



**Tips and Tidbits**  
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**Question: What is alternative discipline and how can it be used to benefit conduct and disciplinary issues effectively? If an employee's behavior/actions result in a potential suspension or termination how can a last chance agreement (LCA) be used?**

Alternative discipline is an approach of alternative dispute resolution that may be used to effectively resolve, reduce, or even eliminate workplace disputes that would traditionally dictate more conventional forms of disciplinary action. It is a substitute to the traditional penalties imposed for employee misconduct as suggested in the Table of Offenses and Penalties. This optional approach includes a variety of both punitive and non-punitive remedial corrective actions. One of these approaches is the "last chance" agreement (LCA) which is frequently used to deal with employees who would otherwise be immediately suspended or terminated. Throughout this article, last chance agreements and alternative discipline will be used interchangeably.

The decision to use alternative discipline rests *solely* with Management. The process allows Management and the employee [who committed the infraction] to negotiate another form of corrective action in lieu of traditional discipline **IF** some basic criteria are first met. An agreement between Management and the employee is formalized in a written LCA which details all of the terms and conditions used to resolve the situation.

When considering whether to enter into an LCA with an employee, managers should review the employee's disciplinary record focusing on their prior attempts to bring workplace issues to the employee's attention and to modify the employee's behavior. The determination to be made is whether the supervisor has made reasonable attempts to correct the problem before implementing an LCA. The following criteria must be considered when determining if alternative discipline may be appropriate:

- The misconduct warrants a penalty of suspension and/or removal from the Federal service and the penalty is not mandated by law;
- The manager determines that the alternative approach has a good probability of preventing further misconduct;
- The employee admits to being engaged in the identified misconduct, accepts responsibility for it, and agrees not to repeat the misconduct; and,
- The employee agrees to waive any and all rights to grieve, appeal, complain, or otherwise contest the corrective measures implemented as a result of the terms and/or conditions of the alternative discipline agreement if traditional discipline is later imposed because of their failure to fulfill the terms of the last change agreement.

Supervisors have the option of utilizing alternative discipline procedures at *any* time. That is, alternative discipline may be the first choice or it may be initiated at any stage of the traditional process. If an employee violates the terms of the agreement, the supervisor must exercise one of the following disciplinary options:

1. Impose the pre-determined penalty that had been held in abeyance; or,
2. Initiate formal disciplinary action due to violation of the agreement.

The advantage of using a last chance agreement benefits both Management and the employee in many ways in that it provides common ground for preserving and/or repairing the management-employee relationship which is often unrecoverable after traditional discipline is imposed. The employee is viewed as a willing individual taking responsibility for their action(s) and management is viewed as willing to restore and rebuild a cooperative work relationship. Because cases resolved by alternative discipline agreements are closed more quickly than traditional cases and since they include waivers of grievance, appeal and complaint rights, the matter is resolved and closed with the signing of the agreement. There are no lingering issues or litigation to disrupt the work of the organization and a significant savings in time and resources can be realized for all.

For additional assistance or information concerning conduct and discipline issues, please contact your servicing CPAC L/MER Specialist.

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