

## **PERSONNEL POLICIES — SECTION 300**

NUMBER: **311**

SUBJECT: CORRECTIVE ACTION POLICY & PROCEDURE

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### **311.1 – PURPOSE**

- 1.1 Employees may be given corrective and/or disciplinary action, up to and including termination when it is determined to be in the best interest of the College. The purpose of the policy and procedure is:
  - 1.1.1 To provide authorization, and a process for such action or training; and
  - 1.1.2 To inform the employee of what behavior needs to be corrected or what performance standard is expected; the measures the employee must take to correct unacceptable behavior or below standard performance; and to give the employee adequate opportunity to correct the situation.

### **311.2 – POLICY**

#### **2.1 Corrective Action**

- 2.1.1 While Mountainland Technical College (MTECH) may elect to administer corrective action(s), it is in no way obligated to do so. Using corrective action is at the sole discretion of MTECH. The use of corrective action(s) does not affect an employee's at will status.
- 2.1.2 Corrective action may not be used for any reasons prohibited by law. (See MTECH Discrimination and Harassment Complaints Policy #305)
- 2.1.3 Management must consult with the Human Resources Office prior to administering any corrective action, including Performance Improvement Plans and/or Discipline.

#### **2.2 Performance Improvement Plan**

- 2.2.1 MTECH management may place an employee on a performance improvement plan for substandard performance which may be remediated through training, study, mentor, practice, and/or greater effort.
- 2.2.2 Performance improvement plans should include:

1. Identification of substandard performance;
2. A designated period of time for improvement;
3. An opportunity for remediation;
4. Performance expectations;
5. Closer supervision to include regular feedback of the employee's progress;  
and,
6. A written performance evaluation at the conclusion of the performance improvement plan.

2.2.3 Initiation of a performance improvement plan does not preclude management from taking additional corrective action including discipline.

## 2.3 **Discipline**

2.3.1 MTECH management may discipline any employee for any of the following reasons:

1. Noncompliance with MTECH rules, department or other applicable policies, including but not limited to safety policies, professional standards, standards of conduct and workplace policies;
2. Work performance that is inefficient or incompetent;
3. Failure to maintain skills and adequate performance levels;
4. Insubordination or disloyalty to the orders of a superior;
5. Misfeasance, (the act of engaging in an action or duty but failing to perform the duty correctly; Malfeasance, (the willful and intentional act of doing harm); or Nonfeasance (a failure to act when under an obligation to do so);
6. Any incident involving intimidation, physical harm, or threats of physical harm against co-workers, management, or the public;
7. Employee no longer meets the requirements of the position;
8. Conduct, on or off duty, which creates a conflict of interest with the employee's public responsibilities or impacts that employee's ability to perform job assignments;
9. Failure to advance the good of the public service, including conduct on or off duty which demeans or harms the effectiveness or ability of MTECH to fulfill its mission;
10. Dishonesty;
11. Misconduct; or
12. Any other reason deemed by management as warranting discipline.

2.3.2 Discipline may include, but is not limited to:

1. A verbal warning;
2. A written warning;
3. A written reprimand;
4. A suspension, with or without pay;

- 5. A demotion; or
- 6. Termination of employment.

2.3.3 Disciplinary actions do not preclude management from taking additional corrective action including engaging in performance improvement plan(s).

### **311.3 CORRECTIVE ACTION PROCEDURE**

#### **3.1 Process**

Depending upon the nature and seriousness of the employee's actions, corrective action may begin at any step of the Corrective Action process.

##### **3.1.1 Verbal Warning**

The immediate supervisor will meet with the employee and inform him or her of the specific behavior that is unacceptable. The supervisor will clearly identify the behavior and set the time by which the situation must be rectified. A written record of this conversation is forwarded to the Director of Human Resources.

##### **3.1.2 Written Notice**

Follow the same procedure as the Verbal Warning, but the employee signs the written record indicating they have read the document and understand that it will be placed in their official personnel file. The employee may wish to add their comments on the notice or choose to submit their comments within five days from the date the written notice is received.

##### **3.1.3 Suspension**

If the behavior continues after the written notice, the immediate supervisor may impose a suspension, with or without pay, for a period of one day to two weeks. The employee must acknowledge in writing that they have received the notice of suspension and agree to submit an acceptable plan for improved behavior to the supervisor before being reinstated. The notice of suspension must specify that the consequences of failing to remedy the behavior will be termination of employment.

##### **3.1.4 Termination**

An employee who fails to correct their behavior or demonstrates a tendency to repeatedly violate acceptable standards of conduct at work may be terminated by the supervisor, following consultation with the Director of Human Resources. On rare occasions, an employee may be terminated for a single occurrence of behavior or violation of College policy without having been previously warned, because of the severity of the offense.

#### **3.2 Discretionary Factors**

While discretionary factors can be a valuable tool in the corrective action process, they may or may not be used at the discretion of MTECH management.

When deciding the specific type and severity of corrective action and/or discipline, the following may be considered:

1. Consistent application of rules and standards;
2. Prior knowledge of rules and standards;
3. The severity of the infraction;
4. The repeated nature of the violations;
5. Previous, oral and written warnings or disclosures;
6. The employee's past work record;
7. The effect on college operations; or
8. The potential of the violation for causing damage to persons or property.

### 3.3 **Grievance / Appeals to Corrective and Disciplinary Proceedings**

No due process rights are afforded to employees whose employment is at-will. However, because the disciplinary / corrective action process is focused on improvement and not punishment, MTECH Administration may offer an informal meeting to hear the employee's perspective. A request for an informal meeting must be received within five working days from the date of the corrective action or disciplinary action.

### 3.4 **Responsibility**

- 3.4.1 Supervisor - is responsible to initiate the corrective action plan after recognizing that a behavior is unacceptable. The supervisor first consults with the Director of Human Resources to determine what action will be taken. The supervisor is responsible to record any action that occurs and forward the documentation to the Human Resources office for the employee's personnel file.
- 3.4.2 Director of Human Resources - is responsible for assisting the Supervisor in implementing and administering this policy, and keeping original signed documents in the employee's file.
- 3.4.3 Employees - are responsible for working with their supervisor to correct unacceptable behavior and performing their duties in an acceptable manner.