Corrective Measures
An Overview

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Why?

- After a staff employee passes probation they have a reasonable expectation to continued employment or in other words they are entitled to:

DUE PROCESS
Due Process...

...is the notion that before you take something away from a person you give them notice and an opportunity to respond.

- As part of the concept of due process UCSD believes in progressive discipline.

- Progressive discipline generally includes:
  - incremental disciplinary actions
  - notice of the performance/behavioral problem
  - an opportunity to improve

Principles to Follow – Before Administering Discipline

- Develop instructions and reasonable work rules that are clear and understandable.
- Clearly communicate the above.
- Obtain all the facts.
- Permit employee(s) an opportunity to explain.
Principles to Follow – Before Administering Discipline (Con’t)

- Determine what action is most appropriate - consistency
- Observe contractual or statutory procedures
- Maintain accurate records
- Take disciplinary action

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Four Questions to Ask.....

- What is the standard of expectation concerning an employee’s performance or conduct?
- Has the standard or expectation been communicated to the employee?
- Can you prove the employee has failed to perform?
- Are there mitigating factors?

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- Intent of corrective measures is to give notice to the employee and to help the employee improve.

- UCSD has non-represented and represented employees therefore not all processes/steps are the same.

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Hierarchy of Corrective Measures

Formal Discipline

- Demotion
- Suspension
- Written Warning

Counseling

- Memorandum

- Send a Note to Employee after Talk
- Take Notes During Talk
- Talk to Employee
Corrective Measures

- Depending on the bargaining unit an oral counseling &/or a memorandum of counseling are NOT considered discipline
- Performance evaluations are NOT considered discipline
- Discipline generally begins with the written warning

Some Reasons for Corrective Actions

- Inappropriate Remarks
- Disruptive Behavior
- Time & Attendance Issues
- Poor Performance
- Violation of Policy, Rules and Regulations
Investigatory Leave

- Depending on the circumstances, an employee may be placed on investigatory leave while the University is investigating the allegation(s).

Corrective Measures: 5 Ws

When drafting any corrective discipline document keep the 5 “W’s” in mind:

- Who?
- What?
- When?
- Where?
- Why?
Corrective Measures: Written Warnings

- Written Warnings:
  - Call Employee Relations before & after warning and before issuing warning!
  - Essential Elements of a written warning:
    - Identify policy/article authorizing basis for issuance
    - Provide reason-be specific, give examples
    - (if applicable) provide brief summary of prior communications concerning behavior
    - Provide suggestions on how to improve
    - Close with standard language

Corrective Measures: Suspension &/or Demotion

- Call Employee Relations before & after draft of suspension.

- Notice of Intent to Suspend prior to suspension may be required.
Corrective Measures: Suspension &/or Demotion cont’d

- In general a written warning must have preceded the suspension.
- Must be for same or similar reason as written warning.
- Must provide suggestions on how to improve.

Corrective Measures: Termination

- Call Employee Relations before proceeding
- Basis for termination must relate back to prior disciplinary actions
- Director of Employee Relations must endorse termination to move forward
- May be working with Labor Relations
Corrective Measures: Termination cont’d

Termination is an action of last resort and will not proceed absent corrective measures having been implemented!

- *In limited situations*, an employee’s actions/behaviors are so egregious progressive corrective measures may not be required