

R964-1. Purpose: To ensure that the corrective action process is administered in a fair and consistent manner and that any action reflects the severity of the behavior.

R964-2. References

- 2.1. Policy and Procedure R910, Equal Opportunity and Nondiscrimination
- 2.2. Policy and Procedure R941, Staff Compensation
- 2.3. Policy and Procedure R952, Discrimination and Sexual Harassment Complaints
- 2.4. Policy and Procedure R963, Reduction in Force and Severance Pay

R964-3. Scope

- 3.1. **Permanent Staff:** This policy applies to all permanent staff employees of OCHE who have satisfactorily completed their probationary period.
- 3.2. **Temporary and Probationary Staff:** Temporary and probationary staff employees are not included within the scope of the policy as they are designated "at will" employees and, as such, may be terminated by OCHE without advance notice and without staff employee grievance rights. They do have grievance rights if they believe they have been subjected to illegal discrimination as outlined in Policy and Procedure R952.
- 3.3. **Necessary Conditions:** Before any corrective action is taken the Employee's immediate Supervisor or Manager will make sure one of the following conditions has been met:
 - 3.3.1. the employee was made aware of the expectations of the job as outlined in the job description and as communicated in the hiring, orientation and performance evaluation processes, or
 - 3.3.2. the behavior, in the reasonable opinion of the immediate Supervisor, is such that no reasonable person should expect to receive prior warning.

R964-4. Policy

- 4.1. **Consideration of Actual and Potential Impact and Consequences of Behavior:** In determining the level of corrective action which may be taken, consideration will be given to both the actual or potential impact and to the consequences of the behavior. The factors which will be considered within the decision making process will include:
 - 4.1.1. Physical/Safety Issues
 - 4.1.2. Service Impact

¹ Adopted July 19, 1983, amended January 9, 1987 and June 4, 1999; replaced April 21, 2006.

- 4.1.3. Financial Implications
- 4.1.4. Resultant Disruption Level
- 4.1.5. Violation of OCHE or Work Unit policies, procedures, or standards
- 4.1.6. Violation of Law

4.2. Level of Corrective Action: The level of corrective action will be the result of an evaluation of each current incident based on the following factors:

- 4.2.1. the six factors listed above (actual and potential impact)
- 4.2.2. past history:
 - 4.2.2.1. previous corrective actions taken.
 - 4.2.2.2. the current incident need not be of the same type as previous incidents.
- 4.2.3. The corrective action will fall into one of the following general categories of increasing seriousness:
 - 4.2.3.1. corrective actions based on a concern,
 - 4.2.3.2. substantial corrective actions, or
 - 4.2.3.3. serious corrective actions.
- 4.2.4. Supervisors or Managers, in consultation with Human Resources and others as deemed appropriate, will determine the category of seriousness. The decision will stand unless found during appeal to be arbitrary and capricious.

4.3. Possible Corrective Actions: Possible corrective actions include Written Warning, Final Written Warning, Suspension without Pay, Demotion and Termination.

4.4. Repeated Corrective Action: In the event of future circumstances requiring corrective action, higher levels of seriousness will be assigned based on either violations of prior written warnings or the seriousness of the future behavior.

4.5. Corrective Action without Warning: In some instances corrective action may be applied without prior warnings having been issued to the employee, depending on the nature and severity of the issue.

4.6. Human Resources Review and Approval: Prior to imposing any corrective action of Written Warning, Final Written Warning, Suspension Without Pay, Demotion or Termination, supervisors or managers must consult with the Human Resources office for review and approval of the action.

4.7. OCHE Issues: Where OCHE issues, rather than work unit issues, are involved, the appropriate OCHE representative may take responsibility for any corrective action to be taken.

4.8. Written Action and Details of Grievance Process: The employee will be advised, in writing, of the corrective action being taken and the details of the relevant grievance process.

4.9. Egregious Violations: The following are considered "egregious violations" within the meaning of this policy and procedure:

4.9.1. Theft

4.9.2. Violence or threat of violence

4.9.3. Falsification of OCHE documents or lying to take advantage of OCHE benefits or procedures

4.9.4. A conviction of, or a plea of guilty or no contest to any crime that is detrimental to or impacts the OCHE community

4.9.5. Child pornography

4.9.6. Intentional privacy violation (GRAMA or HIPAA)

4.9.7. A for Cause finding of discrimination or harassment

4.9.8. Other behaviors that, in the judgment of the supervisor and Human Resources, constitute serious misconduct, including but not limited to violations that pose a serious risk of harm to people or resources.

R964-5. Procedures

5.1. Factors to Be Considered: In determining the level of corrective action which may be taken, consideration will be given to both the actual or potential impact and to the consequences of the behavior. The factors which will be considered within the decision making process will include:

- Physical/Safety Issues
- Service Impact
- Financial Implications
- Resultant Disruption Level
- Violation of OCHE policies, procedures, or standards
- Violation of Law

5.2. Criteria for Corrective Action Based on a Concern: Taking into account the specific job duties and circumstances and evaluating the situation based on the six factors listed above, a "Concern" event occurs when:

5.2.1. The actual or potential impact is low, and

5.2.2. It involved a first incident, and

5.2.3. It is not on the list of "Egregious" violations

Typical Action—First Written Warning. Possible Examples:

- First attendance/tardiness problem—depends on the employee's role and the actual or potential impact based on the six factors above.
- Error or poor performance—depends on error and the actual or potential impact based on the six factors above.

5.3. Criteria for Substantial Corrective Action: Taking into account the specific job duties and circumstances and evaluating the situation based on the six factors listed above, a "Substantial" event occurs when:

5.3.1. A second "Concern" event (does not need to be the same type of issue) becomes "Substantial" after an initial corrective action was taken, or

5.3.2. A first incident that involves a greater impact than a "Concern"

Typical Action—Final Written Warning and Possible Suspension without Pay or Demotion. Possible Examples:

- Continued errors after a first written warning—depends on the employee's role and the actual or potential impact based on the six factors above.
- Inappropriate interaction with a customer—depends on the employee's role and the actual or potential impact based on the six factors above.
- Insubordination- depends on the employee's role and the actual or potential impact based on the six factors above.

5.4. Criteria for Serious Corrective Action: Taking into account the specific job duties and circumstances and evaluating the situation based on the six factors listed above, a "Serious" event occurs when:

5.4.1. There is an additional "Concern" or "Substantial" event (does not need to be the same type of issue) after a final written warning was issued, or

5.4.2. A "Substantial" event follows a first written warning, or

5.4.3. The behavior is on the list of "Egregious" violations

Typical Action—Termination of Employment, Final Written Warning including a Suspension without Pay, or a Demotion. Possible Examples:

- Continued errors or absenteeism after a final written warning.
- Physically striking a co-worker.
- Theft.