


<b>Name of Policy:</b> <u>Corrective action (Non-Collective Bargaining Unit Employees)</u>			
<b>Policy Number:</b> 3364-25-111		<b>Effective date:</b> May 17, 2021	
<b>Approving Officer:</b> President		<b>Original effective date:</b> July 1, 1986	
<b>Responsible Agent:</b> Executive V.P. Finance and Administration/CFO, <del>Senior Associate V.P. Human Resources</del> <u>Chief Human Resources Officer</u>			
<b>Scope:</b> University of Toledo – All Campuses			
<input type="checkbox"/>	New policy proposal	<input type="checkbox"/>	Minor/technical revision of existing policy
<input type="checkbox"/>	Major revision of existing policy	<input checked="" type="checkbox"/>	Reaffirmation of existing policy

(A) Policy statement

It is expected that the employees of the University of Toledo maintain high standards of behavior, conduct, and work performance consistent with our mission and vision.

Employees who fail to abide by the established standards may be subject to appropriate disciplinary action. When implementing discipline as corrective action, each University of Toledo Division/College shall undertake disciplinary measures for the purpose of correcting an offending employee's inappropriate conduct/behavior.

Employees may be subject to performance improvement or corrective action for the following reasons: Incompetence, inefficiency, dishonesty, using or being under the influence of alcohol or drugs at work or inappropriately using prescription drugs, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, failure to return from a leave of absence, other failure of good behavior, misfeasance in office, malfeasance in office, nonfeasance in office, other unsatisfactory job performance, conviction of a felony, or for other just cause.

These aforementioned is not intended to be an exhaustive list. Staff may be issued corrective action for violation of University rules, policies, and offenses.

(B) Purpose of policy

The purpose is to advise employees of actions or behavior subject to corrective action and procedures. Disciplinary actions should be imposed with the intent of giving the employee the opportunity to correct his/her behavior. If such correction does not occur, the level of discipline should become more severe. Certain offenses, by their nature, may warrant more severe disciplinary action up to and including removal, irrespective of issuance of prior discipline.

(C) Scope

This policy applies to employees not covered by a collective bargaining agreement.

(D) Procedure

~~(D)~~

Corrective action shall be taken with discretion, so as not to cause public embarrassment to the employee. Supervisors must discuss disciplinary cases with a Human Resources designee before issuing corrective action.

1. Unclassified non-bargaining unit employees

Non-bargaining unit exempt unclassified employees are considered “at will” employees. As such, they may be subject to the progressive discipline steps below at the discretion of the University or may be suspended or terminated for cause at its sole discretion. Unclassified employees may only be reduced, suspended, or removed by an Appointing Authority – not by the supervisor or department head.

2. Classified non-bargaining unit employees

~~A non-bargaining unit classified employee may be subject to corrective action for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty or any failure of good behavior, or any other acts of misfeasance or nonfeasance in office, use of alcohol or abusive drugs while on duty, or for other just cause.~~

~~Exempt unclassified employees occupying positions in a non-collective bargaining unit are considered “at will” employees. As such, they may be subject to progressive discipline at the discretion of the University or be suspended or terminated for cause at its sole discretion. Unclassified employees may be reduced, suspended, or removed only by an Appointing Authority—not by the supervisor or department head.~~

~~(E) — Process~~

~~———— Applicable to Classified Employees~~

~~a. Classified employees may only be reduced, suspended, or removed by the Appointing Authority – not by the supervisor or department head.~~

~~a. — In cases involving the discipline of an employee, the~~

~~b. University will ordinarily follow the principle of progressive corrective action through a system of which may include:~~

~~i. oral Verbal warning reprimand,~~

~~ii. w Written reprimand, s~~

~~iii. Suspension(s), and~~

~~iv. Dismissal/termination.~~

However, it is recognized that a combination of various corrective actions ~~against~~provided to an employee, or an act of a serious nature may prompt the University to ~~consider and~~ bypass one or more of the corrective action steps outlined ~~below~~.

~~b.a. Corrective action shall be taken with discretion, so as not to cause public embarrassment to the employee.~~

~~c. Supervisors must discuss disciplinary cases with a Human Resources designee before taking action. Classified employees may be reduced, suspended, or removed only by the Appointing Authority—not by the supervisor or department head.~~

~~c. Prior to being dismissed or suspended without pay, classified E~~employees shall be afforded an opportunity for a hearing during the employee’s regularly scheduled working hours, or a mutually agreeable time other than the scheduled working hours, before the Human Resources Hearing Officer ~~prior to being dismissed or suspended without pay~~.

~~i. Prior to such hearing, the charges shall be reduced~~will be put in writing with a copy to the employee.

~~ii. Employees required to attend such hearings will be paid for actual hours spent in such hearings.~~

~~iii. Employees who fail to appear at their scheduled hearing for any reason shall forfeit the right to a hearing provided reasonable notification of the hearing~~

was ~~provided~~ given to the employee. In such cases, appropriate corrective action may be given to the involved employee without a hearing.

~~iv. Prior to such hearing, the charges shall be reduced in writing with a copy to the employee. Approval, p~~ iv. Prior to the hearings, approval should be sought and obtained from the employee(s)' immediate supervisor, to release an employee(s) from regular duties during working hours to provide testimony ~~testify must be obtained.~~

v. In special cases an employee may be suspended with or without pay pending a hearing by an Appointing Authority.

~~d.vi.~~ vi. In assessing penalties, the offense(s) do not have to be of the same type or kind as any previous offense(s).

d. (7) — Employees will receive a written notice of a suspension, a reduction, or a removal from the Appointing Authority. Non-bargaining unit classified employees may appeal a reduction, suspension in excess of more than three working days, or removal, to the State Personnel Board of Review. A suspension of three or fewer working days may not be appealed to the State Personnel Board of Review.

#### (E) Personnel Files

~~e.1.~~ 1. After twelve (12) months corrective action records, which have resulted in suspension of three (3) days or less, shall be disregarded in subsequent corrective action or in considering the employee for promotion, transfer or voluntary demotion. Upon written request by the employee, these records may be removed from the employee's personnel file after twelve (12) months. All records of corrective action shall be maintained ~~only~~ solely in Human Resources.

~~f.~~ 2. Corrective action records which have resulted in suspensions of more than three (3) days shall be disregarded in subsequent corrective action or in considering the employee for promotion, transfer or voluntary demotion after twenty-four (24) months, provided there have been no subsequent suspensions in the intervening period. Upon written request by the employee, these records may be removed from the employee's personnel file after twenty-four (24) months, provided there have been no subsequent suspensions in the intervening period.

~~(7) — Employees will receive a written notice of a suspension, a reduction, or a removal from the Appointing Authority. Non-bargaining unit classified employees may appeal a reduction, suspension in excess of three working days, or removal, to the State Personnel Board of Review. A suspension of three or fewer working days may not be appealed to the State Personnel Board of Review.~~

Approved by:

**Policies Superseded by This Policy:**

<p><u>/s/</u> Gregory C. Postel, M.D. President</p> <p><u>May 17, 2021</u> Date</p> <p><i>Review/Revision Completed by:</i></p> <p><i>Senior Associate V.P. of HR</i> <i>SLT</i></p>	<p>• <i>Previous 3364-25-110, effective January 3, 2018</i></p> <p>Initial effective date: July 1, 1986</p> <p>Review/Revision Date: July 1, 2003, February 12, 2013, April 2, 2014, January 3, 2018, May 17, 2021</p> <p><b>Next review date: May 17, 2024</b></p>
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