

Oklahoma State University Policy and Procedures

CORRECTIVE ACTIONS AND TERMINATION OF EMPLOYMENT FOR STAFF

**3-0720
ADMINISTRATION
& FINANCE
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PURPOSE

Oklahoma State University (OSU) hires individuals who take great care and pride in the professionalism of their work and service to the community. As such, all staff members are expected to meet performance standards and conduct themselves appropriately in the workplace. Corrective action is a process of communicating with staff members to improve unacceptable performance or behavior. Corrective action may be used when other methods of coaching and counseling have been unsuccessful. When serious performance concerns, misconduct, or behavior issues arise, corrective action may be taken up to and including termination of employment. Contact University Human Resources for assistance in determining the best approach to resolve the situation. In determining the proper course of corrective action, University Human Resources may advise any step of corrective action to be issued, repeated, or modified, based upon the facts of the specific case.

SCOPE

1.01 These policies and procedures are applicable to all continuous regular staff members assigned to all agencies of the university except as otherwise set forth herein.

1.02 This procedure does not apply to new staff members during the initial probationary period (see policy 3-0706, Employment, Promotion and Transfer for Classified 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 applicable policies and procedures.

RESPONSIBILITY

2.01 Each staff member is expected to become knowledgeable with performance criteria for their position and with all rules, procedures, and standards of conduct established by OSU and the staff member's department or unit. Staff members who do not fulfill the responsibilities set out by such performance criteria, rules, procedures, and standards of conduct may be subject to corrective action.

2.02 Staff members 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 or terminations.

WORK PERFORMANCE AND MISCONDUCT ISSUES

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

3.02 The term "work performance" includes all aspects of a staff member's work. Work performance is determined by the supervisor's evaluation of the quality and quantity of work performed by the staff member. When, in the opinion of the supervisor, the work performance of a staff member is below standard, the supervisor should take appropriate corrective action.

3.03 When making the decision for taking corrective action, consideration should be given to the nature of the offense, the work record of the staff member, 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 staff member overcome work-related shortcomings and strengthen work performance.

3.04 Work performance is normally evaluated by a performance review as described in Policy 3-0741, Performance Evaluation Program for Staff.

3.05 Performance issues involving the quantity or quality of work may require additional training or practice to achieve the required standard. In this case, it may be appropriate to place the staff member on a performance improvement plan (PIP) for a specified length of time, usually up to three months. Performance improvement plans can be used in conjunction with other corrective action steps or in place of corrective action. The supervisor should consult with University Human Resources prior to implementing a performance improvement plan.

- A. During the PIP, the supervisor works with the staff member, providing feedback on a monthly or more frequent basis.
- B. If work performance has not improved to an acceptable standard by the end of the designated period, the staff member's employment will be terminated. In rare circumstances, the PIP may be extended up to an additional three months.
- C. If work performance reverts to an unacceptable standard during the year following expiration of the PIP, the staff member's employment may be terminated immediately.

3.06 Even though the university's philosophy of discipline is a corrective, progressive one, there are some offenses serious enough to warrant immediate termination of employment. This may require the supervisor to skip steps of corrective action. Such cases should be handled in consultation with University Human Resources.

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

3.08 The supervisor shall consult University Human Resources prior to termination.

CORRECTIVE ACTION PROCESS

4.01 All staff members are expected to maintain standards of conduct suitable and acceptable to the work environment. Corrective action may be imposed for unacceptable conduct or work performance issues.

4.02 Each work rule, procedure and/or standard of conduct violation is evaluated based on the severity of the infraction and the operational impact of the infraction.

4.03 In cases where a staff member fails to meet acceptable standards of conduct or work performance, a supervisor should initiate corrective action. The corrective action process includes the following:

- A. Informal Discussions** – consists of an informal discussion between the supervisor and the staff member regarding a gap in current performance or behaviors and those expected by the university. This discussion is informal in nature and is intended to develop a clear understanding between the staff member and the supervisor regarding future performance or behavioral expectations. Supervisors are encouraged to maintain documentation of these discussions; however, the documentation is not formal and is used as a reminder to the supervisor of the topics discussed and agreements reached with the employee regarding potential developmental opportunities and training needs. Informal discussions may occur at any time. Staff members who have received an informal discussion are eligible for consideration for pay increases, transfers, promotions, and other employment privileges.
- B. First Step Corrective Action or Written Warning** – consists of a formal discussion between the supervisor and the staff member about a gap in current performance or behaviors and those expected by the university. This discussion includes the supervisor's expectations, timeline for correction of the concerns, and specific details on how the staff member needs to improve. The underlying assumption is the staff member recognizes the need to improve and has the desire to change. The supervisor shall document the formal discussion. In the event the job performance or behavior(s) does not improve, further corrective action may be supported. If a repeat incident of misconduct or work performance issue occurs within three months, further corrective action may be warranted, up to and including termination of employment.
- C. Second Step Corrective Action or Written Warning** – consists of a formal discussion between the supervisor and the staff member about continued failure to meet acceptable standards of conduct or work performance. The supervisor should consult with University Human Resources before placing a staff member on this step of corrective action. The discussion is followed up with a written summary

including the seriousness of failure to meet acceptable standards of conduct or performance expectations. The staff member shall receive a copy. The written corrective action should include the following:

1. Desired performance.
2. Observed behavior.
3. Violated rule, policy, procedure, or performance issue.
4. Past work record, including training, coaching, feedback, mentoring, or other formal corrective actions taken.
5. A statement of the consequences in the absence of improvement.
6. Notice that discussion is a corrective action, and the staff member has agreed to the desired performance; and
7. The staff member's signature signifying receipt of the written summary and the date received. If the staff member declines to sign the document, the supervisor should indicate on the document that the staff member received a copy of the corrective action.

If a repeat incident of misconduct or work performance issue occurs within six months, further corrective action may be warranted, up to and including termination of employment.

D. Job Decision Assignment – final formal discussion and written documentation requiring the staff member to decide whether they wish to continue employment with no further infractions or wish to resign. To provide adequate time for this serious decision-making process, the staff member may be placed on job decision assignment for up to one workday. During that time the staff member's work assignment is to give serious consideration to full compliance with performance standards or resignation. At the end of that time, the staff member is expected to provide a written commitment to the conduct and/or performance standards with detailed information on how they expect to maintain this commitment or to provide a written resignation notice. If the information contained in the staff member's response meets the criteria of the supervisor, the staff member will be expected to return to work in full compliance with conduct and/or performance standards. In the event the staff member fails to provide a reasonable response or resigns, their employment will be terminated. The supervisor must consult with University Human Resources before placing an staff member on job decision assignment. The formal documentation establishing administrative leave and requesting the staff member's decision and the response from the staff member are placed in the staff member's personnel file. The job decision assignment will remain in the staff member's file and will be considered inactive if no further incidents of misconduct or failure to meet performance standards occur within one year. If, however, misconduct or work performance issues occur within one year, employment will be terminated for cause immediately. Prior incidents, even if inactive, may be taken into consideration as part of the employee's overall record when determining appropriate corrective action.

4.04 Unrelated incidents of misconduct or work performance will be handled separately but in no case will more than two separate unrelated incidents of misconduct or work performance occur within any one time period. A third incident of misconduct or work performance will result in either job decision assignment or termination of employment.

4.05 Staff members engaged in any step within the corrective action process outlined above in sections 4.03 B-D may be ineligible for transfers, promotions, pay increases, or other employment privileges. Notification of these restrictions may be included in the written notice provided to the staff member.

4.06 A serious violation of a rule, procedure or standard of conduct, 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.

4.07 A staff member who disagrees with a supervisor's formal or informal evaluation of their performance are encouraged to seek counsel from University Human Resources or the Ombudsperson. These individuals may function as a neutral third-party moderator for future discussions between the staff member and the supervisor.

4.08 Misconduct which 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 disruptive 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 staff members (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 a staff member to follow instructions or to perform designated work which may be required as part of the staff member'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 others or resulting in serious injury to others;

- 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 (except for 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 OSU.

TERMINATION OF EMPLOYMENT

5.01 As stated in Policy 3-0713, Attendance and Leave for Staff, section 5.01 C, any unauthorized absence for more than three (3) consecutive workdays may be considered as a resignation from service and would not therefore be subject to corrective action. The supervisor should consult with University Human Resources for appropriate documentation and notification to the staff member.

5.02. Under Oklahoma Statutes, any state employee who is found guilty of or pleads guilty or *nolo contendere* to a felony shall immediately forfeit employment and is not eligible for future employment with OSU if the felony record exists.

5.03 A staff member terminated for misconduct or work performance or who resigned in lieu of termination may be placed on a restricted hiring list and not be eligible for hire within the OSU System for at least one year.

5.04 Any staff member terminated from university employment shall have the right of appeal as outlined in Policy 3-0746, Grievances and Complaints for Staff.

5.05 University Human Resources will serve in an advisory capacity in matters of corrective action, performance improvement plan, and termination.

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

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