



PPSM-62: Corrective Action

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Responsible Office:	SHR – Systemwide Human Resources
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I. POLICY SUMMARY

This policy describes the types of corrective action – written warning, corrective salary decrease, suspension and demotion – the University may take to address concerns regarding the conduct or work performance of regular status Professional and Support Staff (PSS) employees.

II. DEFINITIONS

Detailed information about common terms used within Personnel Policies for Staff Members can be found in Personnel Policies for Staff Members 2 (Definition of Terms).

Career Appointment:

An appointment established at a fixed or variable percentage of time at 50 percent or more of full-time, which is expected to continue for one year or longer. A career appointment may be established through conversion from a limited appointment in accordance with Personnel Policies for Staff Members 3 (Types of Appointments).

Corrective Action:

The use of increasingly serious actions the University may take to address concerns regarding the conduct or work performance of regular status Professional and Support Staff employees. The four types of corrective action that can be used are written warning, corrective salary decrease, suspension and demotion.

Counseling Memo:

A written memo to an employee to identify and address a conduct or performance issue. The memo should reinforce the supervisor's expectations and clarify the course of action for improvement. A counseling memo is not a type of corrective action.

Verbal Counseling:

A discussion between an employee and supervisor regarding a conduct or performance issue. The discussion should reinforce the supervisor's expectations and clarify the course of action for improvement. A verbal counseling is not a type of corrective action.

III. POLICY TEXT

A. General

The University may take corrective action when an employee fails to meet acceptable conduct or work performance standards. The types of corrective action that can be used to provide an opportunity for an employee to correct conduct or work performance standards are written warning, corrective salary decrease, suspension and demotion. Supervisors are responsible for informing employees of conduct and performance expectations before problems arise. As appropriate any corrective action taken due to conduct or unsatisfactory work performance may be noted in the employee's performance appraisal.

The types of conduct that may result in corrective action include, but are not limited to:

- failure to meet acceptable work performance standards;
- unexcused absenteeism or tardiness;
- insubordination;
- unethical behavior;

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- violation of federal or state law;
- theft or misappropriation of University property;
- fighting on the job;
- discrimination, harassment, exploitation or intimidation, including sexual;
- acts endangering employees, students, visitors, or other University constituents; or
- any other serious violation of University policies.

Corrective action should generally follow a course of progressive discipline that will use increasingly serious actions if there is no sufficient improvement or if there is repeated failure to correct unacceptable conduct or work performance.

When determining the appropriate corrective action to use, supervisors should take into account the severity and circumstances of the situation and the employee's work history. Immediate termination may be warranted in situations of serious misconduct or failure to maintain acceptable work performance standards. The process for terminating a career PSS employee is described in [Personnel Policies for Staff Members 64 \(Termination and Job Abandonment\)](#). In some cases, an employee may be placed on a leave with or without notice to investigate a conduct or work performance issue. The process for placing an employee on an investigatory leave is described in [Personnel Policies for Staff Members 63 \(Investigatory Leave\)](#).

Although not required, before implementing any of the corrective actions described in this policy, supervisors are encouraged to first use a verbal counseling and/or a counseling memo to communicate with an employee about conduct or work performance concerns. Verbal counseling and counseling memos are not corrective action; however, they are useful tools that can be used to clarify expectations and provide an employee with the opportunity to address concerns before corrective action is taken. As appropriate, supervisors are encouraged to document the verbal counseling discussion.

For situations involving sexual violence and/or sexual harassment, please see the [Policy on Sexual Violence and Sexual Harassment](#) and the [Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel](#).

B. Notice of Intent to Take Corrective Action

Pursuant to this policy, the University will provide the employee with a written notice of intent to take corrective action when issuing a corrective salary decrease, a suspension or a demotion. The notice of intent will state the intended corrective action, the reason for the action, and the proposed effective date(s) of the action. The notice of intent will also include a copy of the documents on which the corrective action is based (if any), and it will state that the employee has the right to respond orally or in writing within ten (10) calendar days from the issuance date of the notice. After consideration of the employee's response, if any, corrective action may or may not be taken. If any action is taken, the employee will be notified in writing of the corrective action to be taken, the effective date(s) of the action and the employee's

right to file a complaint under [Personnel Policies for Staff Members 70 \(Complaint Resolution\)](#).

C. Types of Corrective Action

There are four types of corrective action that can be used in the progressive discipline process; however, corrective action does not need to follow a specific order. As appropriate, the corrective action taken should correspond to the severity and circumstances of the situation.

1. Written Warning

Generally, at least one written warning will be given to an employee prior to proceeding with any other corrective action; however, no written warning will be needed if the corrective action is a result of misconduct or work performance that an employee knows or reasonably should have known was unacceptable. The written warning must describe how the employee failed to meet acceptable conduct or work performance standards.

2. Corrective Salary Decrease

An employee may be subject to a temporary or permanent corrective salary decrease when removal from the workplace is not appropriate; yet discipline is warranted.

3. Suspension

An employee may be subject to removal from the workplace and suspended for a defined period of time without pay. For exempt employees, suspension without pay must be imposed in a minimum increment of one workday.

4. Demotion

An employee may be subject to a temporary or permanent demotion for disciplinary reasons.

D. Records of Corrective Actions

Records of corrective actions will be maintained in accordance with the University's [Records Retention Schedule](#). Records of corrective actions taken in response to complaints filed by members of the public against employees in police titles will be retained for five years and filed as required by [California Penal Code Section 832.5](#).

IV. COMPLIANCE/RESPONSIBILITIES

A. Implementation of the Policy

The Vice President–Systemwide Human Resources is the Responsible Officer for this policy and has the authority to implement the policy. The Responsible Officer may develop procedures or other supplementary information to support the implementation of this policy. Such supporting documentation does not require the approval of the President. The Responsible Officer may apply appropriate interpretations to clarify the policy provided that the interpretations do not result in substantive changes to the underlying policy.

The Chancellor is authorized to establish and is responsible for local procedures necessary to implement the policy.

In accordance with [Personnel Policies for Staff Members 1 \(General Provisions\)](#), the authorities and responsibilities delegated to the Chancellor in this policy are also delegated to the Executive Vice President–Chief Operating Officer, Vice President–Agriculture and Natural Resources, Principal Officers of the Regents, and the Lawrence Berkeley National Laboratory Director. Also in accordance with [PPSM 1](#), the authorities granted in this policy may be redelegated except as otherwise indicated.

B. Revisions to the Policy

The President is the Policy Approver and has the authority to approve policy revisions upon recommendation by the Vice President–Systemwide Human Resources.

The Vice President–Systemwide Human Resources has the authority to initiate revisions to the policy, consistent with approval authorities and applicable *Bylaws* and *Standing Orders* of the Regents.

The Executive Vice President–Chief Operating Officer has the authority to ensure that policies are regularly reviewed, updated, and consistent with other governance policies.

C. Approval of Actions

Actions within this policy must be approved in accordance with local procedures. Chancellors and the Vice President–Systemwide Human Resources are authorized to determine responsibilities and authorities at secondary administrative levels in order to establish local procedures necessary to implement this policy.

All actions applicable to PPSM-covered staff employees who are not Senior Management Group members that exceed this policy, or that are not expressly provided for under any policy, must be approved by the Vice President–Systemwide Human Resources.

D. Compliance with the Policy

The following roles are designated at each location to implement compliance monitoring responsibility for this policy:

The Top Business Officer and/or the Executive Officer at each location will designate the local management office to be responsible for the ongoing reporting of policy compliance.

The Executive Officer is accountable for monitoring and enforcing compliance mechanisms and ensuring that monitoring procedures and reporting capabilities are established.

The Vice President–Systemwide Human Resources is accountable for reviewing the administration of this policy. The Director–Systemwide Human Resources Compliance may periodically monitor compliance to this policy.

E. Noncompliance with the Policy

Noncompliance with the policy is handled in accordance with *Personnel Policies for Staff Members* [63](#) and [64](#) pertaining to disciplinary and separation matters.

V. PROCEDURES

Not applicable.

VI. RELATED INFORMATION

- [Personnel Policies for Staff Members 64 \(Termination and Job Abandonment\)](#) (referenced in Sections III.A. and III.B. of this policy)
- [Personnel Policies for Staff Members 70 \(Complaint Resolution\)](#) (referenced in Section III.B. of this policy)
- [University of California, Records Retention Schedule](#) (referenced in Section III.E. of this policy)
- [Peace Officer Misconduct or Abuse \(Penal Code Section 832.5\)](#) (referenced in Section III.D of this policy)
- *Personnel Policies for Staff Members* [63](#) and [64](#) (referenced in Section IV.E. of this policy)
- [Personnel Policies for Staff Members 30 \(Compensation\)](#)
- [Sexual Violence and Sexual Harassment Policy](#)
- [University of California Policy on Substance Abuse](#)
- [University of California, Principles of Community](#)
- [University of California, Statement of Ethical Values](#)

VII. FREQUENTLY ASKED QUESTIONS

General (Section III.A)

1. What are some examples of unethical behavior?

Some examples of unethical behavior include, but are not limited to, the following:

- disclosure or misappropriation of confidential information;
- falsification of work hours;
- misappropriation of University property, possessions or resources; or
- unlawful possession, use or sale of alcohol or of controlled substances in the workplace.

2. What are some examples of harassment that are not sexual in nature?

Some examples of harassment that are not sexual in nature include, but are not limited to, the following:

- threatening, intimidating or hostile acts;
- bullying;
- negative stereotyping; or
- demeaning comments.

3. Can I file a complaint under [PPSM 70 \(Complaint Resolution\)](#) if I get a verbal counseling or counseling memo?

Generally, no. Verbal counseling and counseling memos are not considered to be corrective action, but rather an informal way to communicate with you about issues that need to be addressed. They typically do not affect your *existing* terms and conditions of employment in a material way and therefore are not eligible for the complaint resolution process.

4. Are verbal counseling documentation and counseling memos required to be noted in the employee performance appraisal?

No, it is not required to include verbal counseling documentation or counseling memos in the employee's performance appraisal. However, it is a best practice that can be used as appropriate, to document the communication between the employee and supervisor regarding the employee's conduct or work performance.

5. Does this policy apply to limited, casual/restricted, floater or probationary employees?

No, this policy does not apply to limited, casual/restricted, floater or probationary employees. These employees can be released at any time at the discretion of the University in accordance with PPSM 3 (Types of Appointment), so they are not subject to the corrective action process.

6. Does this policy apply to contract employees?

Contract employees are covered only by the PPSM policies outlined within their employment contract.

7. Can an employee be terminated if a supervisor has gone through the corrective action process and an employee has not corrected the conduct or unsatisfactory work performance problem?

Yes, an employee can be terminated pursuant to [PPSM 64 \(Termination and Job Abandonment\)](#) if corrective action has not corrected the conduct or work performance problem.

Types of Corrective Action (Section III.B)

8. Does corrective action need to be implemented in a certain order?

No. While corrective action is generally meant to be progressive, each situation is different and there is no single appropriate course of action. Supervisors have the discretion to skip or repeat corrective action as necessary; however corrective action should be applied in a fair and consistent manner.

Appropriate corrective action taken should take into account the severity and circumstances of the situation. For example, one situation may begin with a written warning and end with a corrective salary decrease, whereas another situation may begin with written warning, progress to a suspension without pay and end with a demotion.

9. What types of conduct would not require that a written warning be provided to an employee before corrective action is taken?

A written warning would not be required when the employee engages in conduct or work performance that the employee knows or reasonably should have known was unacceptable. Such conduct would include, but is not limited to:

- insubordination;
- unethical behavior;
- violation of federal or state law;
- theft or misappropriation of University property;
- fighting on the job;
- harassment, exploitation or intimidation, including sexual;
- acts endangering employees, students, visitors, or other University constituents; and
- any other serious violation of University policies

10. What should be included in a written warning for unsatisfactory work performance?

As a best practice and when appropriate, the written warning should articulate the problem needing correction and include an action plan with expectations and consequences for failing to meet and sustain improvement.

Notice to Take Corrective Action (Section III.C)

11. Will I be able to respond to a notice to take corrective action if the 10th calendar day falls on a Saturday, Sunday or University holiday?

Yes, you will be able to respond if the deadline falls on a Saturday, Sunday or University holiday, as the response will be due by 5:00 pm on the following business day.

Records of Corrective Action (Section III.D)

12. Where and for how long will a record of corrective action be retained in an employee’s personnel file?

A record of corrective action will be maintained per local procedures in accordance with the University of California Records Retention Schedule.

13. Where and how long will a counseling memo be retained in an employee’s personnel file?

A counseling memo will be maintained per local procedures in accordance with the University of California Records Retention Schedule.

VIII. REVISION HISTORY

Policy changes effective as of **December 10, 2018:**

- Removed existing gendered pronouns and replaced with gender-neutral language.
- Added cross-references to the Policy on Sexual Violence and Sexual Harassment and the Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel per Section II.c of the U.S. Department of Education's Office for Civil Rights' February 2018 [Resolution Agreement with UC Berkeley](#).
- Updated web and document links, office titles, and typographical amendments.

Policy changes effective as of **May 31, 2017:**

- Remediated for accessibility according to Web Content Accessibility Guidelines (WCAG) 2.0.

Policy changes effective as of **September 23, 2014:**

- “Professional & Support Staff” removed from policy’s title.
- General:
 - University may take corrective action when an employee fails to meet acceptable conduct or work performance standards.
 - Types of corrective action that can be used to correct conduct or work performance standards are written warning, corrective salary decrease, suspension and demotion.
 - Any corrective action taken may be noted in the employee’s performance appraisal.
 - Clarify and update the types of conduct that may result in corrective action.
 - Corrective action should generally follow a course of progressive discipline.
 - Corrective action taken should take into account the severity and circumstances of the situation and the employer’s work history.

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- Use of verbal counseling and counseling memos prior to implementing corrective action.
- Notice of Intent to Take Corrective Action
 - Employee's right to respond to a Notice of Intent increased to ten (10) calendar days from eight (8) calendar days.
- Types of Corrective Action
 - Section includes language on the four types of corrective action that can be used.
 - Clarify language on written warning and suspension.
 - Include language on corrective salary decrease and demotion.
- Records of Corrective Action
 - Records will be maintained in accordance with the University's Records Retention Schedule rather than local procedures.

As a result of the issuance of this policy, the following documents are rescinded as of the effective date of this policy and are no longer applicable:

- *Personnel Policies for Staff Members 62 (Corrective Action – Professional & Support Staff)*, dated March 1, 2002
- *Personnel Policies for Staff Members 62 (Corrective Action – Professional & Support Staff)*, dated July 1, 1996
- *Staff Personnel Policy 270 (Corrective Action), Sections 270.1 – 270.7, 270.11 and 270.12*, dated May 1, 1994
- *Administrative and Professional Staff Program 170 (Corrective Action)*, dated July 1, 1987

Policy changes effective as of **July 1, 2012**:

- Reformatted into the standard University of California policy template.