

Procedure 62: Corrective Action

Responsible Office: Human Resources

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A. Purpose and Scope

UC Irvine Personnel Procedure 62 implements PPSM-62, Corrective Action. This procedure applies to Professional and Support Staff, except employees who are in a bargaining unit that has an exclusive representative (union) and are covered by the applicable provisions of their respective collective bargaining agreement.

B. Authority and Responsibility

Department heads and supervisors are responsible for taking appropriate corrective action in consultation with Human Resources.

C. Guidelines

1. General

- a. Corrective action is a formal action initiated by a supervisor to correct and/or improve an employee's less than satisfactory conduct and/or performance.
- b. Corrective action is intended to be a stimulus for positive change.
- c. Corrective action shall be consistent with University policy, and reasonable under the circumstances. Action taken is to be corrective in nature, not punitive (see [2.d.](#)).
- d. Prior to taking any corrective action, the supervisor shall consult with the department head and designated Human Resources Business Partner.
- e. Normally, formal corrective action begins with a written warning. Subsequent acceptable corrective actions include, but are not limited to, temporary or indefinite within-range salary decreases, demotions, and suspensions without pay.
- f. Initial corrective action more serious than a written warning may be warranted by performance or conduct that demonstrates a severe lack of judgment, integrity, competence, or attention to duty, or otherwise

substantially interferes with or endangers the University's interests. ([PPSM-62](#) Corrective Action, and [PPSM-63](#), Investigatory Leave.)

- g. Investigatory Leave enables management to remove immediately from the premises an employee whose continued presence would potentially disrupt operations or otherwise endanger University interests. ([PPSM-63](#), Investigatory Leave and [Procedure 63](#), Investigatory Leave).

2. **Determining Appropriate Action**

The following should be considered in determining if corrective action is warranted:

- a. Are there established conduct and performance expectations? Are they reasonable and justifiable?
- b. Have such expectations been communicated clearly to employees? Is there evidence that the employee understood, or reasonably should have understood, the expectations and the possible consequences?
- c. Did the supervisor attempt to uncover and objectively consider all relevant facts? ([Procedure 63](#), Investigatory Leave, C.2.)
- d. Is the corrective action chosen reasonable under the circumstances? Is it timely and appropriate? Are employees in similar circumstances treated similarly? In determining reasonableness, did management consider the following:
 - Severity of the offense or deficiency;
 - Circumstances of commission or omission;
 - Employee's general conscientiousness, integrity, and work performance as reflected in performance appraisals, record of prior incidents, and length of satisfactory service;
 - Adequacy of training or supervision provided;
 - Legitimate obstacles to proper performance or other mitigating circumstances; and
 - Evidence of prior warning.

3. **Corrective Action Preparation**

Normally, corrective action should be preceded by:

a. **Informal Discussion(s)**

In most instances, the supervisor should have a private, informal discussion with the employee as soon as a concern develops about the employee's performance or behavior. The objective of the discussion is to:

- Advise the employee of the supervisor's concerns and/or issues regarding the employee's conduct and/or performance.
- Provide the employee with examples/incidents of the poor performance and/or a description of the inappropriate behavior.
- Explore the facts and underlying causes of the problem and provide the employee the opportunity to respond.
- Provide clear expectations regarding performance standards and behavior.
- Set forth plans for correcting deficiencies.
- When appropriate, establish a method for measuring results.

Supervisors are to maintain notes of the discussion and summarize in a Counseling Memo provided to the employee following the discussion (Exhibit A.).

4. Employee Right to Representation

- a. An employee may request a representative of the employee's choice, other than a University employee who has been designated as supervisory, managerial, or confidential, to be present when there is reason to believe that a meeting may result in corrective action. If the employee's preferred representative is not available to attend a meeting scheduled by the University, the employee shall arrange for an alternate representative to be present.
- b. If the supervisor has any questions regarding the nature of the meeting, relative to the employee's right to representation, or if the employee requests representation, the supervisor should consult with their designated Human Resources Business Partner.

D. Corrective Action Procedures

1. Written Warning

If the employee does not demonstrate the required improvement within a reasonable period of time after the informal discussion, the supervisor may conduct a second discussion to determine if circumstances exist which justify the lack of improvement. If acceptable reasons are not discovered, the supervisor may issue a formal Written Warning to the employee (Exhibit B.). The written warning must:

- a. Cite the policy ([PPSM-62](#), Corrective Action--Professional and Support Staff) under which the action is taken;
- b. Describe the unsatisfactory performance and/or behavior;

- c. Refer to the supervisor's prior attempts/discussions with the employee to improve and/or correct unsatisfactory performance and/or behavior, and include a copy of any material on which the written warning is based;
- d. State the supervisor's expectations about what is required to improve and/or correct the unsatisfactory performance and/or behavior;
- e. Advise the employee that further corrective action, up to and including dismissal, may be taken unless there is immediate and sustained improvement; and
- f. Advise the employee of the employee's right to request a review of the corrective action under [PPSM-70](#), Complaint Resolution.

2. **Written Notice of Intent to Take Corrective Action**

A Written Notice of Intent to Take Corrective Action is required (except for a written warning), pursuant to [PPSM-62](#), Corrective Action--Professional and Career Staff.

The Notice, which must be issued to the employee at least ten calendar days prior to the effective date of the intended corrective action, shall:

- a. Cite the policy under which the action is taken ([PPSM-62](#), Corrective Action--Professional and Career Staff);
- b. State the intended corrective action;
- c. State the reason for the corrective action;
- d. State the effective date(s);
- e. Include a copy of any materials and/or previous documentation of corrective action on which the intended action is based;
- f. State the employee's right to respond orally or in writing within ten calendar days from the date of the written notice, except in cases of misconduct, when the response time may be shorter; and
- g. Include a [Proof of Service](#).

3. **Written Notice of Corrective Action**

After consideration of the employee's response, if any, or within ten calendar days from the date of the Written Notice of Intent to Take Action, whichever comes first, the supervisor will provide the employee written notice of any action to be taken. Such action may not include corrective action more serious than that described in the Written Notice

of Intent; however, the supervisor may reduce the corrective action without the issuance of a further notice of intent. This notice shall:

- a. State the action to be taken;
- b. State the effective date(s) of the action;
- c. State the employee's right to request a review of the action under [PPSM-70](#), Complaint Resolution; and
- d. Include a Proof of Service.

4. **Proof of Service**

Proof of Service is required when Written Notice of Intent to Take Corrective Action or Written Notice of Corrective Action is mailed or personally delivered to the employee. A copy of the proof of service must accompany the written notice. Proof of service provides verification of mailing or personal delivery, and establishes the date of issuance of the notice. It should be prepared by someone other than the supervisor and who is not a party to the corrected action.

- a. **Mailing.** Written Notice of Intent to Take Corrective Action or Written Notice of Corrective Action may be sent through the U.S. Postal Service, First Class, to the employee's last known home address. (It is each employee's personal responsibility to inform the University in writing of any change to the employee's home address.) Proof of service of mailing consists of:
 - Date mailed,
 - Name of recipient,
 - Address mailed to, and
 - Name, work address, and signature of person doing the mailing.
- b. **Personal Delivery.** Written Notice of Intent or Written Notice of Corrective Action may be delivered to the recipient employee in person. Proof of service of personal delivery consists of:
 - Date delivered,
 - Name of recipient,
 - Location of delivery, and
 - Name, work address, and signature of person personally delivering the Notice(s).

F. References

Personnel Policies for Staff Members

- [PPSM-62](#), Corrective Action
- [PPSM-63](#), Investigatory Leave
- [PPSM-64](#), Termination and Job Abandonment
- [PPSM-70](#), Complaint Resolution

Personnel Procedures for UCI Staff Members

- [Procedure 63](#), Investigatory Leave

Exhibits (Template Notices)

Exhibit A. Counseling Memo

- Place on appropriate letterhead
- **Draft to be reviewed by assigned Human Resources Business Partner or Enterprise Workforce Relations before delivery**
- Date of memo to be the date of delivery
- Counseling Memos are not kept in employee personnel files. HRBP/Generalist/Supervisors are expected to keep separate records
- Employee may respond in writing to the counseling Memo and response should be attached to the memo

Date: [date of delivery date]

To: [employee name]

From: [supervisor name]

RE: Counseling Memorandum

This memo is to confirm our conversation on [date] during which we discussed my concerns about [issue].

[Describe incident or behavior in detail, as well as any prior conversations about it and any reasons given by employee. Explain and cite any UC/UCI policy or procedure violated, any written work rule violated, or any established performance metric not met. Explain the negative impact of the behavior.

As applicable, tie expectations to what has been previously communicated in position descriptions, job leveling charts, and given assignments, and point the employee to those documents as reference.

Use clear, specific examples of performance and/or behavior being counseled.

If applicable, arrange event information in chronological order and tag each occurrence with an introductory date stamp. [Describe expectations for the future related to the incident or behavior noted above.]

This memo is not discipline. It is to inform you of my expectations and your need to adhere to them. Failure to improve your [performance/conduct] and adhere to the above outlined expectations may lead to disciplinary action up to and including termination of employment.

If you have any questions regarding this matter, please feel free to discuss them with me.

C: HRBP
EWR

Exhibit B. Written Warning Letter or Final Written Warning Letter

- Draft to be reviewed by assigned Human Resources Business Partner or Enterprise Workforce Relations before delivery

Date: [date of delivery date]

To: [employee name]

From: [supervisor name]

RE: [Written Warning] or [Final Written Warning]

This is to inform you of the action being taken relative to your employment at the UCI. Specifically, I am issuing this disciplinary warning (**or final disciplinary warning**) to you for [reason]. **[Specifically, your behavior was inconsistent with the University of California's Statement of Ethical Values and Standards of Ethical Conduct-this can be used as a catchall whether or not other policies, procedures, or written work rules have also been violated].**

Those Standards are:

Fair Dealing: Members of the University community are expected to conduct themselves ethically, honestly and with integrity in all dealings. This means principles of fairness, good faith and respect consistent with laws, regulations and University policies govern our conduct with others both inside and outside the community. Each situation needs to be examined in accordance with the Standards of Ethical Conduct. No unlawful practice or a practice at odds with these standards can be justified on the basis of customary practice, expediency, or achieving a "higher" purpose.

Individual Responsibility and Accountability: Members of the University community are expected to exercise responsibility appropriate to their position and delegated authorities. They are responsible to each other, the University and the University's stakeholders both for their actions and their decisions not to act. Each individual is expected to conduct the business of the University in accordance with the Core Values and the Standards of Ethical Conduct, exercising sound judgment and serving the best interests of the institution and the community.

Respect for Others: The University is committed to the principle of treating each community member with respect and dignity. The University prohibits discrimination and harassment and provides equal opportunities for all community members and applicants regardless of race, color, national origin, religion, sex, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or status as a covered veteran. Further, romantic or sexual

relationships between faculty responsible for academic supervision, evaluation or instruction and their students are prohibited.]

If this is a violation of another UC or UCI policy, procedure, a written work rule or an established metric, cite that.

If the issue(s) addressed in this letter have been previously raised with the employee verbally: On [date], I discussed [problem behavior/performance] with you. Since that counseling session, there have been other incidents similar to those that prompted our discussion. **[Detail the specific incident(s) that occurred since the counseling session, including dates of incidents, dates discussed, reasons given for the behavior, etc. Include the negative impact of the issues.]**

If the issue(s) addressed in this letter have been previously raised with the employee in writing and, if this is going to be the final written warning they must have been previously addressed unless this is egregious behavior: On [date], I discussed [problem behavior/performance] with you and issued a counseling memo (or a written warning) to you confirming our discussion. Since that counseling session (memo or written warning), there have been other incidents similar to those that prompted my memo. **[Detail the specific incident(s) that occurred since the counseling session, memorandum or written warning, including dates of incidents, dates discussed, reasons given for the behavior, etc. Include the negative impact of the issues].**

This type of behavior is unacceptable and will not be tolerated. ***Tie together here how the conduct constituted a violation of a policy, procedure, written work rule or established metric.*** It is imperative that you demonstrate immediate and sustained improvement in your conduct (performance or behavior). **[Failure to improve/further misconduct of the same or similar nature]** may lead to more serious disciplinary action, up to and including dismissal from employment with UCI.

[Describe specific expectations for future behavior].

For non-represented employees only: If you wish to file a formal complaint regarding this action, you may do so in accordance with PPSM 70-Complaint Resolution.

For represented employees only: If you wish to file a grievance regarding this action, you may do so in accordance with the relevant collective bargaining agreement.

As a UCI employee you have access to support through the Employee Assistance Program (EAP). The EAP offers a safe environment in which you can discuss your concerns confidentially. All services are voluntary, confidential and free of charge. If you are experiencing issues that may be impacting your performance, you are strongly encouraged to contact the EAP at (844) 824-3273.

cc: [Supervisor and applicable division/unit manager(s)]
[name], Enterprise Workforce Relations
[name], Human Resources Business Partner
Personnel file
Union, if applicable