



# Corrective Action

<b>Responsible Officer:</b>	Vice President – Human Resources
<b>Responsible Office:</b>	HR - Human Resources
<b>Issuance Date:</b>	TBA
<b>Effective Date:</b>	TBA
<b>Scope:</b>	Employees in the Professional & Support Staff personnel group.

<b>Contact:</b>	Melanie Kwan
<b>Email:</b>	<a href="mailto:Melanie.Kwan@ucop.edu">Melanie.Kwan@ucop.edu</a>
<b>Phone #:</b>	510-987-0360

---

## I. POLICY SUMMARY

This policy describes the types of corrective action – written warning, corrective salary decrease, suspension and demotion – the University may take to address concerns regarding the conduct or work performance of regular status Professional and Support Staff (PSS) employees.

---

## II. DEFINITIONS

**Career Appointment:** An appointment established at a fixed or variable percentage of time at 50 percent or more of full-time that is expected to continue for one year or longer.

**Corrective Action:** The use of increasingly serious actions the University may take to address concerns regarding the conduct or work performance of regular status Professional and Support Staff employees. The four types of corrective action that can be used are written warning, corrective salary decrease, suspension and demotion.

**Counseling Memo:** A written memo to an employee to identify and address a conduct or performance issue. The memo should reinforce the supervisor's expectations and clarify the course of action for improvement.

**Exception to Policy:** An action that exceeds what is allowable under current policy or that is not expressly provided for under policy. Any such action must be treated as an exception.

**Executive Officer:** The University President, Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agriculture and Natural Resources.

**Exempt Employee:** An employee who, based on duties performed and manner of compensation, is exempt from the Fair Labor Standards Act (FLSA) minimum wage and overtime provisions.

**Regular Status Employee:** An employee in a career appointment who is not required to serve a probationary period or an employee in a career appointment who has successfully completed a required probationary period and any extension thereof.

**Top Business Officer:** Executive Vice President–Business Operations for the Office of the President, Vice Chancellor for Administration, or the position responsible for the location's financial reporting and payroll as designated by the Executive Officer.

**Verbal Counseling:** A discussion between an employee and supervisor regarding a conduct or performance issue. The discussion should reinforce the supervisor's expectations and clarify the course of action for improvement.

---

### III. POLICY TEXT

---

#### **A. General**

The University may take corrective action when an employee fails to meet acceptable conduct or work performance standards. The types of corrective action that can be used to provide an opportunity for an employee to correct conduct or work performance standards are written warning, corrective salary decrease, suspension and demotion. Supervisors are responsible for informing employees of conduct and performance expectations before problems arise. As appropriate any corrective action taken due to conduct or unsatisfactory work performance may be noted in the employee's performance appraisal.

The types of conduct that may result in corrective action include, but are not limited to:

- failure to meet acceptable work performance standards;
- unexcused absenteeism or tardiness;
- insubordination;
- unethical behavior;
- violation of federal or state law;
- theft or misappropriation of University property;
- fighting on the job;
- discrimination, harassment, exploitation or intimidation, including sexual;
- acts endangering employees, students, visitors, or other University constituents;
- or
- any other serious violation of University policies.

Corrective action should generally follow a course of progressive discipline that will use increasingly serious actions if there is no sufficient improvement or if there is repeated failure to correct unacceptable conduct or work performance.

When determining the appropriate corrective action to use, supervisors should take into account the severity and circumstances of the situation and the employee's work history. Immediate termination may be warranted in situations of serious misconduct or failure to maintain acceptable work performance standards. The process for terminating a career PSS employee is described in [Personnel Policies for Staff Members 64 \(Termination of Career Employees – Professional and Support Staff\)](#). In some cases, an employee may be placed on an administrative leave with or without notice to investigate a conduct or work performance issue. The process for placing an employee on an investigatory leave is described in [Personnel Policies for Staff Members 63 \(Investigatory Leave\)](#).

Although not required, before implementing any of the corrective actions described in this policy, supervisors are encouraged to first use a verbal counseling and/or a counseling memo to communicate with an employee about conduct or work performance concerns. Verbal counseling and counseling memos are not corrective action; however, they are useful tools that can be used to clarify expectations and provide an employee with the opportunity to address concerns before corrective action is taken. As appropriate, supervisors are encouraged to document the verbal counseling discussion.

### ***B. Notice of Intent to Take Corrective Action***

Pursuant to this policy, the University will provide the employee with a written notice of intent to take corrective action when issuing a corrective salary decrease, a suspension (except for a suspension pursuant to [PPSM 64.D.](#)) or a demotion. The notice of intent will state the intended corrective action, the reason for the action, and the proposed effective date(s) of the action. The notice of intent will also include a copy of the documents on which the corrective action is based (if any), and it will state that the employee has the right to respond orally or in writing within 10 calendar days from the issuance date of the notice. After consideration of the employee's response, if any, corrective action may or may not be taken. If any action is taken, the employee will be notified in writing of the corrective action to be taken, the effective date(s) of the action and the employee's right to file a complaint under [Personnel Policies for Staff Members 70 \(Complaint Resolution\)](#).

### ***C. Types of Corrective Action***

There are four types of corrective action that can be used in the progressive discipline process; however, corrective action does not need to follow a specific order. As appropriate, the corrective action taken should correspond to the severity and circumstances of the situation.

### **1. Written Warning**

Generally, at least one written warning will be given to an employee prior to proceeding with any other corrective action; however, no written warning will be needed if the corrective action is a result of misconduct or work performance that an employee knows or reasonably should have known was unacceptable. The written warning must describe how the employee failed to meet acceptable conduct or work performance standards.

### **2. Corrective Salary Decrease**

An employee may be subject to a temporary or permanent corrective salary decrease when removal from the workplace is not appropriate; yet discipline is warranted.

### **3. Suspension**

An employee may be subject to removal from the workplace and suspended for a defined period of time without pay. For exempt employees, suspension without pay must be imposed in a minimum increment of one workday.

### **4. Demotion**

An employee may be subject to a temporary or permanent demotion for disciplinary reasons. A demotion is the movement of an employee to a position with a lower level of responsibility and accountability and usually a lower salary grade than the employee's current position.

### **D. Records of Corrective Actions**

Records of corrective actions will be maintained in accordance with University's [Records Retention Schedule](#). Records of corrective actions taken in response to complaints filed by members of the public against employees in police titles will be retained for five years and filed as required by [California Penal Code Section 832.5](#).

---

## **IV. COMPLIANCE / RESPONSIBILITIES**

---

### **A. Implementation of the Policy**

The Vice President–Human Resources is the Responsible Officer for this policy and has the authority to implement the policy. The Responsible Officer may develop procedures or other supplementary information to support the implementation of this policy. Such supporting documentation does not require the approval of the President. The Responsible Officer may apply appropriate interpretations to clarify the policy provided that the interpretations do not result in substantive changes to the underlying policy. The Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agriculture and Natural Resources is authorized to establish and is responsible for local procedures necessary to implement the policy.

### **B. Revisions to the Policy**

The President is the Policy Approver and has the authority to approve policy revisions upon recommendation by the Vice President–Human Resources.

The Vice President–Human Resources has the authority to initiate revisions to the policy, consistent with approval authorities and applicable *Bylaws* and *Standing Orders* of the Regents.

The Executive Vice President–Business Operations has the authority to ensure that policies are regularly reviewed, updated, and consistent with other governance policies.

**C. Approval of Actions**

Actions within this policy must be approved in accordance with local procedures. Chancellors and the Vice President–Human Resources are authorized to determine responsibilities and authorities at secondary administrative levels in order to establish local procedures necessary to implement this policy.

All actions applicable to PPSM-covered staff employees who are not Senior Management Group members that exceed this policy, or that are not expressly provided for under any policy, must be approved by the Vice President–Human Resources.

**D. Compliance with the Policy**

The following roles are designated at each location to implement compliance monitoring responsibility for this policy:

The Top Business Officer and/or the Executive Officer at each location will designate the local management office to be responsible for the ongoing reporting of policy compliance.

The Executive Officer is accountable for monitoring and enforcing compliance mechanisms and ensuring that monitoring procedures and reporting capabilities are established.

The Vice President–Human Resources is accountable for reviewing the administration of this policy. The Director–HR Compliance may periodically monitor compliance to this policy.

**E. Noncompliance with the Policy**

Noncompliance with the policy is handled in accordance with [Personnel Policies for Staff Members 61, 63, 64, 65, and 67](#), pertaining to disciplinary and separation matters.

---

**V. PROCEDURES**

Not applicable.

---

**VI. RELATED INFORMATION**

- [Personnel Policies for Staff Members 64 \(Termination of Career Employees – Professional & Support Staff\)](#) (referenced in Sections III.A. and III.B. of this policy)
- [Personnel Policies for Staff Members 70 \(Complaint Resolution\)](#) (referenced in Section III.B. of this policy)

- [University of California, Records Retention Schedule](#) (referenced in Section III.E. of this policy)
- [Peace Officer Misconduct or Abuse \(Penal Code Section 832.5\)](#) (referenced in Section III.E. of this policy)
- [Personnel Policies for Staff Members 61, 63, 64, 65, and 67](#) (referenced in Section IV.E. of this policy)
- [Sexual Harassment Policy and Guidelines for Responding to Reports of Sexual Harassment](#)
- [University of California, Principles of Community](#)
- [University of California, Statement of Ethical Values](#)
- [University of California Policy on Substance Abuse](#)

---

## **VII. FREQUENTLY ASKED QUESTIONS**

---

To be added.

---

## **VIII. REVISION HISTORY**

---

As a result of the issuance of this policy, the following documents are rescinded as of the effective date of this policy and are no longer applicable:

- *Personnel Policies for Staff Members 62 (Corrective Action)*, dated March 1, 2002
- *Personnel Policies for Staff Members 62 (Corrective Action)*, dated July 1, 1996
- *Staff Personnel Policy 270 (Corrective Action), Sections 270.1 – 270.7, 270.11 and 270.12*, dated May 1, 1994
- *Administrative and Professional Staff Program 170 (Corrective Action)*, dated July 1, 1987