee if s/he has anything to say in response to the matters raised. The employee's designated representative is entitled to address the meeting and confer with the employee but may not answer questions on the employee's behalf. Allow the employee as much time as s/he wishes to answer the points you raised, in whichever manner or order s/he chooses. Do not interrupt or contradict but note the employee's points.
16. When the employee finishes, repeat the points made systematically, clearly and unemotionally. Note any mitigating circumstances which the employee has raised and be prepared to take them into account when you make your decision.
17. Adjourn briefly (for perhaps 30 – 60 minutes) to consider what the employee has told you. When you adjourn, tell the employee why you are doing so. In some cases, where further investigation is indicated, it may be necessary to adjourn for a longer period, even days. During such an adjournment, the employee can, if appropriate, be placed on administrative leave with pay. Once again, the reason for the adjournment should be explained.
18. Make your decision and inform the employee of the action which is to be taken. If discipline is issued, provide the employee with a CS-Form 5. This document must include the action which is being taken, the factual basis for imposing the action, the effective date or dates of the action, and the specific Civil Service Rule(s), and/or internal agency policy(ies) or regulation(s) which the Agency Head claims have been violated. Remember, the facts, Civil Service Rules, and internal policies and regulations contained in the CS Form 5 are the only matters that may be litigated during an appeal.
19. Make sure that the employee understands what s/he is required to do or refrain from doing in the future. If the conduct is to be reviewed, confirm when this will take place. Explain the consequences of repeated misconduct or failure to make the required improvement i.e. what the next stage of the discipline procedure will be.
20. Ask the employee to sign the CS Form 5. If the employee decides not to sign the Form, indicate the following in writing: "Employee declined to sign." Sign and date the statement. Be sure to tell the employee that s/he has the right to appeal the decision to the Civil Service Board within 10 days of receiving the CS Form 5.