

UC Davis Personnel Policies for Staff Members

Separation Actions

Section 62, Corrective Action

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Responsible Department: Human Resources

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62.A. GENERAL

Note 1--Investigatory Leave. An employee may be placed on investigatory leave, with or without notice, to permit the University to review or investigate actions including but not limited to dishonesty, theft, or misappropriation of University property, fighting on the job, insubordination, acts endangering others, or other conduct which warrants removing the employee from the work site. (See Policy 63.)

Note 2--Basis for Corrective Action. Criteria for issuing corrective action may include poor performance, insubordination, absenteeism, violating a law or policy, dishonesty, theft, fighting on the job, and acts that endanger others.

Note 3--Excluded Employees. Policy 62 does not apply to limited, contract, or probationary employees. In these cases, refer to Policy 61 (Release). Policy 62 does not apply to Manager & Senior Professional employees.

Note 4--Progressive Corrective Action. Corrective action is a formal action initiated by a supervisor to correct and/or improve an employee's less than satisfactory conduct and/or performance. It is intended to be a stimulus for positive change, and in general, is progressive. If the employee fails to improve, the department may impose further corrective action in progressive steps up to dismissal from employment.

However, when the employee knew or should have known that his or her performance or conduct was unacceptable, the progressive approach may not be appropriate. Some of the factors to consider in choosing the level of corrective action are the severity of the problem, the potential consequences of the employee's performance or conduct, and whether the department's expectations have been clearly defined.

Note 5--Just Cause. The following elements should be considered prior to administering corrective action to the employee to determine whether corrective action is warranted:

- a. The application of a reasonable rule or performance expectations. Are there established conduct and performance expectations? Are they reasonable?
- b. Non-disparate application of the rule or performance expectations. Has the department applied its rules, orders, and issued expectations consistently and without discrimination to all employees?
- c. Notice to employees of the rule or expectations and consequences for failing to comply. Is there evidence that the employee understood, or reasonably should have understood, the expectations and consequences?
- d. Has a full and fair review been conducted? Has management made sufficient effort to uncover and objectively consider all the relevant facts?
- e. Is the level of corrective action reasonable related to the seriousness of the offense or deficiency within the context of the employee's work history? Is it timely and appropriate?

Note 6--Authority. A supervisor may impose corrective action, after consulting with an Employee & Labor Relations Consultant, and (if required) with their department head or designee.

62.C. WRITTEN WARNING

Note 1--Contents. A letter of warning shall describe the unsatisfactory performance or conduct, what the employee must do to correct it, what action will be taken if it is not corrected, and the employee's rights under Policy 70. The documents that were used in arriving at the decision to take corrective action (for example, performance evaluations, rules or policies, memos, or investigatory records) shall be attached to the letter. The Employee & Labor Relations Consultants can provide assistance in drafting the letter.

62.D. NOTICE OF INTENT TO TAKE CORRECTIVE ACTION

Note 1--Contents. The notice of intent shall be signed by the supervisor. In addition to the items listed in Policy 62.D, the notice shall identify an official reviewer (also known as a "Skelly Reviewer").

Note 2--Official Reviewer. In order to minimize the risk of an error, a reasonably impartial official reviewer is charged to review the notice of intent, the supporting documents, and the employee's response. The Skelly reviewer determines 1) whether there is a reasonable basis to believe the employee engaged in the conduct or performance deficiencies as charged and; 2) whether the proposed penalty is unreasonable in the circumstances. The Official reviewer sends his/her recommendation to the E&LR Consultant assigned to the case.

Note 3--Results of Skelly Review. If the corrective action is modified after the Skelly Review process, no further notice of intent is required.

Note 4--Time Limits. An Employee & Labor Relations Consultant can extend the time limits in this policy.

Note 5--Method of Delivery. Notices required by this policy shall be hand-delivered or sent by mail with a proof of service attached. An individual who is not a party to the action should complete and sign the proof of service. This form is on the Web at <http://www.hr.ucdavis.edu/Forms>.

62.E. RECORDS OF CORRECTIVE ACTIONS

Note 1--Records. Copies of written warnings, notices of intent, and notices of corrective action are kept in the department and Human Resources personnel files. If the corrective action does not take place, the department ensures that the notice of intent is removed from the employee's personnel files.

Note 2--Retention Period. At any time more than two years after the effective date of a corrective action, the employee may request that all records of the action be destroyed. If there has been no further corrective action, the records shall be destroyed.

UCD PROCEDURE 62.1--CORRECTIVE ACTION

- a. Informal Coaching/Counseling Under normal circumstances, the supervisor meets with the employee as soon as a concern develops regarding the employee's performance or conduct. The supervisor sets clear expectations regarding performance standards and conduct, monitors the employee's progress, and provides regular feedback through performance evaluations and counseling. The supervisor should document the informal discussions and any performance expectations in writing and issue to the employee. If the employee does not demonstrate the required improvement within a reasonable period of time through informal

means, the supervisor should consider issuing a formal letter of warning to the employee.

- b. The supervisor consults with an Employee & Labor Relations Consultant, and others as required above, before taking corrective action.
- c. In accordance with Policy 62.C, the supervisor issues a letter of warning to the employee.
- d. The supervisor continues to counsel and evaluate the employee.
- e. If the employee does not improve, the supervisor considers further corrective action or termination (Policy 64) as appropriate.
- f. If a suspension or demotion is appropriate, the supervisor gives the employee written notice of intent to take corrective action. The effective date of the action must be more than 8 calendar days from the date of the notice. The notice contains the name of and contact information for the official reviewer.
- g. The employee may respond, orally or in writing, to the official reviewer.
- h. After the date to respond has passed, the official reviewer reviews the notice of intent, the supporting documentation, and the information given by the employee, and makes a recommendation to implement, modify, or rescind the corrective action.
- i. The official reviewer sends written notice of his or her recommendation to the E&LR Consultant handling the case. This recommendation is then submitted to the disciplinary authority.
- j. If corrective action is to be taken, the supervisor issues the letter and files the copies as described above.
- k. After the corrective action, the supervisor continues to counsel the employee to help the employee to achieve satisfactory performance.
- l. If performance does not improve to a satisfactory level, the department considers termination (Policy 64).