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5.6 Performance Problems and Corrective Action

Saint Mary's College of California

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5.6 Performance Problems and Corrective Action

5.6.1 Our Core Values and Guiding Principles

In our Lasallian tradition we acknowledge the core value of respect for all persons. In that spirit, we honor and respect the dignity of all individuals by means of a process to hold each of our community members accountable to performance and conduct expectations. While recognizing that at times a staff member may fall short of meeting standards, it is the intent of this policy to

support success in reaching expectations and, when standards are not met, to clarify the range of appropriate corrective actions the College may choose to take.

Employment with the College is “at will,” which means it is subject to termination by either the College or the staff member at any time, for any reason. There are no contractual relationships between the College and a staff member, and letters, benefit or policy statements, performance appraisals, employee handbooks or other employee communications should not be interpreted as such. No one has the authority to enter into any oral or written employment contract without the signed explicit written approval of an officer of the College, and no written employment contract will be valid without the signature of the President of the College or designee. To monitor this at-will relationship, and to support the success of staff members, the College may use a variety of guidelines to clarify expectations and track performance.

5.6.2 Employee Responsibility

It is the duty and the responsibility of every employee to be aware of and abide by College policies and procedures. It is also the responsibility of the employee to perform his/her duties to the best of his/her ability and to the standards as set forth in his/her job description or as otherwise established. Employees are encouraged to take advantage of all learning opportunities available and request additional instruction when needed.

5.6.3 Responsibilities of Supervisors, Managers and Directors

The immediate supervisor, manager or director must approach an employee’s performance in an objective manner. If the employee’s performance of assigned tasks is the issue, the supervisor, manager or director should generally look to see that proper instructions, appropriate orientation and training have been given and that the employee is aware of the job expectations. Not only single incidents, but also patterns of poor performance should be of concern, as these are indicative of overall performance.

If misconduct is the issue, the supervisor, manager or director should take steps to make sure that the employee has been made aware of the College’s policies and procedures regarding the violation. If appropriate instruction or information was not communicated, a plan for such communication should be immediately developed and reviewed with the employee. Supervisors

should consider appropriate development opportunities, available through HR or external to campus, to support employee success.

5.6.4 Performance Issues

Sometimes coaching and performance reviews do not result in the necessary changes in an employee's performance or behavior. When this occurs, supervisors should seek the guidance of one of the Directors in the Human Resources Department or the Assistant Vice President of Human Resources to determine the best way to proceed. Human Resources can provide information and resource material on the steps involved in corrective action.

In most cases, if you have a performance issue your supervisor will work with you to provide the appropriate performance counseling and corrective action so that you have the opportunity to improve. The type of performance counseling and corrective action used would depend on considerations such as:

- Nature and severity of the issue
- Timing and frequency of previous issues
- Any prior corrective action steps taken
- The employee's response to feedback
- The employee's overall performance

Because facts and circumstances can vary widely, and are sometimes unique to a particular situation, the action that's taken in one situation shouldn't be construed as setting a precedent for any other situations.

5.6.5 Corrective Action

When the opportunity for engaging in corrective action is available, it generally can include a series of steps, such as the following:

5.6.5.1 Early Counseling/Coaching

Supervisors should provide early coaching and constructive feedback to employees when performance tasks or behavior becomes a concern. This feedback is usually verbal and specific.

The supervisor should listen to the employee, and seek to understand the employee’s reasons for why s/he is not performing satisfactorily. Assistance from the supervisor, further coaching, additional help, re-prioritizing tasks, or additional training may be some of the remedies required.

If the employee is not satisfactorily responding to these early coaching suggestions, or if a pattern of poor performance continues, the Supervisor should document the concerns and submit them to Human Resources to be included in the employee personnel file.

5.6.5.2 Performance Counseling

In most cases, if your performance, behavior or attendance doesn’t meet specified requirements, your supervisor will meet with you to discuss the issue. Formal Counseling documenting a need for improvement can be:

- Verbal only
- By written memo to the employee with a copy kept in the employee personnel file (this “memo” can be an email that is printed and inserted into the file)

Performance Counseling communications will discuss the specific areas of performance, behavior or attendance that don’t meet the requirements or expectations of the employee’s assigned job duties. In addition, the employee’s supervisor may work with the employee to develop a performance improvement plan (PIP) and timeframe for improving the employee’s performance. Supervisors and managers must review a PIP with Human Resources for approval in advance of implementation.

5.6.5.3 Warning

If performance, behavior or attendance shows no signs of improvement or keeps declining after counseling—or if something happens to cause the escalation of the performance counseling and corrective action process—your supervisor may document the situation in a written warning.

The warning may include a PIP (reviewed and approved in advance by Human Resources) and usually contains:

- An explanation of the issue

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- A definition of the expected level of performance or the improved behaviors or attendance needed
- An improvement timeframe, and
- A warning that if the issue continues, it can lead to termination of employment

The written warning memo will become a part of the employee's personnel file.

5.6.5.4 Final Notice

Some situations may require corrective action just short of termination. In a situation like this, the employee may receive a final notice advising that if the situation occurs again at any time during employment, employment will be terminated immediately. This notice is typically a written memo, which will become a part of the employee's official personnel file.

5.6.5.5 Termination

If the employee performance, behavior or attendance as outlined in the counseling or warning doesn't improve, employment may be terminated.

Employment can also be terminated if the situation documented in a notice reoccurs, or if the problem involves a breach of policy, and/or prohibited conduct, or if the employee's performance or conduct is such that continued employment is no longer in the best interest of the College. For examples of this kind of conduct and more information about situations appropriate for immediate termination, see the policy on "Prohibited Conduct."

Since employment is "at-will", Saint Mary's may simply choose to end the employment relationship without attempting any of the above mentioned counseling or corrective action procedures. Saint Mary's may escalate the process or use an part of it that it feels is appropriate... corrective action, consistent with the employee's at will status.