



POLICY MANUAL

GENERAL

Number 311

Subject: Corrective Action

Covered Employees: Benefited Exempt and Non-exempt Staff

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311.1 POLICY

Utah State University strives to provide continuous employment through effective planning and proper selection of employees.

The University's objective for corrective action is to eliminate violations, improve performance, avoid recurrence, and protect the interests of the University. Normally, employees should be given an opportunity to improve their performance through informal discussion which could include a letter of expectation before sanctions are imposed. *However, some circumstances may warrant immediate sanctions, including dismissal.*

Benefit-eligible, non-faculty (exempt and non-exempt) employees being formally corrected by imposition of sanctions need to be aware of their rights to use available avenues of review and redress, including discussing the issues with a representative of the Office of Human Resources and following the University grievance policy (Policy 325 Grievance Procedures) and/or equal opportunity complaint procedures (Policy 305 Affirmative Action/Equal Opportunity).

The imposition of sanctions, including dismissal of an employee for cause, may result for any of the following job-related reasons under circumstances that demonstrate the inability or unwillingness of the employee to meet his/her responsibilities to the University. *It is impossible to provide an exhaustive list that identifies every type of conduct or performance problem that may result in some form of corrective action.* However, to offer University employees some guidance, the following list provides examples of conduct that may result in the application of sanctions: negligence; incompetence; violation of University policies; excessive or unauthorized absence; misuse of institutional property or funds; disorderly conduct; fraud; falsification on an

employment application; unsuitability to job requirements; being under the influence of alcohol or drugs while working; insubordination; unjustified interference with the work of others; violation of applicable statutory requirements or University regulations relating to employment practices, including, but not limited to, regulations prohibiting discrimination or harassment because of race, color, religion, sex, national origin, age, disability, veteran's status, sexual orientation, or other legally impermissible behavior; conviction of a crime by a court of competent jurisdiction; and violation of other generally accepted standards of conduct, where such violation creates substantial inefficiency and/or an unacceptable work atmosphere at the institution.

When significant allegations are identified, a benefit-eligible, non-faculty employee may be put on leave with pay pending notice of and an opportunity to respond to the charges at a meeting. After an investigation has taken place and the employee has been given an opportunity to discuss the results, appropriate action will be taken by the University.

The University's philosophy of corrective action is one of constructive action, administered fairly and consistently. Normally, corrective action will be progressive; however, sanctions may be initiated at any step in the process at the University's discretion, depending on the performance problem, the type of conduct, or the nature of the offense involved.

Throughout the entire corrective action process, all parties involved should maintain confidentiality to ensure the rights of the employee and the institution.

311.2 DEFINITIONS

2.1 Corrective Action

Employment-related action (including imposition of sanctions) undertaken to correct or modify unacceptable job performance or behavior to acceptable standards. Corrective action measures authorized to be imposed upon employees include an oral reprimand, written warning, administrative leave with or without pay, and dismissal from employment.

2.2 Termination Notice

Actual personal delivery of a written statement to an individual. If the individual cannot be personally located at the usual place of employment during assigned working hours, notice may be given by mailing the statement to the employee at his/her last known address. If notice is mailed, it is deemed effective for all purposes when deposited in an appropriate mailbox or mail slot.

311.3 PROCEDURES

3.1 Guidelines for Employees in their Introductory Period (see Policy 395 Introductory Period of Employment)

(1) Dismissal from employment may be effected prior to the end of an employee's introductory period with or without cause and without giving the employee a written statement of cause for dismissal, for any lawful reason deemed adequate by the University, including but not limited to, unsatisfactory performance, unacceptable behavior, or violations of University policy.

(2) Supervisors should maintain written documentation regarding the dismissal of employees in their introductory period. This documentation should include a statement of the problems encountered, attempts to correct them and the reason for dismissal. A copy of this documentation should be forwarded to the Office of Human Resources for inclusion in the appropriate personnel file. A reason for termination must be included in the comments section of the termination EPAF.

(3) Benefit-eligible, non-faculty employees in their introductory period do not have access to the University's formal grievance process (Policy 325 Grievance Procedures). However, these employees have the right to respond, explain, correct, or deny in writing any facts in question and send their reply to the Office of Human Resources for inclusion in their file.

(4) The progressive corrective action procedures outlined in the following section need not be followed for part-time and temporary employees, and benefit-eligible, non-faculty employees in their introductory periods of employment.

3.2 Corrective Action Procedures for Employees

The University believes the corrective action procedures set forth below are generally appropriate concerning employee conduct and performance. Provisions of these procedures are not, however, absolute rules. These guidelines outline general policies that supervisors should consider when counseling with employees. Normally, progressive corrective action will involve the following steps, but exceptions or deviations may occur whenever the University deems that circumstances warrant that one or more steps in the process should be skipped. Accordingly, some circumstances may warrant immediate dismissal. Before imposing sanctions, administrators should consult with the Office of Human Resources.

(1) Progressive steps.

If an employee fails to perform work in accordance with the requirements of the position and the expectations of the University, the supervisor should talk to the employee to find out the facts of the situation prior to any formal corrective action. This meeting could include the delivery of a letter of expectation which would include a copy of the

employee's job description and a discussion about unsatisfactory performance with a timeline for follow-up. Depending on the situation, there are exceptions which may occur in the progressive corrective action procedures outlined here.

(a) Oral reprimand. Initial corrective action should be in the form of an oral discussion and subsequent documentation. This meeting should be held in private and should provide an opportunity for problem solving that results in clear problem identification, correction strategies, and employee commitment to improve. This meeting should be documented with the employee's signature and date. If the employee declines to sign, it should be so noted. The document should inform the employee that this is the first step in the formal corrective action process and include consequences of failure to improve. The employee has the right to respond either verbally or in writing.

If the employee successfully corrects the identified problems and maintains satisfactory performance, a written notice will be given to the employee with a copy to his/her file.

(b) Written warning. A written warning may be issued to an employee who does not correct a performance deficiency in response to an oral reprimand.

The purpose of a written warning is to make certain that the employee is fully aware of the performance deficiency or misconduct he/she has committed, what is expected, a reasonable time frame in which to accomplish the improvement, and the consequences of the failure to meet satisfactory expectations. The employee should sign the written warning signifying that it has been received. Should the employee decline to sign, it should be so noted. The employee will receive the original warning letter and a copy should be sent to Office of Human Resources to be filed. Supervisors must consult with a representative of the Office of Human Resources before issuing a written warning.

If the employee successfully corrects the identified problems on a consistent basis, a written notice rescinding the warning will be given to the employee with a copy to his/her file and a copy to the Office of Human Resources.

(2) Other sanctions.

A benefit-eligible, non-faculty employee may be suspended with pay when continued employment may be harmful to the University or impede the outcome of a thorough and fair investigation of the facts regarding an alleged offense.

A benefit-eligible, non-faculty employee may be suspended without pay in cases involving gross misconduct or chronic behavioral problems for which there seems to be no other appropriate response.

Before imposing sanctions, administrators must consult with the Office of Human Resources.

(3) Final sanction.

The final sanction in the corrective action process will be taken when the University is satisfied that the staff employee has been given an opportunity to meet the appropriate behavior or performance standard and has failed to do so, or when the particular circumstances warrant immediate dismissal in the best interests of the University.

Before imposing sanctions, administrators must consult with the Office of Human Resources (see Policy 399 Termination of Exempt and Non-exempt Staff).

An employee may resign rather than face corrective action. By doing so, however, the employee loses the right to file a grievance. Employees cannot be compelled to resign; resignation must be voluntary. Resignations should be made in writing and cannot be rescinded without mutual agreement of the employee and the University.

(4) Written documentation.

Dismissed employees shall receive from their supervisors a written statement summarizing the problems encountered, attempts to correct them, and the basic reason(s) for dismissal. The original statement will be given to the affected employee and a copy should be sent to the Office of Human Resources to be placed in the employee's file.

3.3 Alternatives for Employees Involved in Corrective Action Procedures

If a University employee questions actions encountered during the corrective action process, or if he/she feels that the proceedings are unwarranted or unjust, the following resources are available to discuss appropriate corrective action processes with the employee:

(1) Department heads, supervisors, deans and vice presidents,

(2) the Office of Human Resources.

Benefit-eligible, non-faculty employees may also request a hearing under the guidelines of the grievance policy (Policy 325 Grievance Procedures).

311.4 RESPONSIBILITY

4.1 Department Heads, Supervisors, Deans, and Vice Presidents

Responsible for maintaining discipline and enforcing consistent and fair performance standards following the guidelines outlined in this policy. Supervisors must consult with the Office of Human Resources prior to any actions beyond the oral reprimand.

4.2 Office of Human Resources

Responsible for communicating the University's philosophy of corrective action for constructive improvement and assisting supervisors in the application of these guidelines.

4.3 Employees

Responsible for working closely with supervisors to address and improve performance according to the procedures outlined in this policy.