

Corrective Action for Support Staff (CWA, Local 4730)

HR-08-50



About This Policy

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Responsible University Office:

University Human Resources

Responsible University Administrator:

Vice President and Chief Financial Officer

Policy Contact:

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Related Forms

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Scope

This policy applies to all Support Staff at IU Bloomington and Northwest represented by CWA, Local 4730, who have completed the new-employee evaluation (probationary) period.

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Policy Statement

1. Ideally, most workplace performance problems are handled by informal discussion and counseling between the supervisor and the employee.
2. When more formal corrective action is required, **appointed employees** who have completed their new-employee evaluation period, will only be disciplined or discharged for just cause.
 - a. Just cause means having a legitimate reason to invoke formal corrective action.
 - b. The employee and/or designated union representative shall, upon request, receive information or an explanation concerning the legitimate reason(s) for invoking formal corrective action.

3. Corrective action will be imposed in a progressive manner, unless circumstances warrant more severe discipline or discharge.
4. The employee has the right to prepare and append a statement to discipline and to maintain such statement along with discipline in the appropriate files. Campus Human Resources reserves the right to review and reject statements that include derogatory language, disparaging remarks, or other statements that could be considered objectionable. CWA will be advised of the rejection and the reason(s) therefore. CWA may work with the employee to revise the letter. Such statements should not be construed to be in lieu of or to waive the right to the use of any other options provided by policy to respond to discipline.
5. All corrective actions may be appealed by the employee through the [Problem-Grievance Resolution for Support Staff \(CWA, Local 4730\)](#) procedure.

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Procedure

Description of corrective action steps

1. Progressive, corrective actions beyond informal counseling and discussions should be documented on a [Staff Incident Report \(SIR\) form](#) (Word doc) and placed in an employee's personnel file.
2. It is important that the degree of discipline be directly related to the seriousness of the offense and the employee's work record. Corrective action may consist of one or more written warnings as described below.
 - a. A written warning may be issued for an initial infraction.
 - b. Written warnings may be reissued for repeated minor infractions, subject to the provisions of the Procedures section below.
 - c. A final written warning may be imposed upon an employee for a serious infraction or after the employee has received more than one written warning for repeated minor infractions.
 - d. Discharge: A discharge represents a permanent, involuntary termination of an employee's employment with the university, and is usually imposed upon an employee as a penalty for a major infraction or repeated minor infractions.
 - i. Supervisors must consult with the campus Human Resources office before discharging an employee.
3. Workplace removal: Under some circumstances, and at any step in the corrective action process, it may be necessary to remove an employee from the workplace pending completion of an investigation. Typically, such removal is reserved for serious situations.

Removal of employee from the workplace during an investigation

1. Some circumstances warrant an employee's removal from the workplace in order to allow the university to investigate a situation.
 - a. Supervisors must consult with the campus Human Resources office prior to removing an employee from the workplace.
 - b. The employee's time off from work as a result of such removal is with pay.
2. The following are examples of circumstances that may necessitate the removal of an employee:
 - a. The employee's alleged misconduct is of a serious nature
 - b. The safety or security of persons or property is in question
 - c. The employee is unwilling or is refusing to perform assigned duties in compliance with university policy
 - d. It is believed that the employee's presence will disrupt the workplace
3. If the investigation is not completed within five (5) days of the employee's removal, the campus HR Office, in consultation with the department, will determine whether additional time off is required to complete the investigation and whether the additional time will be with or without pay.
4. Under certain circumstances and subject to University approval and maximum usage rules, the removed employee may be permitted to use accrued vacation time off during any of the additional time off without pay.

5. The University will notify CWA, within a reasonable time period, when an employee has been removed from the workplace, whether additional time is needed to complete the investigation, and whether the additional time away from the workplace will be with or without pay.

Corrective action procedure

1. Any employee has the right to have a union representative present at any disciplinary meeting or any meeting where the employee has reason to believe that disciplinary action may be taken. This includes an investigatory meeting with an employee suspected of wrongdoing. In such case, it is the responsibility of the supervisor to notify an employee when a meeting may lead to discipline. The employee will be provided with a reasonable opportunity to make arrangements for the attendance of a union representative. A reasonable opportunity to make arrangements for the attendance of a union representative means within *five* workdays and if more time is needed, management will consider the request and its circumstances in consultation with the campus Human Resources office.
2. In cases where the corrective action could result in a loss of pay, the supervisor must tell the employee the nature or manner of the conduct or performance deficiencies within ten (10) workdays of the incident or of the time the supervisor reasonably became aware of the incident.
3. The employee must be given an opportunity to ask questions and provide information, or an explanation about the conduct or performance.
4. The supervisor must consider the employee-provided information prior to a final determination of discipline being issued. When the safety of persons or security of property is threatened or to prevent disruption of the workplace, the employee may be required to immediately leave the work site.
5. Employees and the union will be provided with copies of corrective action taken against them and which have been placed in their personnel file.
 - a. Provided there has not been a corrective action for an offense of a similar or related nature in the interim, corrective action reports which are twelve (12) months or more from the date of the current offense will not be used for the purposes of imposing additional corrective action on an employee.
 - b. The twelve-month time limit on the use of corrective action does not apply to any corrective action taken for the following offenses: theft, falsification of university records, sexual harassment, workplace violence, and other extremely serious offenses or other types of harassment prohibited by law.
6. Any non-probationary employee disciplined or discharged may file a **grievance** in accordance with the **Problem-Grievance Resolution for Support Staff (CWA, Local 4730) policy**. In the event of a discharge, a **grievance** will be initially filed at Settlement Stage II of the grievance procedure.

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Sanctions

Managers, supervisors, and employees who violate this policy are subject to corrective action, up to and including separation.

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History

February 2017

Revised to incorporate provisions of the 2013-2016 Agreement between Indiana University and CWA Local 4730.