

Section: Corrective Action

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Sponsoring Unit/Department: Human Resources

Corrective Action

For non-corrective action conversations, see *General Expectations for Supervisors*.

The College's corrective action process addresses unsatisfactory employee conduct and/or performance, ensuring such matters are dealt with in a fair, consistent, and timely manner. The process applies to all employees where an employee's conduct/performance does not meet Department or College expectations.

Many situations can be resolved through discussions or coaching with the employee; however, some incidents may be severe enough to merit formal corrective action after one occurrence. The seriousness of the incident and the employee's corrective action and performance history will be considered when determining the level of corrective action to be applied.

Following coaching, there are three corrective action levels utilized in formally addressing unsatisfactory performance/behavior

- Written Warning
- Final Written Warning
- Termination

The corrective action process may begin at any level, including termination, depending on the nature and severity of the issue. Should new issues occur during a corrective action, the supervisor may include additional performance or conduct issues to an existing corrective action process but must provide formal notice to the employee and sufficient additional response time. The corrective action process may also be used to address investigatory findings.

Except in cases of extremely severe conduct or performance issues, the corrective action process will typically start at the lowest level. The corrective action process applies to all employees. Both temporary and probationary employees may have employment directly terminated at the discretion of the supervisor and the Chief Human Resources Officer.

Supervisors must consult with their Human Resources Consultant prior to taking any corrective action or notifications to ensure that the level of corrective action is appropriate.

Coaching

The College expects that Coaching will resolve the majority of performance and conduct issues and in many situations is sufficient. Coaching sessions are used to bring a problem to the attention of the employee before it becomes so serious that it has to be addressed with formal corrective action and documented in the employee's Human Resources file.

The purpose of Coaching is to clarify policies and expectations and assist employees by being clear and precise about performance or conduct and the consequences if concerns of the same nature or other problems with conduct or performance occur. Coaching alleviates misunderstandings, clarifies the direction for necessary and successful correction, and seeks to engage the employee in finding solutions.

The Supervisor must promptly document the discussion with the employee. (The Outcome-Based Coaching Plan template may be used for this purpose.) An HR Consultant is available to assist with the coaching plan but it is not necessary to copy Human Resources. This serves as a record of the meeting and as reference later if further corrective action is needed. It is not necessary to submit a formal document (to the employee's Human Resources file) of the Coaching session as it is considered an informal step in progressive corrective action.

Coachings should not be administered for the most serious incidents. Other more appropriate steps of the corrective action process should be considered. Supervisors should contact their Human Resources consultant for guidance. Further, it is not suitable for a supervisor to continue to try coaching when the employee repeats improper job performance or conduct. At this point corrective action needs to be considered.

Formal Corrective Actions

The College expects that Coaching will resolve the majority of performance and conduct issues. However, when this approach has been exhausted (or the severity warrants), the supervisor should utilize formal Corrective Action. If the poor performance/conduct addressed by Coaching is repeated or additional concerns arise, the supervisor will follow up with a Written Warning. A Written Warning may also be appropriate if a single incident is more serious in nature.

Written Warnings remain active for a period up to 6 months from the date issued. Final Written Warnings will remain active for 12 months from the date issued. Employees are ineligible for voluntary transfer or competitive selection while corrective action is active. An employee who leaves the college with active or pending corrective action is ineligible for rehire and will be notified in writing of this status and the process for reconsideration.

1. Written Warning

A Written Warning shall inform the employee of the specific concerns that must be addressed immediately and sustained indefinitely.

1. The Supervisor will consult with their HR Consultant.
2. Supervisor prepares a Notice of Potential Violations that:
 - Identifies specific potential violations.
 - Identifies the impact to the workplace.
 - Summarizes prior discussions, if applicable.
3. Supervisor provides the Notice of Potential Violations to the employee.
 - An employee shall receive two business days advance notice in writing of a corrective action meeting whenever possible. Meetings will be scheduled at a time that is reasonable and with consideration given to the employee's normal work schedule. The HR Consultant will also be in attendance.
 - Employee may provide a written response prior to meeting.
 - The employee may choose to bring an Employee Advisor at any step (see Employee Advisor section of Employee Handbook.)

4. During the Meeting:

- Employee is provided an opportunity to ask related questions, offer explanation(s), or provide additional context for consideration, and may offer suggestions for an action plan/solution(s)
- Both parties may agree to schedule further time.
- Employee may submit a written response to the Written Warning to be included in the Human Resources file.

5. Decision

- The Supervisor considers all input.
- If appropriate, issues a Warning and Performance Management Plan.
- Informs the employee in writing.
- Employee may submit a written response to the Warning to be included in the Human Resources file.
- Documentation is maintained in the Human Resources file with a copy provided to the employee and Human Resources.

6. Follow up steps

- The Supervisor will regularly communicate with the employee regarding progress on the Performance Management Plan and overall performance.
- Documentation of progress will occur at agreed upon intervals (usually at the 3 and 6 month period) and be attached to the corrective action document in the employees' Human Resources file.
- Employee's performance evaluation will reflect on identified issues and progress in meeting expectations.
- Documentation of successful completion of the Performance Management Plan is provided to the employee with a copy to Human Resources for the employee's file.

2. Final Written Warning

The process for Final Written Warning is the same as above.

Optional Final Written Warning Sanctions:

Working with their Human Resources consultant, the Supervisor may impose any combination of the following in a Final Written Warning:

Suspension without pay. The Chief Human Resources Officer or designee must approve of any unpaid status.

Work condition change such as:

- Employee's workplace activity restricted/modified
- Decision authority restricted
- Requirement and/or limitations for professional development
- Leave restrictions

Job assignment change such as:

- Corrective action reassignment (same pay/same unit)
- Corrective action transfers (same pay/different unit)
- Demotion (assigned to different position/lower pay grade, may include unit reassignment)
- A Faculty member with an active Final Written Warning at time of contract offers may be disqualified for Vertical Movement on the Faculty Salary Schedule for the new contract year.

Review process for Written Warning or Final Written Warning

An employee who receives a Written Warning may request one review of the performance management plan and/or decision. In the event corrective action proceeds to a Final Written Warning, the employee may again ask for one review of the Final Written Warning decision. The request for review must be submitted in writing to the next level administrative supervisor and Human Resources within ten working days of receipt of the warning. The request should include a specific description of the issue for review and any information and material to be considered.

The administrator will generally complete the review within ten business days. The reviewer may request additional information or clarification from the employee or supervisor and may meet with either. The reviewer will then issue a written decision to the employee and supervisor, with a copy to Human Resources for the Human Resources file. The reviewer may affirm the prior decision, impose a lesser sanction, or overturn the corrective action.

A request for review will be considered if based on one or more of the following arguments:

- The Supervisor's corrective action decision was (a) not supported by sufficient evidence or reasonable inferences such that a reasonable person could not have reached the same decision, or (b) tainted by bias;
- The severity of the corrective action was unjustifiably disproportionate to the seriousness of the employee's misconduct;
- The process included a significant mistake or omission that a reasonable person could find affected or likely could have affected the final outcome of the corrective action process or otherwise made the proceeding fundamentally unfair.
- The discovery of new information that was not known and could not reasonably have been discovered prior to the corrective action decision and that is substantially likely to have affected the outcome of the corrective action process will be reviewed by Human Resources regardless of the ten working day window..

3. Termination Process

Termination of regular employment may be used for the most serious incidents or repetitions of improper job performance or conduct. Supervisors will consult with Human Resources before making a decision to terminate employment and consideration will be given to the severity of the situation

Examples include, but are not limited to:

- Physical violence at work or documented threat of physical violence at work

- Violations of Administrative Procedure (AP) 11.05.01 - Firearms and Other Weapons - Enforcement & Exception
- Violations of the College's Drug- and Alcohol-Free Environment Policy or AP 11.01.01 - Drug- and Alcohol-Free Environment
- Unauthorized intentional destruction of College property
- Use of offensive and/or derogatory comments or actions intended to offend, humiliate or degrade another person in violation of the College's Discrimination, Harassment and Retaliation Policy, if the actions meet the legal definition of Harassment
- Sexually explicit or implicit comments or actions in violation of the College's Discrimination, Harassment and Retaliation Policy, if the actions meet the legal definition of Harassment
- Conviction of a violent crime or not reporting such conviction to the College within 10 business days. Examples include, but are not limited to: assault, domestic violence, rape, robbery, or other violent crimes
- The revocation of a license that is required to perform one's job duties. Examples: 1) Revocation of a driver's license when the employee is required to drive as part of their job responsibilities, 2) the revocation of a professional license required to perform their job
- Theft of any kind which includes, but is not limited to, personal belongings and time card falsification
- Five consecutive days of not reporting to work and/or contacting the supervisor/manager/director and/or the Employee Service Center to request a leave of absence
- Misuse of College funds for personal gain
- Intentional violation of safety procedures or protocols resulting in harm to oneself or others
- Deliberate falsification of records

Any employee terminated for cause or who is not in good standing is ineligible for rehire. Good standing means providing a minimum of two week's notice, no final corrective action pending or active, and/or conditions of any written warning are fully satisfied at the submission of their resignation. Employees who are terminated for cause from any position at the College or who resign while corrective action is pending are ineligible to work for the College in any capacity unless HR reviews the circumstances on a case-by-case basis and determines otherwise.

1. The Supervisor will consult with their HR Consultant and their supervising Administrator
2. If approved by the Supervisor's supervising Administrator and by the Chief Human Resources Officer, the Supervisor issues a Notice of Intent to Terminate to the employee with supporting evidence, and schedules a meeting with the employee.
 - An employee shall receive two business days advance notice in writing of Notice of Intent to Terminate meeting whenever possible.
 - Employee may provide a written response prior to meeting.
 - The employee may choose to bring an Employee Advisor at any step (see Employee Advisor section of Employee Handbook).

3. The Supervisor and Human Resources consultant meet with the employee to review the Notice of Intent to Terminate and receive input from the employee, such as additional evidence or circumstances to be considered.
4. The Supervisor prepares a Notice of Decision in consultation with their Human Resources Consultant, generally within two business days. The Notice of Decision will be delivered to the employee in writing within two business days.
 - Once a termination decision has been issued, the employee will be placed in an unpaid status for the duration of any review process. If the termination decision is not upheld, the employee will receive applicable back pay.
 - If the decision is to proceed with termination, Employee Relations will work within the Supervisory line to complete next steps, including the exit process.

Termination Review Process

The employee may request in writing a review of the termination decision within ten business days to the Chief Human Resources Officer (CHRO). The request must include the specific reason the employee believes the decision is incorrect and include all supporting information and materials that should be considered. The CHRO or designee shall designate an executive administrator from a different supervisory line to conduct the review. The designated administrator will generally complete the review within ten business days. The CHRO may request additional information or clarification from the employee or supervisor and may meet with either, which may extend the time needed for the review process. The CHRO or designee will then issue a final written decision to the employee and supervisor, with a copy to the Human Resources file. A final decision will not be reviewed further.

Timelines

The time frames specified in this section are intended as guides to balance benefits of rapid resolution with those of thoroughness. Extensions to the time specified may be appropriate based on a legitimate business reason and notice of exceptions should be provided to those involved in the specific corrective action process. While excessive delay should be addressed, it would not serve as a basis to discontinue or overturn a corrective action decision.

Corrective action proceedings will continue if the employee takes a leave of absence during the process, absent extenuating circumstances.