



4.5.020

Corrective Action Policy

Date of last board of trustees review: February 10, 2016

The originator of this policy is People and Workplace Culture. Questions regarding this policy may be directed to the originator by calling 801-957-4210.

1. Policy

The college strives to provide continuous employment through effective planning and proper selection of employees. Corrective action shall be delivered by the supervisor with the goal of correcting unacceptable employee performance or conduct. Corrective actions will be delivered in a fair manner that reflects employee rights and privileges.

2. References

A. Reserved



4.5.020

Corrective Action Procedure

Date of last executive cabinet review: November 9, 2015

The originator of this procedure is People and Workplace Culture. Questions regarding this procedure may be directed to the originator by calling 801-957-4210.

3. Definitions

- A. Administrative Employee: Officers of the administration whose primary responsibilities are management and general business operations including the president and other administrative employees as designated by the president.
- B. At-will Employment: Employment that can be terminated without cause.
- C. Concern: Employee performance or conduct that is considered below a supervisor's and/or institutional expectations.
- D. Corrective Action: Employment action taken by a supervisor with the goal of correcting unacceptable employee performance or conduct.
- E. Demotion: Decrease in job level resulting in a position of less responsibility and a reduced salary.
- F. Faculty: As defined in Employee Definitions and Categories Policy.
- G. Final Written Warning: A letter issued to an employee by the employee's supervisor which addresses a concern that is reoccurring or significantly disruptive in nature.
- H. Human Resources. The office or individual in the college charged with the administration and record maintenance of personnel matters.
- I. Ineligible for Re-employment Designation: Employment status designated by Human Resources for employees who have engaged in behavior that is egregious in nature.
- J. Job Abandonment: Termination of employment due to the failure of an employee to show for work for three consecutive work days/shifts and failing to appropriately notify his/her supervisor.
- K. Level One Corrective Action: Informal action that addresses minor employee concerns in an attempt to correct the behavior before it becomes more problematic. Informal actions include but are not limited to the following options: expectations memorandum,

training, coaching, and verbal warnings.

- L. Level Two Corrective Action: Action that addresses employee concerns that are reoccurring, disruptive and/or unacceptable. In some circumstances level two corrective action may be taken without prior warning depending on the nature and severity of the concerns. Level two corrective action options include: written warning letter and final written warning letter. In some circumstances a final written warning letter may be issued without first issuing a written warning letter.
- M. Level Three Corrective Action: Action that addresses concerns that are severe and/or pervasive and that have had a significantly negative impact on the college. Concerns may be considered severe due to a lack of progress by the employee in meeting expectations despite previous attempts of corrective action or due to a higher level of impact/potential impact created by the employee concern. In some circumstances, level three corrective action may be taken without prior warning, depending on the nature and severity of the concerns. Level three corrective action options include: demotion, reduction in pay, suspension without pay, and termination.
- N. New Employee Probation: Initial six month period in which a full-time staff member is considered at-will and under evaluation.
- O. Notice: Delivery to the individual of a written statement. If the individual cannot be personally located at the usual place of college employment during assigned working hours, a notice will be sent by regular mail to the employee's last known address. The letter is considered delivered three days after the date of mailing.
- P. Part-Time/Temporary Staff: As defined in the Employee Definitions and Categories Policy.
- Q. Paid Administrative leave: Paid time equal to an employee's regularly scheduled hours of work. Employees on paid administrative leave are subject to recall at any time and must remain available to return to work. Paid administrative leave is considered a non-punitive action with no loss of employment status.
- R. Payment in Lieu of Notice. A payment made to regular staff members who are placed on layoff status for reasons other than cause. Payment in lieu of notice, where applicable, will be paid in addition to accrued salary, wages, and unused vacation time. Payment in lieu of notice will be granted based on the difference between actual date of notice and required date of.
- S. Reduction in Pay: A decrease in salary or hourly wages (within FLSA regulations) which replaces the employee's current salary or hourly wage amount.
- T. Staff: As defined in the Employee Definitions and Categories Policy.
- U. Suspension without pay: A temporary interruption of an employee's wages and work requirement.
- V. Termination: The end of an employee's employment at the college.

W. Written Warning: A letter issued to an employee by the employee's supervisor which addresses unacceptable performance and/or conduct. Human Resources will provide the template and will approve the supervisor's draft before delivery.

4. Procedures

A. Employee conduct which may result in corrective action includes but is not limited to the following:

1. Conduct that poses a serious threat or harm to people or college property.
2. Conflict of interest as defined by college policy.
3. Conviction of a crime by a court of competent jurisdiction.
4. Excessive absence, use of leave for purposes other than the intended purpose, or unauthorized absence without leave.
5. Fraud or falsification of college documents including but not limited to employment application/resume, background check information, employment eligibility documentation, and payroll records.
6. Insubordination. Defined as the deliberate disregard of specific and reasonable supervisory direction.
7. Misuse of college property or funds.
8. Negligence including carelessness, loitering, or non-observance of safety or security practices or regulations.
9. Performance concerns regarding productivity, efficiency, and quality of work.
10. Theft including but not limited to theft of services or resources; theft or unauthorized possession or use of college property, theft of time (falsifying time records to receive pay for time not worked), or other similar conduct.
11. Unjustified interference with the work of others.
12. Unsuitability to job requirements.
13. Use of alcohol or illegal drugs, or being under the influence thereof while working.
14. Violation of college regulations, policies and procedures.
15. Violation of other generally accepted standards of conduct, where such violation creates substantial inefficiency and/or an unacceptable work atmosphere at the college.
16. Violation of regulations relating to fair employment practices, including but not limited to, regulations prohibiting discrimination or harassment because of race, color, religion, sex, national origin, disability, or other legally impermissible behavior.
17. Violence or the threat of violence.

18. Behavior or conduct that is considered egregious in nature.

B. To determine the appropriate level of corrective action, the supervisor may consider:

1. the severity of the concern;
2. the repeated nature of the concern;
3. prior disciplinary/corrective actions;
4. previous verbal warnings and performance discussions;
5. the employee's past work record;
6. the impact on college operations;
7. the potential of the violations for causing damage to persons or property; or
8. any other relevant information.

C. Corrective Action for Part-time, Temporary and Full-time staff within New-Employee Probationary Period

1. Part-time, temporary, or probationary staff members may be terminated from the college with or without cause for any lawful reason deemed adequate by the college, including but not limited to, unsatisfactory performance, unsuitability to job requirements, or unacceptable behavior.
2. The Probationary Period for Full-Time Staff may be extended by three months with approval from Human Resources.

D. Corrective Action for Regular Employees

1. Level One Corrective Action Procedure
 - a. Supervisors may take informal corrective action with or without Human Resources assistance.
2. Level Two Corrective Action Procedures

Written warning and final written warning process:

- a. The supervisor will contact Human Resources to discuss the concern(s) and request the template for the applicable letter.
- b. The letter must be approved by Human Resources before it is issued.
- c. The approved letter will be personally delivered to the employee by the supervisor and a witness when possible.
- d. The employee will be notified of the grievance procedure.
- e. The letter will be added to the employee's personnel file.

3. Level Three Corrective Action procedures
 - a. Demotion, reduction in pay, and suspension without pay process:
 - (1) The supervisor will contact Human Resources to discuss the concerns and to request the template for the applicable letter.
 - (2) The draft must be approved by Human Resources before it is issued.
 - (3) The approved letter will be delivered to the employee.
 - (4) The employee will be notified of the grievance procedure.
 - (5) The letter will be added to the employee's personnel file.
 - b. Termination (for Staff, Faculty termination procedures are found in the Academic Freedom, Professional Responsibility, and Tenure Policy):
 - (1) The supervisor will contact Human Resources to discuss the concerns and to request the notice of intent to terminate template.
 - (2) The notice of intent to terminate draft must be approved by Human Resources before it is issued.
 - (3) The approved notice of intent to terminate will be delivered to the employee.
 - (4) The employee will be notified that he/she will be placed on paid administrative leave and will have three working days to respond in writing to the notice of intent to terminate.
 - (5) If the employee submits a response to the notice of intent to terminate, the supervisor will take the response into consideration before making the final determination.
 - (6) Final determination decision
 - (a) If the decision is to terminate employment:
 - (i) the supervisor will work with Human Resources on a Termination letter;
 - (ii) the employee will be notified of the decision and the approved termination letter will be delivered to the employee with notification of the grievance procedure; and
 - (iii) the termination letter will be added to the employee's personnel file.
 - (b) If the decision is to continue employment, the employee shall be notified immediately of the decision.
 - (c) Other corrective actions may be taken in lieu of termination and will proceed as detailed in this policy.

E. Administrative At-Will Employees Procedures

1. With written approval from the president or designee, the supervisor may terminate administrative at-will employees from their positions with or without cause for any lawful reason deemed adequate by the college, including but not limited to, unsuitability to job requirements, unsatisfactory performance or unacceptable behavior.
2. Prior notice or lesser corrective actions need not be given.
3. A faculty member serving in an administrative at-will position who is terminated from her/his administrative at-will position may also be terminated from her/his faculty position through the policies and procedures applicable to faculty.
4. This part of the procedure does not apply to other employees in at-will positions (such as probationary employees) who may be terminated with or without cause.

F. Job Abandonment

1. An employee who fails to show for his/her shift for three consecutive shifts and fails to notify his/her supervisor will be terminated due to job abandonment.
2. Before termination, the supervisor will make at least one attempt to contact the employee by phone.
3. The Employee will be notified of the decision in writing.

G. Ineligible for Re-employment Designation (IRD)

1. Human Resources may designate Employees who have engaged in behavior that is considered egregious as ineligible for re-employment.
2. This decision to designate IRD will be made in order to protect the interests of the college and community.
3. Designation will apply for five years from the date of termination.
4. At five years after termination, employees who have been designated as IRD may send a written request for removal of the IRD status to the assistant vice president of Human Resources.
5. Upon receipt of the request, the assistant vice president of Human Resources will make a determination to sustain or repeal IRD status.

H. Written Warning Letter, Letter of Probation, and Final Written Warning Letter Request for Removal Process

1. After three years of satisfactory performance, the recipient of a written warning letter or five years of satisfactory performance for a final written warning or letter of probation, an employee may make a formal written request to the assistant vice president of Human Resources to have the letter removed from his/her personnel

- file.
2. The assistant vice president of Human Resources will normally consult with supervisors before making his/her determination.
 3. The determination by the assistant vice president of Human Resources is final and is not eligible for the employee grievance procedure.
 4. If a letter is removed from the personnel file through this process, a record may be retained by Human Resources for document retention requirements.
- I. Where in this policy and procedure it is directed that Human Resources shall discuss or provide templates, documents, approvals, etc., if a corrective action is being considered against an employee in Human Resources or there is another potential conflict, General Counsel or the Assistant Attorney General (AAG) for the college shall be consulted.
 - J. If General Counsel or the AAG determines there may be a conflict, they shall act as an intermediary in communication with Human Resources, taking care to consult with an employee of Human Resources who is independent of the considered action. Working with the General Counsel or the AAG may provide the required templates, documents, approvals, etc., and facilitate discussion. Any Human Resources employee consulted shall keep the matter confidential from the other persons in Human Resources.