

## **Procedure 62: Corrective Action**

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**Responsible Office:** Human Resources

**Issued:** November 2002

**Reviewed/Revised:** October 2024

### **A. Purpose and Scope**

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UC Irvine Personnel Procedure 62 implements [PPSM-62](#), Corrective Action. This policy applies to all non-represented regular status (non-probationary) Professional & Support Staff career employees. Represented employees should consult their collective bargaining agreement (CBA).

### **B. Authority and Responsibility**

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Department heads and supervisors are responsible for taking appropriate corrective action in consultation with Human Resources.

### **C. Guidelines**

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1. Corrective action is a formal action initiated by a supervisor to correct and/or improve an employee's less than satisfactory conduct and/or performance.
2. Corrective action shall be consistent with University policy, and reasonable under the circumstances. Action taken is to be corrective in nature and intended to be a stimulus for positive change.
3. Prior to taking any corrective action, the supervisor shall consult with the department head and designated Human Resources Business Partner to determine if just cause exists for formal corrective action:
  - a. Normally, a written warning is preceded by informal discussion(s), counseling (see [Exhibit A](#)), and/or other performance management.

In most instances, the supervisor should have a private informal discussion with the employee as soon as a concern develops regarding the employee's performance or behavior. The objective of the discussion is to:

- Advise the employee of the supervisor's concerns and/or issues regarding the employee's conduct and/or performance.
- Provide the employee with examples/incidents of the poor performance and/or a description of the inappropriate behavior.
- Explore the facts and underlying causes of the problem and provide the employee the opportunity to respond.
- Provide clear expectations regarding performance standards and behavior.
- Set forth plans for correcting deficiencies.

- When appropriate, establish a method for measuring results.

Supervisors are to maintain notes of the discussion and summarize in a Counseling Memo provided to the employee following the discussion ([Exhibit A](#)).

4. Normally, formal corrective action begins with a written warning. Subsequent acceptable corrective actions include, but are not limited to, temporary or indefinite within-range salary decreases, demotions, and suspensions without pay.
5. Initial corrective action more serious than a written warning may be warranted by performance or conduct that violates University policy, demonstrates a severe lack of judgment, integrity, competence, or attention to duty, or otherwise substantially interferes with or endangers the University's interests. ([PPSM-62](#) Corrective Action, and [PPSM-63](#), Investigatory Leave).
6. Investigatory Leave is not punitive in nature and enables management to remove immediately from the premises an employee whose continued presence would potentially disrupt operations or otherwise endanger University interests while investigation into the performance concern or conduct is underway. ([PPSM-63](#), Investigatory Leave and UCI Personnel [Procedure 63](#), Investigatory Leave).

## D. Procedures

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### 1. Determine Appropriate Action

Consult with your assigned Human Resources Business Partner (HRBP) to review the following to determine if corrective action is warranted:

- a. Are there established conduct and performance expectations? Are they reasonable and justifiable?
- b. Have such expectations been communicated clearly to employees? Is there evidence that the employee understood, or reasonably should have understood, the expectations and the possible consequences?
- c. Did the supervisor attempt to uncover and objectively consider all relevant facts? ([Procedure 63](#), Investigatory Leave, C.2.)
- d. Is the corrective action chosen reasonable under the circumstances? Is it timely and appropriate? Are employees in similar circumstances treated similarly? In determining reasonableness, did management consider the following:
  - Severity of the offense or deficiency;
  - Circumstances of commission or omission;
  - Employee's general conscientiousness, integrity, and work performance as reflected in performance appraisals, record of prior incidents, and length of satisfactory service;
  - Adequacy of training or supervision provided;
  - Legitimate obstacles to proper performance or other mitigating circumstances; and
  - Evidence of prior warning.

## Employee Right to Representation

- a. An employee may request a representative of the employee's choice, other than a University employee who has been designated as supervisory, managerial, or confidential, to be present when there is reason to believe that a meeting may result in corrective action. If the employee's preferred representative is not available to attend a meeting scheduled by the University, the employee shall arrange for an alternate representative to be present.
- b. If the supervisor has any questions regarding the nature of the meeting, relative to the employee's right to representation, or if the employee requests representation, the supervisor should consult with their designated Human Resources Business Partner.

## 2. Written Warning

If the employee does not demonstrate the required improvement within a reasonable period of time after informal discussion and/or other performance management, and if acceptable reasons are not discovered, the supervisor will consult with the assigned HRBP to issue a formal Written Warning to the employee ([Exhibit B](#)). The written warning should:

- a. Cite the policy ([PPSM-62](#), Corrective Action—Professional and Support Staff) under which the action is taken;
- b. Describe the unsatisfactory performance and/or behavior;
- c. Refer to the supervisor's prior attempts/discussions with the employee to improve and/or correct unsatisfactory performance and/or behavior, and include a copy of any material on which the written warning is based;
- d. State the supervisor's expectations about what is required to improve and/or correct the unsatisfactory performance and/or behavior;
- e. Advise the employee that further corrective action, up to and including dismissal, may be taken unless there is immediate and sustained improvement; and
- f. Advise the employee of the employee's right to request a review of the corrective action under [PPSM-70](#), Complaint Resolution.

## 3. Written Notice of Intent to Take Corrective Action

A Written Notice of Intent ([Exhibit C](#)) to take corrective action is required, pursuant to [PPSM-62](#), Corrective Action—Professional and Support Staff, for any action exceeding a written warning, specifically, suspension which exceeds five (5) working days, corrective salary decrease which exceeds thirty (30) days, or demotion. If the employee does not demonstrate the required improvement within a reasonable period of time after written warning, and if acceptable reasons for the failure improve are not discovered, the supervisor will consult with the assigned HRBP, and Workforce Relations, as necessary, to issue a formal Written Notice of Intent to take corrective action to the employee, specifying the action to be taken, for example, Notice of Intent to Suspend.

The Notice, which must be issued to the employee at least ten (10) calendar days prior to the effective date of the intended corrective action, shall:

- a. Cite the policy under which the action is taken ([PPSM-62](#), Corrective Action--

- Professional and Support Staff);
- b. State the intended corrective action;
- c. State the reason for the corrective action;
- d. State the effective date(s);
- e. Include a copy of any materials and/or previous documentation of corrective action on which the intended action is based;
- f. State the employee's right to respond orally or in writing within ten (10) calendar days from the date of the written notice, except in cases of misconduct, when the response time may be shorter; and
- g. Include a [Proof of Service](#).

#### 4. Written Notice of Corrective Action

After consideration of the employee's response, if any, or within ten (10) calendar days from the date of the Written Notice of Intent, whichever comes first, the supervisor will consult with the assigned HRBP to provide the employee written notice of any action to be taken. Such action may not include corrective action more serious than that described in the Notice of Intent. However, the supervisor may reduce the corrective action without the issuance of a further Notice of Intent. This notice shall:

- a. State the action to be taken;
- b. State the effective date(s) of the action;
- c. State the employee's right to request a review of the action under [PPSM-70](#), Complaint Resolution; and
- d. Include a Proof of Service.

#### 5. Proof of Service

Proof of Service is required when Written Notice of Intent to take corrective action or Written Notice of Corrective Action is mailed via USPS or electronically, or personally delivered to the employee. A copy of the proof of service must accompany the written notice. Proof of service provides verification of mailing or personal delivery and establishes the date of issuance of the notice. It should be prepared by someone other than the supervisor and who is not a party to the corrected action.

- a. **Mailing via USPS.** Written Notice of Intent to take corrective action or Written Notice of Corrective Action may be sent through the U.S. Postal Service, First Class, to the employee's last known home address. (It is each employee's personal responsibility to inform the University in writing of any change to the employee's home address.) Proof of service of mailing consists of:
  - Date mailed,
  - Name of recipient,
  - Address mailed to, and
  - Name, work address, and signature of person doing the mailing.

- b. **Delivery by Electronic Mail (E-Mail).** Written Notice of Intent or Written Notice of Corrective Action may be delivered to the recipient employee via electronic mail. Proof of service of delivery by electronic mail may be demonstrated by including the following statement in the email transmission:

“I declare that I am over the age of eighteen (18) years, and not a party to the issue described in the attached notice.

I declare under penalty of perjury that the foregoing is true and correct, and this declaration was executed on [Date] at Irvine, California.”

- c. **Personal Delivery.** Written Notice of Intent or Written Notice of Corrective Action may be delivered to the recipient employee in person. Proof of service of personal delivery consists of:
- Date delivered,
  - Name of recipient,
  - Location of delivery, and
  - Name, work address, and signature of person personally delivering the Notice(s).

## F. References

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### Personnel Policies for Staff Members

- [PPSM-62](#), Corrective Action
- [PPSM-63](#), Investigatory Leave
- [PPSM-64](#), Termination and Job Abandonment
- [PPSM-70](#), Complaint Resolution

### Personnel Procedures for UCI Staff Members

- [Procedure 63](#), Investigatory Leave

### Other Policies

- [UC Abusive Conduct in the Workplace](#)
- [Regents Policy 1111: Policy on Statement of Ethical Values and Standards of Ethical Conduct](#)