

# Education-Based Discipline

## Alternative Discipline for our Employees

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Every organization will be placed into the position of disciplining an employee. The prospect of effectively disciplining an employee can have career long impacts. The consequences of disciplining people in the wrong way can cause an employee to become less productive or bitter. Doing it the right way will lead to an employee that will still remain productive for the balance of their career. Education-Based Discipline (EBD) can be the mechanism for making discipline a process for good corrective change. We want to have our employees remain viable after they are disciplined. Implementing an alternative disciplinary program will require a cultural shift for many organizations. Too many agencies believe administering a punitive process.



Fortunately, I have been involved with EBD since it was adopted by the Los Angeles County Sheriff's Department in April of 2009. Since its inception, more than a couple of thousand public service employees have participated in the program. It is offered to any public service agency and their employees. EBD can be used for police officers and professional staff which comprise the majority of employees for our cities and counties. The professionals that have attended the classes have been police officers of all ranks, civilian staff supervisors, firefighters, social workers, dispatchers, code enforcement officers, psychologists, and a surgeon.

Education-Based Discipline is intended to have employees learn about their own decision-making process and how it relates to their specific event which led to discipline. This concept is not specific to the public sector, it can easily be used in private sector companies. They face similar challenges of disciplining employees for corrective action purposes while attempting to retain them as a contributing member of the organization. We spend a great deal of money, time, and effort into developing our employees. A poor disciplinary process will negate all these good efforts. EBD is a process for holding our employees responsible for disciplinary issues, but its intent is to provide corrective action through individualized training. In short, it works.

## EBD History & Intent

The Los Angeles County Sheriff's Department (LASD) was the first agency in the nation to use EBD as part of the disciplinary process. Prior to EBD, members were disciplined through written reprimands, unpaid suspensions, demotions, or termination. For the LASD, EBD was used only for unpaid suspensions. However, of the 65+ public service agencies that have adopted EBD, they have tailored it to be used for all disciplinary actions. EBD can be tailored to the specific needs of any organization.

One of the foundational parameters for EBD was to provide a disciplinary mechanism where the employee would not be impacted financially when possible. The theory behind this idea was the consideration that when an employee receives an unpaid suspension, the employee's family is also impacted. In an era of where one person may be the sole support for a family, the financial impact of an unpaid suspension can be



significant. Most of our employees live paycheck to paycheck. Losing money due to a suspension could result in financial distress for the employee's family. And the loss of money can lead the employee down the path of embitterment and cynicism. EBD attempts to change this dynamic.

Another important aspect of EBD is to offer training to the employee which addresses the circumstances which led to the unpaid suspension. Each employee which chooses to use EBD will participate in a decision-making class. The decision-making class is the foundational course for EBD. It offers an employee the opportunity to evaluate their individual decision-making processes, response to anger, and cynicism. The class eventually leads them down the path of evaluating how they are responsible for moving forward with their lives and careers. Having the opportunity to instruct this class well over a hundred times has been an incredibly rewarding part of my career.

Other courses offered through EBD address the specific needs of the disciplined employee. If an employee is getting into traffic collisions, we offer driver's training. If they are having issues properly documenting incidents, a report writing class can be offered. However, we tailor the training to the causal factors which led to the discipline. For example, we had an employee that was working too many consecutive days or too many hours. He received an unpaid suspension. We could have sent him to a policies course which addresses the limitations of how many hours you can work in a day or the limitation on the number of consecutive days which can be worked. However, we didn't. It was apparent that he had a money problem. His EBD program required that he listen to "Rich Dad, Poor Dad" or "The Millionaire Next Door" which are both financial management books. He was required to write an essay about what he learned from the audiobooks.

Our intent was to provide him the skills to manage his money while being compliant with work policies.

This is the beauty of EBD. It provides training which is individualized to the employee to address the causal factors which led to the discipline. The process helps them become better and more responsible employees while addressing the issues which led to their suspensions.

### Implementation

The implementation of EBD took approximately seven months. The written policies to implement the program took about five months to author. The timeline from concept to implementation was relatively swift considering that we have three unions which represent our employees. EBD was to be offered to disciplined employees as an option to the existing agreed upon discipline process. Since it was an option and not a requirement for the employee, EBD did not become a meet-and-confer issue with the unions. However, we did meet and provide the new procedures to each union in order to keep them apprised of the specific details of the program.



The EBD process was implemented in April of 2009. Briefings were conducted with command staff, line level personnel, and all persons involved in the disciplinary process. Information flyers were created and provided to all personnel. Employees that were affected by the discipline process had the option to contact me directly in order to answer any questions about this new process. It was a busy time, but over the course of the next 18 months, EBD became a regular part of the organization, its culture, and the disciplinary process.

### EBD Parameters

There are several aspects of EBD which have been utilized since the inception of the program. EBD may be used for a specific number of suspension days. For example, the previously mentioned employee that had money problems was given a five day suspension. EBD provides an off-set for unpaid suspensions using the following formula: For every 4 hours of training received, and employee earns an EBD credit which offsets one unpaid suspension day. Most of the EBD training is conducted while on-duty. For a

five-day suspension, the employee received the following EBD program as depicted in the chart:

Five Day Suspension-Violating Work Hour/Day Requirements			
EBD Class or Activity	Hours of Training	EBD Credits	Suspension Day(s) Offset
Decision-Making	8	2	2
Listen to Audiobook	8	2	2
Write Essay	4	1	1
Total			5

This is just one example of the thousands of employees that have voluntarily opted into using EBD for unpaid suspensions. The classes can be tailored to meet the specific needs and causal factors which resulted in discipline.

### Recidivism

Prior to EBD being implemented, it was determined that approximately 75% of employees never reoffended or were disciplined an additional time. From a statistical perspective, this may appear to be a success. But the questions to be asked are:



- Have the discipline employees changed their behaviors because of the disciplinary process?
- Have the employees simply shut down and resorted to the “retired-on-duty” syndrome?
- Are they simply doing only what is asked of them and nothing more?
- Are they failing to be proactive within their job responsibilities?

These are just of sampling of questions to be asked. But they are an important evaluation of the success, failure, or needed improvement of the current disciplinary process.

An audit was conducted on EBD approximately five years after the inception of the program. The audit was conducted by an external entity which routinely evaluates several aspects of the LASD. It was determined that the recidivism rate for employees that had chosen EBD for their disciplinary process had dropped to less that 10%. The was a definite move in the right direction for the program. Additionally, we offer anonymous surveys for all participants in the decision-making class. One of the survey results was that about 71% of those who attended the decision-making class were “likey” or “very

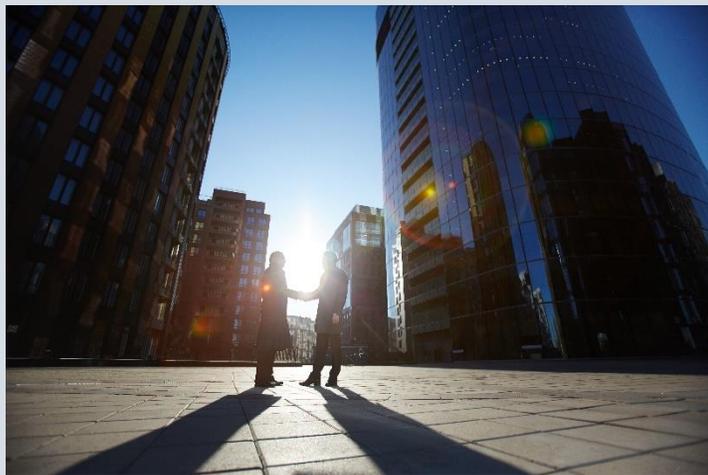
likely” to make better decisions because of the course. Another validated move in the right direction.

### Validation

Education-Based Discipline has been recognized as a best practice or a viable tool in employee discipline matters. Some of the known textbooks include: *The New World of Police Accountability*, (Walker, Archbold); *Management and Supervision in Law Enforcement* (Hess, Orthmann), and *The Future of Policing* (Schafer, Buerger, Myers, Jensen, Levin). It is my firm belief that EBD is a positive influence on disciplined employees along with creating a culture where employees recognize that discipline can be a learning process instead of a punitive one.

### Your Responsibilities

Assess the disciplinary process within your organization. Determine if it is a punitive process or is it one which enables employees to learn from their mistakes and not repeat them. Equally important is the evaluation of whether employees are still engaged as contributing members of the organization.



Ask the following questions:

- Could implementation of an alternative discipline program enhance the culture and productivity of your agency?
- How can an alternative discipline program enhance the retention of employees?
- What do I want my employees to learn as a result of the discipline process?
  - Does the answer correspond with the mission or vision of the agency?
- Do we provide the tools needed for our employees to perform as expected?
  - When they don't perform as expected, what is our responsibility in addressing the deficiency?
- Is there a better way to discipline our people?

In an era of job hopping and not staying with an organization for a long period of time, a poor disciplinary process can cause our people to leave sooner than expected. Let us determine the culture of discipline within our agencies. It is one experience for employees that can last for decades, if not forever.

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