

PROGRESSIVE DISCIPLINE GUIDELINES

PURPOSE

California State University, East Bay (CSUEB) as part of the California State University (CSU) system, and in conformance with the California Education Code, Title 5, and collective bargaining agreements negotiated with unions representing CSU employees provides for a process of progressive discipline when an employee fails to meet the required standards of performance. The progressive discipline process establishes a series of clear, timely, consistent, and documented communications with an employee designed to ensure an understanding of job expectations, provide an opportunity to correct behavior, improve performance, and ensure "due process". Even before the progressive discipline process begins an employee should be provided with a current job description, appropriate training, a description of applicable work rules and performance expectations, and regular performance evaluations. For information concerning the preparation of job descriptions and performance evaluations, [HR Forms & Procedures](#)

The goal of progressive discipline is to alert an employee of the need to correct specific behavior and/or to improve performance. The goal is not to punish the employee. It is of the utmost importance that this distinction be respected at all times.

Effective performance is acknowledged through verbal reinforcement, written performance evaluations outlining specific examples of accomplishments and contributions, and recommendations for salary increases. Poor performance should be addressed through a progressive pattern of pre-disciplinary interventions and formal disciplinary steps. Actions considered pre-discipline include Performance Improvement Plans (PIP), counseling, verbal and written warnings, and letters of reprimand. Formal discipline includes only three actions: suspensions without pay, demotion and dismissal. The purpose of progressive discipline is to ensure proper communication between supervisor/manager and employee, to provide an opportunity to reinforce appropriate behavior, and to correct unsatisfactory employee performance.

Typically, progressive discipline is implemented for an employee's failure or refusal to perform the normal and reasonable duties of the position, which includes, but is not limited to unsatisfactory performance, excessive absenteeism, tardiness, work rule violations, insubordination, or unprofessional conduct that may include verbal abuse toward another employee. Care should be exercised with regard to work rule violations, as many policies and work rules are subject to the collective bargaining process, and the specific work rule judged to have been violated may not have been negotiated with the applicable union.

Important note : failure to meet standards of performance is evaluated on a case by case basis. While a progressive pattern of interventions is generally recommended to

facilitate opportunities for correcting behavior and performance, the severity of the incident will dictate the severity of the consequence. Human Resources managers will assist campus administrators in determining the most appropriate course of action in each case.

Employees should be advised of their right to consult with a union or personal representative prior to any discussion that could reasonably be construed as potentially adversely affecting working conditions or employment status and to have such a representative present at the discussion. Attention to this point is extremely helpful in avoiding process-related complaints and grievances.

SCOPE

These guidelines apply to all staff employees covered by collective bargaining agreements and to employees in certain designated confidential positions. These guidelines do not apply to individuals hired as faculty, managers in the Management Personnel Plan (MPP) or in excluded classifications (e.g., student assistants, work-study, special consultants, etc.). Where the provisions of this policy and procedure are in conflict with the collective bargaining agreements reached pursuant to Chapter 12, (commencing with Section 3560) of Division 4 of Title I of the Government Code, the collective bargaining agreements shall take precedence. Additionally, the Public Safety Officers' Procedural Bill of Rights shall pertain in cases where applicable. It therefore is strongly recommended that the applicable collective bargaining agreement be reviewed, and that Human Resources be consulted, prior to the implementation of any disciplinary action.

AUTHORITY

At CSUEB the president has delegated authority to impose formal disciplinary action in the form of suspensions, demotions and dismissal to the vice presidents/cabinet level officers.

Pre-disciplinary action, which includes counseling, creation and implementation of a Performance Improvement Plan (PIP), oral and written warning(s), and letter(s) of reprimand, may be taken with or without consulting a Human Resources Manager, although such review of a PIP or letter of reprimand by Human Resources is recommended to ensure adherence to collective bargaining provisions. Formal disciplinary action, which includes suspension or demotion and dismissal, requires consultation with a Human Resources Manager and the concurrence of the vice president/cabinet level officer.

Requests for formal disciplinary actions are submitted by the "appropriate administrator" (manager within the Management Personnel Plan) to the appropriate Human Resources Manager who will review the documentation and prepare the recommendation and

employee notification for review and concurrence by University counsel and subsequent cabinet officer signature.

Immediate formal disciplinary action that is action taken without having followed the progressive discipline process, including suspension without pay, demotion or dismissal may be implemented in instances of serious misconduct where there is a clear and present danger to the University and/or any members of the University community. Such misconduct may include, but not be limited to, dishonesty, fraud in securing employment, theft, misappropriation of University property or funds, acts endangering the health and safety of others, immoral conduct, and conviction of a felony or misdemeanor involving moral turpitude. In such instances, an employee may be temporarily suspended with pay for reasons related to: a) the safety of persons or property, or b) the prevention or the disruption of University programs and/or operations while an investigation is being conducted. To implement an immediate suspension with pay, a Human Resources Manager must be contacted for authorization.

PROCEDURES

Dismissal of employees with temporary or probationary status

For employees with temporary or probationary status, if dismissal is deemed appropriate prior to the established end date for the temporary or probationary appointment, the progressive discipline process is abbreviated or eliminated. The appropriate administrator shall prepare and submit a memo to the Human Resources Manager requesting dismissal and outlining the deficient performance as well as the steps that have been taken to communicate with the employee regarding the improvements needed.

The Human Resources Manager shall prepare a notice to the employee either ending the temporary appointment or rejecting him/her during probation

- b. Are the standards of employee performance and rules of employee conduct being applied fairly and equitably?
- c. Has a Performance Improvement Plan (PIP) been created and implemented? Has information regarding performance expectations and deficient behavior been communicated regularly? Have written records been maintained of counseling meetings? Has the employee been provided the opportunity to respond? Has the progressive disciplinary action been initiated in a timely, consistent, and confidential manner?

Counseling is normally the initial step in the progressive discipline process. Problems should be identified and discussed with the employee in a confidential manner. The appropriate administrator should seek input from the employee about the perceived cause(s) of the problem, and possible solutions should be identified, considered together and agreed upon. Follow up should be provided, and the employee should be advised of the manager's perception of progress being made in addressing the problem. The purpose of counseling is to bring the problem to the employee's attention before it becomes so serious that it must become part of a written reprimand placed in the employee's file. Counseling and warnings may be repeated prior to the initiation of a written reprimand.

Verbal and written warnings and reprimands are intended to constitute informal notice to the employee of a specific behavior that needs to be corrected. Oral and written warnings are not submitted to the Human Resources Department nor are they placed in the employee's official personnel file, but they should be maintained by the manager as the potential basis

c. What is the impact of the employee's conduct? Cite the adverse effect of the employee's conduct on university operations and other persons especially where negative public notoriety occurs. Examples include: lack of dependability; unnecessary shift of duties to other employees; lack of continuity and consistency; unnecessary expenditure of supervisory time; interference in normal procedures causing delay in the completion of work; exposure to personal injury and university liability ; destruction or damage to property and repair costs; and lack of compliance with required timelines.

d. What does the employee need to do to improve? Provide specific suggestions and/or directives for the employee to meet job requirements. Outline directions regarding the proper behavior or level of performance expected in the future. It is important to be clear and unequivocal and to include the effective timelines and the consequence(s) if the employee fails to comply (e.g., further disciplinary action will occur that may result in dismissal, etc.). In other words, the employee must know what must be done to correct deficient performance or behavior and when and what will happen if the performance is not corrected. Identify any assistance that the employee may require to meet job requirements such as additional training, equipment, etc.

For reference, click here [Attendance Written Reprimand and Unacceptable Job Performance Written Reprimand](#) for samples of Letters of Reprimand

e. What rights does the employee have in connection with the disciplinary action? The employee has a right to receive a copy of any document(s) including a letter of reprimand that could lead to an adverse personnel action prior to their placement in the employee's official personnel file. Refer to collective bargaining agreements for required timelines. The employee may in turn submit a response to these documents that must be included in the employee's official personnel file according to the provisions of the collective bargaining agreement in effect at the time. The employee also has the right to review his/her personnel file and obtain copies of all materials contained within it. When preparing a letter of reprimand, state at the bottom of the letter that a copy will be placed in the official personnel file and that the employee may submit a response. The employee may request a conference with the appropriate administrator to discuss the reprimand and may be represented at the conference by another employee or union representative. If such a conference is requested by the employee, it should be held in a timely manner.

When not otherwise specified by collective bargaining provisions, a letter of reprimand shall be removed from the official personnel file upon the employee's request after three (3) years from its effective date. If formal disciplinary action has been initiated and the reprimand is related to the action, the letter will not be removed. Nothing in this provision shall prohibit earlier removal of a reprimand upon mutual agreement of the manager and employee.

FORMAL DISCIPLINE

and does the misconduct support the proposed sanction? The Review Officer should review all materials upon which the proposed sanction is based and then meet with the employee upon the employee's request. Information reviewed may require corroboration, but the Review Officer should be careful not to go beyond the initial information presented. It is not the function of the Review Officer to conduct a full trial - type hearing or investigation nor should the Review Officer substitute his/her judgment with respect to the discipline to be imposed. The Review Officer's authority and responsibility are limited to reviewing the materials presented, confirming that the misconduct occurred and assessing the response presented by the employee. Finally, although the employee may be accompanied by a representative (usually a union steward), the Review Officer has the right to decide that only the employee may speak and/or present information during the meeting .

The Review Officer must be impartial; as a result, normally, the individual selected to serve as the Review Officer should work outside the department/division bringing the action, should be removed from circumstances giving rise to the case and should not have a personal or professional interest in the outcome.

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