



FERRIS STATE UNIVERSITY

HUMAN RESOURCES

HR Related Policies & Procedures

Effective Date: October 22, 2004

FSU-HRPP 2004:07

Corrective Action Guidelines

COVERED EMPLOYEES

- All employees.

Note: Bargaining unit employees are covered by the terms and agreements of the [collective bargaining unit agreement](#) (CBA). Please refer to the CBA for details.

BOT POLICY

Sec. 6-108. Authority to Take Corrective Action with Employees. The Board delegates to the President and his or her authorized designees the authority to take corrective action with employees, up to and including decision-making leave, with or without pay. Any delegation of this authority by the President must be in writing.

(1) If the employee is not satisfied with the decision of the President or of the President's designee, the employee may file a grievance under a grievance procedure to be adopted by the President.

(2) Any corrective action (referred to as "discipline" in collective bargaining agreements) of bargaining unit employees must be in accordance with the applicable collective bargaining agreement provisions, if any. Employees covered by a collective bargaining agreement must follow the provisions of that agreement if they wish to contest any corrective action or discharge decisions.

HR PROCEDURES/DESCRIPTION/DEFINITIONS

- I. Whenever people work together, it is necessary that they conform to acceptable standards of reasonable conduct. This conduct is essential to maintain an orderly, efficient work atmosphere. Corrective measures may be necessary to protect the rights of other employees, encourage appropriate conduct and cooperation, and obtain expected work performance.

- II. Corrective measures are not intended to inflict punishment. Rather, they are designed to correct inappropriate conduct by an employee and to make the employee aware of the importance of acceptable conduct. In some cases, it may be necessary to discharge an employee because of the seriousness or continuation of inappropriate behavior.
- III. The University expects its employees to conduct themselves in an appropriate, cooperative, and efficient manner at all times. Employees are also expected to follow all applicable University and departmental policies and rules. Such policies and rules may be issued at any time and are effective immediately, unless stated otherwise.
- IV. When corrective action is appropriate, it will generally be done in a progressive manner. Most misconduct or improper behavior can be addressed first with a verbal or written warning. However, all employees must be aware that the University, in its discretion, will determine what corrective action is appropriate, depending on the specific circumstances involved. Any one or more steps of corrective action may be used, or an employee may be discharged for a first offense, depending on the seriousness of the situation. When a bargaining unit employee is involved, the provision described in the applicable collective bargaining agreement will be followed.
- V. Generally, progressive corrective action steps may include all, some, or one of the following steps:
 - A. Verbal Warning (with a written record of the warning)
 - B. Written Warning
 - C. Decision-Making Leave (with or without pay). The purpose of decision-making leave is to provide the employee with an opportunity away from the work setting to reflect on his/her inappropriate behavior, the University's policy prohibiting such behavior, and/or his/her ability and/or willingness to comply with the policy in the future. If an employee decides he/she can comply with the policy, he/she may be permitted to return to work. If the employee decides he/she cannot comply, his/her employment will be terminated as a voluntary quit. Decision-making leaves should normally be for a period of one to ten days, depending on the circumstances and on previous history of corrective action.
 - D. Discharge
- VI. **Process.** Corrective action should only be taken after a fair and thorough investigation into the alleged misconduct has taken place. The employee is to be given specific information about the alleged misconduct and be provided with an adequate opportunity to give his/her response to the allegation before corrective action is taken. The employee may bring a representative (either a

Bargaining Unit Representative if the employee is covered by a CBA or another non-lawyer representative) to most investigatory and disciplinary meetings, and/or any particular process set out in applicable collective bargaining agreements or HR policies (which may be different than the guidelines outlined in this document). The supervisor should consult with HR and the General Counsel's office in the initial stages of the process.

The **basic components of all corrective action** and discharge include the following steps. However, omissions or departures from the procedure or process will not invalidate correction action unless there is a failure of due process:

- A. Determine who is authorized to investigate and/or take corrective action.
- B. Review collective bargaining agreements and/or HR policies.
- C. Talk to the employee about the alleged misconduct.
- D. Investigate the situation by talking to others as needed. Make a good faith effort to conduct a fair, impartial, and thorough investigation. Ask: Who, What, When, Where, How, and Why, along with any other questions that provide clarification on the matter. Interview other people involved, including witnesses. Obtain written statements to back up the investigation when possible, and/or keep detailed notes of these statements. Review documents, etc.
- E. Prepare for the employee a "Tentative Findings and Tentative Conclusions" document about the employee's behavior. This document should be based on the supervisor's knowledge of an alleged incident or "inappropriate behavior" as investigated. Be specific in writing about what is alleged (dates, times, persons involved, etc.). Include:
 1. Description of the incident or behavior and the investigative findings.
 2. Possible policy, procedure or practice violation.
 3. Previous notices or incidents (if any).
 4. Contemplated corrective action.
 5. Consequence of employee's failure to correct behavior.
 6. An acknowledgment line for the employee to sign indicating receipt of the document and arranging a time by which the employee should respond if he/she chooses to do so.
 7. Attach copies of applicable policies/procedures.

- F. Meet with the employee to explain the Tentative Findings and Tentative Conclusions.
1. Provide the employee with a copy.
 2. Allow the employee to respond to the tentative findings. Set a mutually agreed upon date and time (normally one to three days) by which the employee will respond if he/she chooses to do so. The employee can either provide a verbal response (take detailed notes and have the notes reviewed and signed by the employee) or the employee can provide a written response.
 3. Have the employee sign an acknowledgment of receipt of the Tentative Findings and Conclusions, noting the agreed upon response date and time. Give the employee a copy of the signature page and retain a copy for the file.
- G. Investigate any new information the employee provides prior to making a final conclusion. The investigation may include talking to witnesses, reviewing documents, or meeting again with the employee. If new investigative findings are made, the employee should be given the opportunity to respond to those new findings prior to making a final conclusion. Be flexible enough to change the determination if the facts warrant it.
- H. If after additional investigation and/or consideration the supervisor determines that corrective action is still warranted, the employee should be presented (preferably in person) with a "Final Findings and Conclusions" document. Include appropriate documentation and the following information in the document:
1. Description of the incident or behavior, including all investigative findings.
 2. Employment policy, procedure, or practice that has been violated.
 3. Previous notices or incidents (if any).
 4. Corrective action to be taken (make this decision with the supervisor or a person authorized for such decisions).
 5. The consequences for failing to correct behavior and/or future inappropriate conduct. Explain progressive corrective action and discharge.
 6. Have the employee sign the document as acknowledgement of receipt of the document. If the employee declines to sign the document, indicate the employee's refusal and date on the file copies. Distribute copies of the Final Findings and Conclusions to

his/her HR personnel file, the employee, and other appropriate persons.

- I. Implement the defined corrective actions.

RESPONSIBILITY

Employee: Cooperate in the corrective action process.

Supervisor: Conduct a full investigation. Prepare written documents as outlined above. Ensure the employee's due process.

Refer Questions To: *Human Resources and/or General Counsel's Office*