

# Corrective Action Procedures

---

## **Policy**

Employees who violate the rules as outlined in the Employee Handbook and Valdosta State University Policies and Procedures shall be disciplined in a timely, fair, equitable and consistent manner.

## **Progressive Discipline**

Supervisors have the option and ability to informally counsel employees prior to taking any formal action. A system of progressive discipline may be used for the purpose of encouraging an employee to correct unacceptable behavior. Valdosta State University reserves the right to determine those steps necessary considering all aspects of each individual case.

When supervisors have informal discussions with employees regarding an issue of concern, a supervisor should make note of the conversation for their own records. These notes stay with the supervisor. When informal discussions become more frequent or a situation is serious then more formal action is necessary as per the following list.

**The following corrective and disciplinary actions shall be used as appropriate:**

- Verbal Warning/Counseling Letter
- Written Reprimands
- Suspension
- Dismissal
- Investigative Suspension (immediate suspension pending investigation of alleged serious misconduct)

## **Degrees of Discipline**

Degrees of discipline are progressive and are used to insure the employee has the opportunity to correct their performance.

There is no set standard of how many Verbal Warnings must be given prior to a Written Warning or how many Written Reprimands must precede termination. Factors to be considered are:

- A. The variety and number of problems involved.
- B. The seriousness of the offense.
- C. The time interval and employee response to prior disciplinary action(s).
- D. Previous work history of the employee.

For serious offenses such as (fighting, theft, threats of violence, the sale or possession of drugs or abuse of alcohol, etc.) termination may be the first and only disciplinary step taken. Any step or steps of the disciplinary process may be skipped at the discretion of the Department of Human Resources & Employee Development in consultation with the department after investigation and analysis of the total situation, past practices, and circumstances.

In general, several Verbal Warnings should at the next infraction, be followed by a Written Reprimand, followed at the next infraction by suspension, then discharge. This is especially true in those cases where

the time interval between offenses is short and the employee demonstrates a lack of desire to improve his/her performance.

## **Documentation**

Documentation is an essential element of any human resources program. With respect to accurate performance appraisals, documentation ensures that a manager accurately remembers the goals that he has set for an employee, whether performance standards were met, why standards were not met, and how an employee performed months before. Without documentation, a manager is unable to provide an employee with specific examples of performance. The more complete and accurate the documentation, the easier it is for a manager to make and substantiate an evaluation.

A second use of documentation is to improve feedback between a manager and an employee. Ideally, feedback should be given immediately; however, when this cannot be done, documentation is a reminder of what occurred.

Third, documentation is critical when a manager needs to substantiate his actions to others. In the event that an evaluation, pay raise, or disciplinary action is questioned, documentation will be the key to supporting that action. Memory alone will not be substantial enough to support a decision when grievances, unemployment hearings, human rights complaints and unjust discharge suits arise.

Fourth, documentation will help to support a supervisor's position that he/she did or did not do something. For example, did a supervisor explain a new policy or rule to an employee; inform an employee about a disciplinary policy. Thus documentation provides verification that employees are aware of and understood new rules and policies.

Finally, documentation can also be used as a record of an employee's training and development. Supervisors can document career counseling, training, developmental opportunities, how an employee performed during training, and an employee's career goals.

**In all cases disciplinary action, including counseling letters should never be given at the end of the day or at the end of the week. If in fact timing requires that this will happen, contact Human Resources and Employee Development and ask for assistance. An employee shall never be dismissed on a Friday unless under an extreme situation.**

**Should a supervisor feel threatened or concerned about delivering a disciplinary letter to an employee, contact Human Resources and Employee Development for assistance.**

## **Verbal Warnings/Counseling Letters**

Counseling letters/verbal warnings are terms that are often used synonymously. A counseling letter is documentation of a meeting whereby a discussion is held regarding unsatisfactory work performance and/or behavioral issues. These discussions and the letter that documents the discussion, contain a warning to improve. At times the only difference between a counseling letter and a verbal warning is the length of the documentation.

**Definition** -- The Verbal Warning/Counseling Letter is a conversation between a supervisor and an employee held in private about a disciplinary or performance problem. It is the first step of the progressive discipline process.

**Purpose** -- The purpose of the Verbal Warning/Counseling Letter is to correct a performance or disciplinary problem by bringing it to the employee's attention in a serious yet friendly manner.

## **When to use a Verbal Warning/Counseling Letter**

The Verbal Warning/Counseling Letter should be used after the supervisor is sure of the following:

1. Previous casual conversations with the employee have not been successful in solving the problem;
2. The employee knows exactly what is expected;
3. The employee is properly trained;
4. Nothing is preventing the employee from doing the job properly.

## **Verbal Warning/Counseling Letter Meeting**

The employee will be counseled by the supervisor following an infraction of the rules in order to:

- A. Eliminate any possible misunderstanding concerning the rules.
- B. State clearly what is expected in the future.
- C. Point out the consequences of a further infraction(s).
- D. Document the fact that the employee has been warned.

## **Verbal Warning/Counseling Letter Procedure**

There are several procedures which must be followed whenever a Verbal Warning is given:

1. Talk to the employee privately (in an office, conference room or other quiet area).
2. State the specific problem in terms of desired performance and actual performance.
3. Refer to previous casual conversations about the problem.
4. Give the employee a chance to respond and explain.
5. Tell the employee the specific change(s) in his/her performance which you expect.
6. Have the employee confirm that he/she knows and understands exactly what you expect.
7. Indicate your confidence in his/her ability to perform properly.
8. Document the conversation.

**Note:** Verbal Warnings usually take a short time and, when well handled, are sufficient to take care of most disciplinary performance problems.

## **Verbal Warning/Counseling Letter Documentation**

Many supervisors think that Verbal Warnings/Counseling Letters do not have to be documented. **This is not true.** All formal disciplinary actions **must** be documented.

## **Required Information**

The following information must be included:

1. The employee's name;
2. The date of the Verbal Warning;
3. The specific offense or rule violation;
4. A specific statement of the expected performance;

5. Any explanation given by the employee or other information the supervisor feels is significant.

**Example:**

"I talked to Emily Brewer today about her attendance record and gave her a Verbal Warning. Since January 1, Ms. Brewer has been absent from work on 12 occasions for a total of 17 days. Ms. Brewer said, 'You can't make people work when they are sick,' and argued about the Verbal Warning. I told her that she could get a medical leave of absence if she needed it, but that I expected her to be here everyday."

(Supervisor)

(Date)

## **Human Resources File**

A verbal warning document and/or counseling letter must be placed in an employees' personnel file in Human Resources and Employee Development. When the verbal warning/counseling letter is put on letterhead and is signed by the employee then it must be placed in the Human Resources File.

## **Written Reprimand**

**Definition** -- A WRITTEN REPRIMAND is a documented formal conversation between a supervisor and an employee about a disciplinary or performance problem. It is the second step of the progressive discipline process.

**Purpose** -- The purpose of the Written Warning is to correct a performance problem by discussing it with the employee and providing a written record of that conversation.

## **When to use a Written Reprimand**

The Written Reprimand is usually used only after a Verbal Warning/Counseling Letter has been given and no change in performance has resulted.

## **Written Reprimand Letter**

A written reprimand letter is issued to document the fact that the employee has been officially advised of the precise nature of his or her misconduct and warned that any future violations will result in further disciplinary actions, including disciplinary suspension, possible termination or, if appropriate, will use the phrase, "will result in immediate termination."

If the employee refuses to sign the notice the supervisor should indicate the fact and reasons on the warning reprimand letter. The supervisor should also ask to have a witness note that the employee refused to sign the reprimand. The supervisor should advise the employee that they can make a written rebuttal if they chose and they can send it to Human Resources and Employee Development.

## **Written Reprimand Process**

In some cases, the issues and concerns are widely known and the letter is prepared before hand to deliver to the employee at the time of the meeting. In other cases, a preliminary meeting is held to ascertain the employee's perspective on the issues and to gather facts. In these cases the letter is issued after the preliminary meeting and during a second follow-up meeting. In all cases, letters must be issued in- person by the supervisor to the employee.

### **Before the Preliminary Meeting**

1. Prepare for the meeting by reviewing your notes on the Verbal Warning conversation and any other material.
2. Ask the employee to come into an office, conference room or other private area.

### **During the Preliminary Meeting**

1. State the specific problem in terms of actual performance and desired performance.
2. Refer to previous casual conversation and the previous Verbal Warning.
3. Give the employee a chance to respond and explain.
4. Tell the employee the specific change you expect in his/her performance and indicate your confidence that he/she will change.
5. Have the employee confirm that he/she understands exactly what you expect.
6. Tell the employee that you will write a memo to him/her summarizing the conversation.

### **After the Meeting**

Prepare a written reprimand to the employee summarizing the issues and the means for correcting the behavior. Contact Human Resources for assistance in writing the written reprimand.

### **Writing the Written Reprimand Letter**

**Required Information** -- The letter must contain the following information:

1. The date of the conversation.
2. The specific rule violation or performance problem that has occurred. A statement that indicates this is a written reprimand for....
3. A reference to previous conversations about the problem.
4. A statement of the specific change in the employee's performance or behavior you expect.
5. Any comments or statements the employee made during the conversation.
6. A statement indicating your confidence in the employee's ability to perform properly in the future.
7. A statement indicating the consequences for failure to correct the action including suspension and/or dismissal.

### **Delivering the letter**

Schedule a follow-up meeting with the employee to deliver the letter, and answer any questions. Have the employee sign the letter. If the employee refuses, then write a statement regarding your attempt to have the employee sign and his/her refusal to do so.

Advise the upper level supervision of the conversation and its outcome. Monitor the employee's performance to make sure that the problem has been corrected.

### **Written Reprimand Distribution**

A copy of the letter is given to the employee, one is retained by the department, and one is sent to Human Resources and Employee Development. (The written reprimand becomes a part of the employee's personnel record.)

### **Suspension**

**Definition-** A disciplinary suspension is normally a period of three (3) days. The employee is relieved of his or her job assignment because of serious or repeated instances of misconduct and shall forfeit pay as a result of the suspension; or, there may be situations where there is no specific instance of conduct that justifies immediate termination; but, there is a pattern of conduct where the employee has continually engaged in one minor infraction of the rules after another and has received a/ or several documented verbal and/or written reprimands for rule(s) infraction(s).

Steps for a suspension follow the same basic steps as outlined in the delivering of a written reprimand. Each meeting allows the employee to tell his/her side of the story in regards to the incident, behavior and or performance in question.

All suspension letters must be written with the assistance of Human Resources and Employee Development. Suspensions are grievable and information regarding employee rights must be documented in the letter.

### **Dismissal Letter**

**Definition --** A dismissal letter is a documented formal conversation between a supervisor and an employee about a continuing disciplinary or performance problem. It is the third step of the progressive discipline process for employees.

At a minimum, the dismissal letter is used only after a Verbal Warning, Written Reprimand and Suspension have been given and no change in performance has resulted. A dismissal is issued to document the fact that the employee has been officially advised again of the precise nature of his or her misconduct and the effective date of termination.

Steps for a dismissal follow the same basic steps as outlined in the delivering of a written reprimand. Each meeting allows the employee to tell his/her side of the story in regards to the incident, behavior and or performance in question.

All dismissal letters must be written with the assistance of Human Resources and Employee Development. Dismissals may be grieved and information regarding employee rights must be documented in the letter.

A copy of the letter is given to the employee, one is retained by the department, and one is sent to the Human Resources. (The final letter becomes a part of the employee's personnel record.)

**Once an employee is terminated, contact Human Resources for an appointment to out process the individual. In some cases, this procedure is done via mail and the employee is not brought back to**

**the campus. It is important to maintain contact with Human Resources to ensure a smooth transition and maintain dignity for the employee.**

### **Administrative Leave pending outcome of Investigation**

Administrative Leave with pay is a period during which time an employee is relieved of his or her job duties because of **alleged serious** misconduct. These are often used in situations involving police officers and are only granted in extreme situations.

An employee may be placed on administrative leave when it is necessary to make a full investigation to determine the facts of the case, such as fighting, insubordination or theft. Normally, this is leave with pay. In all cases Human Resources is consulted prior to placing employee on administrative leave with pay.

### **Procedure**

1. Review your action plan and all supporting documents with Human Resources and University Police as appropriate.
2. Instruct the employee to leave University property.
3. Determine where you can contact the employee and inform him/her that you will do so immediately following investigation of the incident.
4. Prepare your recommendations as to the appropriate course of action.
5. Review all supporting documentation to assure accuracy and completeness.

### **Results of Investigation**

**If after the investigation:**

- A. If discharge is warranted, the discharge shall be effective on the date of the termination interview.
- B. If misconduct is determined, but not of a sufficiently serious nature to warrant discharge, The employee will receive a letter and may be placed on continued suspension.
- C. If no misconduct is determined, the employee shall return to work within the prescribed period.

### **Department Supervisor Responsibilities**

- A. Make certain that all employees of the department understand the rules and regulations which should govern their behavior.
- B. Point out and discuss rule infractions, and when appropriate, give verbal warning.
- C. Document all pertinent facts relating to the misconduct.
- D. Prepare your recommendation as to the appropriate course of action.
- E. Review all supporting documentation to assure accuracy and completeness.
- F. Review your action plan and all supporting documents with Human Resources
- G. Record dates and substance of verbal warnings.
- H. Consult Human Resources when the issuance of a written reprimand appears warranted.
- I. Issue the approved written reprimand for repeated infractions or a serious offense.

- J. Recommend disciplinary suspension when the employee's conduct is such that a level of discipline greater than a written reprimand but less than termination is desired. Disciplinary suspension action cannot be taken without the approval of the department head and Human Resources. Document the suspension stating reasons and length of suspension with a letter to the individual and a copy to the individual's personnel file.
- K. Recommend demotion or discharge when the employee's conduct justifies such actions. Discharge or demotion cannot be taken without the approval of the department head and the Director of Human Resources.

### **Human Resources and Employee Development Responsibilities**

- A. Insure all disciplinary actions are consistent with policy and past precedents and that they are administered fairly.
- B. Review all of the circumstances which led to the warning notice, and approve the appropriateness of the action.
- C. Review and thoroughly investigate supervisory recommendations involving disciplinary suspension, demotion or discharge and approve or disapprove such recommendations prior to action being taken.
- D. Approve any investigative suspension and conduct the required investigation with the appropriate individuals.

January 8, 2008

Updated; August 23, 2010; September 23, 2012; November 4, 2016