

UCOP Human Resources Procedure 62 – CORRECTIVE ACTION (PROFESSIONAL AND SUPPORT STAFF)

- I. POLICY REFERENCES**
- UC-PPSM 2.210, Absence from Work
 - UC-PPSM 22, Probationary Period
 - UC-PPSM 23, Performance Appraisal
 - UC PPSM 61, Release during Probationary Period
 - UC-PPSM 62, Corrective Action
 - UC-PPSM 63, Investigatory Leave
 - UC-PPSM 64, Termination & Job Abandonment
 - UC-PPSM 70, Complaint Resolution

- II. APPLICABILITY** Regular (Career) Status Professional and Support Staff (PSS)

Employees in Probationary, Limited, Floater and Casual/Restricted Appointments are not considered regular (career) status employees. Please refer to UC-PPSM 22 (Probationary Period) and UC-PPSM 61 (Release During the Probationary Period or from Limited, Casual/Restricted and Floater Appointments) for further information.

III. GENERAL

Supervisors shall apply necessary and appropriate corrective action whenever an employee fails to meet the expected standards of performance and/or workplace conduct. Supervisors are responsible for initiating corrective action in consultation UCOP Local Human Resources, as appropriate. Consultation should take place before initiating any corrective actions. For exclusively represented employees, please refer to the applicable collective bargaining agreement and/or contact UCOP Local Human Resources for more details.

IV. TYPES OF CORRECTIVE ACTIONS

The types of corrective actions that can be taken are written warnings, corrective salary decreases, suspensions and demotions.

V. REASONS FOR CORRECTIVE ACTION

Reasons for corrective action may include, but are not limited to, 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.

VI. PROGRESSIVE CORRECTIVE ACTION

Corrective action usually is progressive in nature and intended to provide employees with an opportunity to correct continuing performance deficiencies and/or unacceptable workplace conduct before initiating more serious action up to and including dismissal, except when corrective action is the result of performance or misconduct which an employee knows or reasonably should have known was unsatisfactory.

Factors that a supervisor/manager should consider in choosing the appropriate corrective action may include, but are

not limited to, the critical nature of the function being performed or lack thereof, the overall impact of the function on the division, department, or University at-large, and the potential consequences of the workplace conduct. Corrective action should be preceded by consultation with UCOP Local Human Resources. For continuity and consistency, supervisors are strongly recommended to document continuing unacceptable performance or workplace misconduct, including examples of deficient work, misconduct, and previous meetings and/or other forms of communications with the employee regarding the specific problems leading to the corrective action. In instances where an employee may not have reasonably known that performance or conduct was unacceptable, remedial measures short of corrective action may include oral reprimand, counseling memos or special performance appraisals.

VII. WRITTEN NOTICE

A. Written Notice of Intent

Written "Notice of Intent" is required when issuing a corrective salary decrease, a suspension (except for a suspension pursuant to *PPSM 64.D.*) or a demotion. The notice should be issued by the employee's immediate supervisor. The notice shall state the intended or proposed action, the reasons for the intended action, the proposed effective date(s), include a copy of the materials on which the corrective actions is based and state the employee's right to respond orally or in writing, within ten (10) calendar days from the date of the issuance of the notice, to an *Official Reviewer* (also known as a "Skelly Officer").

Copies of the Notice of Intent should be sent to Local Human Resources, the employee's representative (if any), and the Official Reviewer.

B. Official Reviewer (Skelly Officer)

The person to whom the employee responds: the "Official Reviewer", or "Skelly Officer", should be a manager outside of the decision making process, whose position is equal to or higher than the supervisor/manager issuing the Notice of Intent.

The function of the Official Reviewer is to give the employee an opportunity to respond to and to minimize the risk that the Notice of Intent, proposing corrective action, was wrongly issued. The Official Reviewer reviews the Notice of Intent to impose corrective action, all supporting documentation, and the information provided by the employee in his or her response. The Official Reviewer may conduct other interviews as he/she deems necessary.

The Official Reviewer will submit a written recommendation or report, including the reasons for the recommendation to uphold, amend or overturn the proposed action(s) to the supervisor/manager who issued the Notice of Intent.

C. Notice of Action and Delivery

Whether or not the employee has requested a review of the action, the supervisor shall prepare a letter confirming the corrective action to be taken once the review period has ended. In the event an official review is requested, the supervisor will consider the findings and recommendation of the Official Reviewer before issuing the letter confirming the corrective action. The supervisor shall attach a copy of the Official Reviewer's report or recommendation to the notice. When corrective action is to be imposed, the employee shall be advised of her/his right to review under UC-PPSM 70, Complaint Resolution. A copy of the final notice will be placed in the employee's personnel file and a copy sent to UCOP Local Human Resources.

All written notices of proposed actions shall be hand-delivered, with receipt acknowledged via signature on a copy of the notice for UCOP HR files. When personal delivery is not possible, the notice may be sent by U.S. Postal Service or other qualified delivery service with the delivery tracked and confirmed. A copy of the supporting documentation supporting the notice of intent should also be provided to the UCOP Human

Resources.

VIII. INVESTIGATORY LEAVE

If the employee's unacceptable performance or inappropriate workplace conduct warrants immediate removal from the work site, Investigatory Leave (UC-PPSM 63) may be appropriate.

IX. RECORDS RETENTION

A record of corrective action must be retained in an employee's personnel file for five (5) years after the end of the fiscal year in which the claim is resolved and no further similar or related corrective action has been taken. The record of corrective action should be deleted or destroyed after the retention period has lapsed.