

3354:1-43-03.01 Corrective Action Procedure

- (A) This procedure applies to all full- and part-time employees unless specifically excluded or limited by the explicit provisions of a collective bargaining agreement.

- (B) Should an employee's performance, work habits or behavior become unsatisfactory in the judgment of the College, based on a violation of accepted standards of conduct or College policies, procedures, rules or regulations, that employee will be subject to corrective action, up to and including dismissal. Unacceptable conduct includes, without limitation, incompetence, inefficiency, unsatisfactory performance, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any College policy, procedure, rule, regulation or standards of practice, conviction of any State or Federal law, or failure of good behavior. Supervisors shall actively manage performance and take corrective steps when appropriate.
 - (1) If you suspect that an employee is in possession of or under the influence of alcohol, drugs or other controlled substance, immediately report it to that employee's supervisor or to College administration. If an employee's supervisor, College administrator, or coworker reasonably suspects an employee is under the influence of drugs, alcohol or other controlled substance, they should report their suspicion to the College's Office of Human Resources. The College's Office of Human Resources may conduct reasonable suspicion testing based on the reasonable and articulated belief that the employee is under the influence of alcohol, drugs and/or other controlled substance.

 - (2) An employee who witnesses another employee violating the Employee Code of Conduct should report the violation to the employee's supervisor or to the Office of Human Resources.

 - (3) If there is an allegation of a violation of the Employee Code of Conduct which also alleges a violation of the College policy on discrimination, harassment, sexual misconduct, retaliation and Title IX, the Office of Human Resources will alert the Office of Institutional Equity, who will conduct a concurrent investigation. The results of both investigations will be made available to the Office of Human Resources for appropriate follow up. No matter what the outcome, the Office of Human Resources will share an outcome letter with the employee and a copy may be placed in their employee file. If corrective action is required, the College will follow the Corrective Action procedure detailed in this procedure.

- (C) The College reserves the right to initiate corrective action at any of the following steps or skip steps should an offense or performance issue be determined by the College to be sufficiently serious. Behavior that is illegal may be reported to Campus Police or local law enforcement, and may be grounds for immediate discharge. Otherwise, the progressive corrective action approach utilized by the College will consist of the following steps:

(1) Counseling

a) Counseling is the preferred first step in the corrective action procedure and a performance improvement measure provided by the supervisor in a meeting in which the employee is informed of the specific issue and what is expected of him or her in the future. A counseling meeting oftentimes helps an employee improve his or her performance or conduct without having to initiate formal corrective action. The purpose is to establish an understanding of the issues, exchange information, or establish the necessary College, department and/or job expectations. The Office of Human Resources, Employee and Labor Relations is available to assist the supervisor in preparing for the counseling meeting and drafting appropriate documentation. If the employee's performance or conduct does not improve, the supervisor shall initiate corrective action. A formal record of the counseling will be maintained in the employee file within the Office of Human Resources.

(2) Verbal Warning

a) A verbal warning is provided by the supervisor in a meeting in which the employee is informed of the specific issue and what is expected of him or her in the future. A formal record of the verbal warning will be maintained in the employee file within the Office of Human Resources.

(3) Written Warning

a) The supervisor will issue a written warning in a meeting with the employee. The written warning will be maintained in the employee file within the Office of Human Resources. Supervisors must consult with the Office of Human Resources, Employee and Labor Relations prior to the issuance of a written warning. If an employee is covered by one of the College's collective bargaining agreements, a copy of the written warning will be forwarded to the appropriate union official by the Office of Human Resources, Employee and Labor Relations.

(4) Performance Improvement Plan (PIP)

a) A performance improvement plan is a formal process used by a supervisor to assist an employee improve performance or modify behavior. The PIP identifies performance and/or behavioral issues that must be corrected and creates a written plan of action to guide the improvement. A PIP may be used to rectify unsatisfactory performance after informal training and coaching are not able to correct an employee's performance or if the employee's behavior was sufficiently serious or part of a pattern. An employee on a PIP is considered by the College to be on probationary status. A PIP is a structured communication tool designed to facilitate constructive discussion between Human Resources, the employee and supervisor. An effective PIP will:

- i. Consider the employee's input;
- ii. Specifically identify the performance to be improved or behavior to be corrected;

- iii. Provide reasonable and clear expectations about the work to be performed or behavior that must change;
- iv. Identify the support and resources available to help the employee make the required improvements;
- v. Establish a plan for reviewing the employee's progress and providing feedback to the employee for the duration of the PIP;
- vi. Specify consequences if performance standards as identified in the PIP are not met; and
- vii. Establish that continued unsatisfactory performance shall result in a recommendation for discharge under section 6 of this procedure.

(5) Suspension

- a) An employee may be suspended with or without pay for a specified number of days based upon the severity of the behavior and any documentation provided by the employee's supervisor. A pre-disciplinary due process meeting (DPM) will be conducted by the Vice President of Human Resources or the Vice President's designee with the employee prior to the initiation of a suspension. All recommendations for suspensions must be approved by the Vice President of Human Resources or the Vice President's designee prior to implementation. The employee will receive written notification of the suspension. If the employee is a member of a collective bargaining unit, they will have the opportunity to have a union representative at any meeting with the employee regarding the suspension.
 - i The Vice President of Human Resources or the Vice President's designee may require that a suspended employee sign a last chance agreement or be subject to a fitness for duty evaluation as part of their continued employment with the College.¹
 - ii Unsuccessful completion of any of the above will result in a recommendation for discharge under section 6 of this procedure.

(6) Discharge

- a) An employee may be discharged as the last step in the corrective action procedure or because the employee's actions are severe and pervasive, or in violation of local, State, or Federal law. A DPM will be conducted by the Vice President of Human Resources or the Vice President's designee with the employee and their supervisor prior to the issuance of a termination notice. All recommendations for discharge must be approved by the Vice President of Human Resources and Vice President of Legal Services prior to discharge and communication to the employee. The employee will receive written notification

¹ The College may utilize last chance agreements and/or conduct fitness for duty evaluations on any employee provided the College determines that the employee's behavior, regardless of their job performance, warrants such action.

of the discharge. If the employee is part of a collective bargaining unit, they will have the opportunity to have a union representative at any meeting with the employee regarding the termination action.

- (D) The President or President's designee shall take all steps necessary and appropriate for the effective implementation of this procedure.

Effective Date: October 19, 2023

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Procedure amplifies 3354:1-43-03