



Corrective Action Policy for Staff Employees

Policy number: 501

Policy owner: Chief Human Resources Officer

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SECTION I. PURPOSE

This policy defines the disciplinary approach that St. Thomas will follow when addressing staff conduct and performance that does not meet the University's expectations.

SECTION II. SCOPE AND APPLICABILITY

This policy applies to corrective action involving staff employees of St. Thomas, including regular full-time and part-time staff, temporary employees hired by St. Thomas, and on-call staff. Excluded from this policy is corrective action involving faculty, adjunct faculty, student workers, and other staff employment categories. This policy also applies to employees covered by collective bargaining agreements. However, where the policy conflicts with a collective bargaining agreement, the terms of the collective bargaining agreement will take precedence over the policy.

SECTION III. CORRECTIVE ACTION APPROACH

St. Thomas has a right and responsibility to establish standards of behavior and performance for its employees. Employees are expected to conduct themselves in a manner consistent with the University's mission, convictions and applicable policies. Employees also are expected to perform to the standards established by their supervisors and to support the St. Thomas mission and programs. When an employee does not meet these expectations, St. Thomas may take measures to correct their performance or behavior(s).

Corrective action is employee discipline that is intended to be progressive and constructive in nature with the intent to improve the employee's conduct or job performance. The principle of "progressive and constructive" action involves informing the employee of the unacceptable performance or behavior and the need to correct it. Corrective action begins with the least severe action necessary to correct the undesirable conduct or improve performance and increases in severity if the conduct is not corrected or the performance does not improve.

The degree of discipline is directly related to the seriousness of the misconduct or underperformance, the employee's record and other relevant facts and circumstances; therefore, it is possible for steps in the corrective action process to be skipped or repeated or for the University to determine, in its sole discretion, that immediate termination of employment is warranted. This policy does not alter, in any way, the at-will nature of the employment relationship between an employee and St. Thomas.

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SECTION IV. RESPONSIBILITIES OF SUPERVISORS

Supervisors are responsible for establishing and communicating to employees clear job expectations and for coaching employees when the need arises. When corrective action is needed, supervisors are expected to engage in a well-planned and constructive process in consultation with their Human Resources Business Partner. Corrective action guidelines are set forth in **Appendix A**.

SECTION V. CIRCUMSTANCES THAT WARRANT CORRECTIVE ACTION

Examples of situations that may warrant corrective action or other disciplinary action include, but are not limited to:

- unsatisfactory performance or encouraging others to perform less than satisfactorily
- failure to communicate or work with fellow employees on work assignments
- insubordination or failure to follow a work directive
- using threatening or abusive language or conduct while working or profane language that impacts the workplace
- mishandling or unauthorized removal or destruction of confidential or sensitive information
- theft
- tardiness, unapproved absences, misuse of work time or failure to follow time-keeping practices
- dishonesty or other unacceptable workplace behavior, such as falsification of records or knowingly and willfully misrepresenting data requested by the University or its agent
- use or possession of illegal drugs on University premises or at University-sponsored events
- performing work duties or being present on campus while impaired by alcohol or illegal drugs
- disregard for safety regulations
- abuse, neglect, mishandling, destruction or unauthorized removal or use of University property or property of others
- violation of the St. Thomas Weapons Policy
- creating an uncomfortable educational or unprofessional work environment through verbal abuse, use of profanity, bullying or other unacceptable conduct
- threats or acts of physical abuse
- discrimination, harassment or violence, including sexual misconduct
- accessing secured areas of campus for reasons unconnected with job duties
- inappropriate use of University computers or equipment
- arrest or conviction of an illegal act, on or off the job, which adversely affects job performance, or
- failure to comply with any University policy or procedures or to act in accordance with its mission and convictions

This is not an exhaustive list and does not cover all situations in which corrective action or other discipline may be warranted. St. Thomas has the right to take corrective action or other disciplinary action in any circumstance when it determines that such action is appropriate.

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Appendix A to Corrective Action Policy for Staff Employees

Corrective Action Guidelines

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SECTION I. STEPS PRIOR TO CORRECTIVE ACTION

Generally, before initiating corrective action for a staff employee, supervisors should discuss the problem privately with the employee, explaining the rules, expectations or performance standards involved. Supervisors are expected to consult with the designated Human Resources Business Partner when they believe that formal corrective action is necessary. The steps of corrective action may include the steps listed below.

SECTION II. PERFORMANCE IMPROVEMENT PLAN

In situations in which an employee is not meeting performance expectations, a supervisor may choose to use a Performance Improvement Plan (PIP). A PIP is not required in order to take disciplinary action. The goal of the PIP is to correct deficiencies by clearly identifying the performance areas that need improvement. The supervisor will monitor and provide feedback to the employee regarding their performance on the PIP and may take additional disciplinary action, if warranted. Supervisors must consult with their Human Resources Business Partner if they wish to issue a PIP. A PIP may be used prior to or in conjunction with the warning steps described in Section III below. A PIP will be included in an employee's personnel file.

SECTION III. STEPS OF CORRECTIVE ACTION

It is generally recommended that supervisors use all steps of corrective action outlined below; however, some problems may be sufficiently serious or unique that early steps may be eliminated, and in some circumstances, immediate termination of employment may be appropriate. Supervisors must consult with their Human Resources Business Partner regarding the nature of the problem to determine if it is appropriate to issue formal corrective action and/or to skip one or more steps in the corrective action process. In addition, the Chief Human Resources Officer has authority to authorize departures from these guidelines at their sole discretion.

A. First Written Warning

The supervisor discusses with the employee the nature of the performance or behavioral deficiency and the improvement required. The supervisor normally maintains a written record noting the date and the content of the discussion; a copy is provided to and signed by the employee. The document will include a statement that failure to correct performance deficiencies or behavior and sustain the improvement may result in further corrective action and/or termination of employment.

B. Second Written Warning(s)

When a previous discipline has been issued, the next progressive step is an additional written warning. A second written warning may be used when correcting new or related performance concerns or conduct. The supervisor must consult with their Human Resources Business Partner and have them present at the second written warning meeting, unless the Human Resources Business Partner determines the supervisor can proceed without them present. The second written warning is signed by the employee. The document will include a statement that failure to correct performance deficiencies or behavior may result in further corrective action and/or a termination of employment.

C. Final Written Warning

The final written warning is a written notice to the employee, which specifies the reason(s) for the warning and the improvements/corrective action required. This warning includes an explicit statement that failure to correct performance deficiencies or behavior will result in termination of employment. The supervisor must consult with their Human Resources Business Partner and have them present at the final written warning meeting. The document is signed by the employee and becomes part of the employee's personnel record.

D. Involuntary Termination

Involuntary termination is a management-initiated action resulting in St. Thomas severing its employment relationship with the employee. Termination is the final step in the process and is not intended to be corrective. Involuntary terminations must be approved by the Chief Human Resources Officer and the appropriate Senior Staff member. The supervisor must work with their Human Resources Business Partner on the termination letter and process. If involuntary termination is warranted, the provisions of the University's Termination of Employment Policy will be followed.

SECTION IV. DOCUMENTATION

Supervisors are expected to document all formal employment actions as part of the corrective action process. Template letters/documents can be requested from Human Resources. Documentation related to formal corrective action must be reviewed by the Human Resources Business Partner prior to being presented to an employee.

Each step in the formal corrective action process must be in writing and the supervisor is expected to discuss the action with the employee. The first, second and final written warnings should be signed by the employee. If the employee refuses to sign the warning document, the manager will document the date and time of the meeting and the employee's refusal to sign. The unsigned warning, along with the manager's documentation, will be placed in the employee's personnel record.

SECTION V. INVESTIGATIVE LEAVE OR SUSPENSION

An employee may be suspended when there is an immediate need to remove the employee from the workplace in order to conduct an investigation or for other legitimate business purposes. Examples of situations where factual investigations are best conducted without the employee on the premises include, but are not limited to, investigations of alleged workplace harassment, discrimination, threats of violence or damage to University property or other significant misconduct.

The supervisor and the Human Resources Business Partner will consult to determine if suspension is warranted. The supervisor notifies their next level supervisor as appropriate.

The suspended employee may be required to surrender all University property and will be advised that they will be suspended pending the outcome of the investigation. Access to electronic and computer systems may be suspended. The length of the suspension and whether it is with or without pay will vary depending on the circumstances. The Chief Human Resources Officer must approve any investigatory suspension without pay. The compensation and benefits of a suspended employee may be affected in the following ways:

A. Suspension With Pay

The status of the employee's benefits is unchanged, and the employee will continue to be paid on the regular payroll schedule, and any benefits premiums and other contributions owed by the employee will continue to be withheld from the employee's pay on the regular schedule.

B. Suspended Without Pay

While an investigation is conducted, the employee will not be paid on the regular payroll schedule. The employee's benefits do not change, but the employee will continue to owe premiums on the benefits. If the employee is reinstated following the investigation, the employee will receive back pay from the first day of suspension following the employee's reinstatement. Any benefits premiums not paid by the employee while on unpaid leave will be deducted from their first paycheck after reinstatement. Any other benefit contributions for the employee will be caught up after the employee returns.

If a decision is made to terminate a suspended employee, the provisions of the University's Termination of Employment Policy are followed. Any outstanding premiums or contributions owed by the employee will be deducted from the final paycheck.