

Oklahoma State University Policy and Procedures

CORRECTIVE ACTIONS AND DISMISSALS FOR STAFF	3-0720 ADMINISTRATION & FINANCE February 2008
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PURPOSE

Organizations have work rules designed to promote the proper and efficient operation of the organization. Organizations also require employees to meet prescribed standards for the quality and quantity of performance. The purpose of this policy is to set forth procedures by which supervisors communicate as early as possible with a staff person a problem or concern interfering with performance and the appropriate steps to provide a positive, fair and constructive means of correcting employee behavior/performance issues.

SCOPE

1.01 These policies and procedures are applicable to all continuous regular staff personnel assigned to all agencies of the University.

1.02 This procedure does not apply to a new employee during the initial orientation period (see policy 3-0706, Employment, Promotion and Transfer for Staff).

1.03 This procedure also does not apply to periodic/temporary employees or student employees.

1.04 Faculty are covered by separate procedures as indicated in the Faculty Handbook and other policies and procedures.

RESPONSIBILITY

2.01 Each employee is expected to become knowledgeable with performance criteria for his or her particular position and with all rules, procedures, and standards of conduct established by Oklahoma State University and the staff member's department or unit. The employee who does not fulfill the responsibilities set out by such performance criteria, rules, procedures and standards of conduct may be subject to corrective or disciplinary action.

2.02 Employees of the University are at-will employees. However, consistent with the University's values of excellence and integrity, supervisors should follow prescribed guidelines for corrective action.

CORRECTIVE ACTION

3.01 Behaviors which may be subject to corrective action may be a result of poor work performance or misconduct.

3.02 When making the decision for corrective action, consideration should be given to the nature of the offense, the record of the employee, and the consequences recommended. A supervisor should initiate action as a dimension of performance improvement rather than a measure of punishment. It is a corrective process to help the employee overcome work-related shortcomings and strengthen his or her work performance.

3.03 Even though the University's philosophy of discipline is a corrective, progressive one, there are some offenses serious enough to warrant immediate dismissal.

3.04 Corrective action should be taken as soon as possible after a work rule violation or unacceptable behavior occurs.

3.05 The supervisor shall consult OSU Human Resources prior to termination.

WORK PERFORMANCE ISSUES

4.01 The term "work performance" may include all aspects of an employee's work.

4.02 Work performance is determined by the supervisor's evaluation of the quality and quantity of work performed by the employee. When, in the opinion of the supervisor, the work performance of an employee is below standard, the supervisor should take appropriate corrective action.

4.03 Work performance is normally evaluated by a performance review as described in Policy 3-0741.

4.04 Performance issues involving the quantity or quality of work may require additional training or practice in order to achieve the required standard. In this case, it may be appropriate to place the employee on a performance improvement plan for a specified length of time, usually up to three months.

4.05 During the duration of the performance improvement plan, the supervisor works with the employee, providing feedback on a monthly (if not more frequent) basis.

4.06 If work performance has not improved to an acceptable standard by the end of the period, the employee is terminated. In rare circumstances, the performance improvement period may be extended.

4.07 If work performance reverts to an unacceptable standard during the year following expiration of the performance improvement plan, the employee may be terminated immediately.

4.08 If the performance of the employee is acceptable during the year following, the performance improvement plan documentation will be considered inactive.

MISCONDUCT ISSUES

5.01 All employees are expected to maintain standards of conduct suitable and acceptable to the work environment. Corrective action may be imposed for unacceptable conduct.

5.02 Each work rule violation is evaluated on the basis of the severity of the infraction and the importance of the rule.

5.03 In cases where an employee fails to meet acceptable standards of conduct, a supervisor should initiate corrective action. These actions should be progressive, taking the following steps:

- A. **First Formal Reminder** – consists of a formal discussion between the supervisor and the employee about the misconduct. This discussion includes the supervisor’s expectations and specific details on how the employee needs to improve. The employee agrees to meet the acceptable performance standard. The employee must be told that the discussion constitutes the first step in formal corrective action. Immediately after the discussion, a written summary is placed in the employee’s file.
- B. **Second Formal Reminder** – consists of a second formal discussion between the supervisor and the employee about continued failure to meet acceptable standards of conduct. The discussion includes agreement by the employee that the unacceptable action will be corrected. The discussion is followed up with a written summary of the discussion to the employee, including the seriousness of failure to meet performance expectation and a reminder this discussion is a formal written reminder. The employee shall receive a copy of this written reminder, and a copy shall be placed in the employee’s personnel file. The written notification should include the following:
 1. Desired performance;
 2. Observed behavior;
 3. Violated rule, policy, procedure, or performance issue;
 4. Past work record, including oral warnings or other disciplinary actions taken;
 5. A statement of the consequences in the absence of improvement;
 6. Notice that discussion is a formal written reminder and that the employee has agreed to the desired performance; and
 7. The employee’s signature signifying receipt of the written reminder and the date received.
- C. **Job Decision Assignment** – third formal discussion and written documentation requiring the employee to decide whether or not s/he wishes to continue employment with no further infractions or wishes to resign. In order to provide adequate time for this serious decision making process, the employee may be placed on job decision assignment for up to one day. During that time the employee’s work assignment is to

give serious consideration to full compliance with performance standards or resignation. At the end of that time the employee is expected to return to work in full compliance with performance standards, resign, or his/her employment will be terminated. The supervisor should consult with OSU Human Resources before placing an employee on job decision assignment. The formal documentation establishing administrative leave and requesting the employee's decision and the response from the employee are placed in the employee's personnel file.

5.04 The first formal reminder will be removed from the employee's file if no further incidents of misconduct occur within three months. If, however, a repeat incident of misconduct occurs within the three months, a second formal reminder will be given immediately.

5.05 A second formal reminder (and the previous first reminder) will be removed from the employee's file if no further incidents of misconduct occur within six months. If, however, a repeat incident of misconduct occurs within the six months, job decision leave will occur immediately.

5.06 The job decision assignment will remain in the employee's file and will be considered inactive if no further incidents of misconduct occur within one year. If, however, a repeat incident of misconduct occurs within the year, the employee will be terminated immediately.

5.07 Unrelated incidents of misconduct will be handled separately, but in no case will more than two separate unrelated incidents of misconduct occur within any one time period. A third unrelated incident of misconduct will result in termination.

5.08 A serious violation, including but not limited to, inappropriate use of computers, theft of University property, falsification of University documents, or conduct resulting in harm to another person, may result in immediate termination.

5.09 An employee who disagrees with a supervisor's formal or informal evaluation of their performance are encouraged to seek counsel from OSU Human Resources or the Staff Ombudsperson. These individuals may act as a neutral third party moderator for future discussions between the employee and the supervisor.

5.10 Misconduct that may result in corrective action (and/or termination) include (but are not limited to):

- A. Tardiness or absenteeism without proper notification to the supervisor or unavailability for work; neglect of duties, loitering, loafing or wasting time during working hours including leaving the job during working hours without permission or sleeping during work hours; inefficiency or lack of application to work;
- B. Failure to follow established safety rules and procedures; creating a condition hazardous to another person on the premises; creating or contributing to unhealthy or unsanitary conditions;

- C. Disorderly or immoral conduct or horseplay on University property; fighting, encouraging a fight or threatening, attempting or causing injury to another person on University premises or on institutional time;
- D. Harassment of other employees (including sexual harassment) or use of abusive language on the premises; failure to cooperate with supervisor or coworker, impairment of function of work unit, or disruptive conduct;
- E. Refusal of an employee to follow instructions or to perform designated work that may be required of an employee as part of the employee's employment, refusal to adhere to established rules and regulations, insubordination or insolence;
- F. Waste of materials and supplies; abuse or waste of tools, equipment, fixtures, property, supplies or goods of the institution; neglect of duty or failure to meet a reasonable and objective measure of efficiency and productivity; carelessness resulting in the damage to or destruction of tools, equipment supplies or other property belonging to the University or fellow employees or resulting in serious injury to fellow employees;
- G. Violation of established departmental dress codes; use of tobacco in violation of University policy and state law;
- H. Giving false information or falsification of University documents including timesheets, personnel records and application for employment;
- I. Destroying or defacing institutional property or records or the property of a student or employee;
- J. Gambling, participating in lotteries or any other unauthorized games of chance on the premises at any time; soliciting, collecting money or circulating petitions on the premises other than within the rules and regulations of the institution;
- K. Bringing intoxicants or drugs onto the premises of the institution, using intoxicants or drugs, having intoxicants or drugs in one's possession, or being under the influence of intoxicants or drugs on the premises at any time;
- L. Theft or unauthorized removal of property, dishonesty or unauthorized use of institutional property including records and confidential information;
- M. Illegal transportation of firearms upon the premises (with the exception of law enforcement officers or other personnel authorized to do so);
- N. Failure to comply with appropriate computer use policies; and
- O. Violation of policies or rules of the unit or Oklahoma State University.

DISMISSAL

6.01 As stated in Policy 3-0713, Attendance and Leave for Staff, section 5.01 c, any unauthorized absence for more than three consecutive workdays may be considered as a involuntary resignation from service and would not therefore be subject for corrective action.

6.02. Under Oklahoma Statutes, any state employee who is found guilty or pleads guilty or *nolo contendere* to a felony shall immediately forfeit employment and is not eligible for future employment with Oklahoma State University as long as the felony record exists.

6.03 In all cases of dismissal, the particulars of the case shall be reduced to writing with a copy to be filed in the staff member's permanent personnel file maintained in OSU Human Resources.

6.04 An employee terminated for misconduct or an employee who resigned in lieu of termination will be placed on a restricted hiring list and not be eligible for hire within the OSU System for at least one year.

6.05 Any person terminated from University employment shall have the right of appeal as outlined in Grievances and Appeals, Policy 3-0746.

6.06 The staff of the OSU Human Resources will serve in an advisory capacity in matters of corrective action and termination.

7.01 Oklahoma State University reserves the right to change this Policy and Procedure or any portion thereof at any time.

7.02 This policy replaces Section 4.01 (Suspensions and Dismissals) of Policy 3-0710, Resignations and Dismissals for Classified Staff.