



Ohio Administrative Code Rule 3349-8-37 Corrective action.

Effective: October 28, 2010

(A) Purpose

To establish a rule for corrective action.

(B) Scope

This rule applies to all unclassified hourly employees and classified civil service employees who have completed the new-employee probationary period. This rule does not apply to student employees.

(C) Definitions

(1) "Appointing Authority" refers to the director of human resources or his or her designee based on the designation of authority by the university's board of trustees pursuant to the powers granted to the board of trustees by division (F) of section 124.14 of the Revised Code, which states that the powers, duties, and functions of the administrative services and the director of the administrative services are assigned to the university's board of trustees, excluding the powers of the state personnel review board.

(2) "Corrective Action" are those actions taken by the university to correct or improve job-related performance or behavior.

(3) "Demotion" means the movement of an employee at the direction of the appointing authority to a position in a lower salary range, classification or grade.

(4) "Oral Warning" is an oral notification of a specific problem requiring corrective action or improvement.



(5) "Probation" is a step in the corrective action process that is employed when the reason for corrective action is not serious enough to warrant suspension or termination, or if prior progressive corrective action has not been successful.

(6) "Reasons for Corrective Action" include, but are not limited to:

(a) Incompetence,

(b) Inefficiency,

(c) Dishonesty,

(d) Coming to work under the influence of alcohol or drugs,

(e) Sexual harassment or lewd behavior,

(f) Insubordination,

(g) Discourteous treatment of public,

(h) Neglect of duty, and

(i) Failure of good behavior.

(7) "Progressive Corrective Action" usually involves five steps. The five steps are usually implemented in the following order: oral warning, written warning, probation, suspension and termination. If the reason for corrective action is severe and/or repetitive, a step or steps in the process may be skipped or combined.

(8) "Suspension" is a step in the corrective action process that is used if the reason for corrective action is not serious enough to warrant termination, or if prior progressive corrective action has been unsuccessful.



(9) "Termination" of employment is the final step in the corrective action process; it is used if the reason for corrective action is severe or repetitive or if prior progressive corrective action has been unsuccessful.

(10) "Written Warning" is a written notification of a specific problem requiring corrective action.

(D) Body of the rule

(1) Most workplace performance problems are handled by informal discussion or counseling between the immediate supervisor and employee. The corrective action rule is applied where more formal action is required.

(2) It is the university's rule and practice that corrective action be progressive in nature, begin with the least severe action necessary to correct the undesirable situation, and increase in severity if the condition is not corrected. The steps in increasing order of severity are oral warning, written warning, probation, suspension and termination from employment.

(3) In addition to being progressive in nature, it is important that the degree of corrective action be directly related to the seriousness of the offense and the employee's record; therefore, it is possible for steps to be skipped, repeated, or combined.

(4) During the probationary period for new employees, progressive corrective action need not be employed and more severe corrective action including immediate termination may be applied.

(5) The corrective actions of oral warning and written warning may be taken by the immediate supervisor. Documentation of such actions should be placed in the employee's personnel file in human resources. Further steps may only be implemented by the action of the appointing authority.

(6) Steps in the corrective action progression

(a) Oral warning is generally the first notification of a specific problem. This corrective action shall be delivered as soon as possible after the occurrence which initiated the action.



Documentation should include:

- (i) The time and date of the oral warning;
- (ii) The specific violations or work performance problems that resulted in the oral warning;
- (iii) The date of the incident, if applicable;
- (iv) The actions to be taken to correct the problem(s); and
- (v) The consequences of failure to correct the problem(s) and the consequences of additional violations of university or departmental rules or rules.

(b) Written warning is generally the next step in the corrective action process. It is used in a case where acceptable progress toward correcting a problem has not been made, or in a case where the problem or job-related conduct is more severe or repetitive.

Documentation in the written warning should include:

- (i) The time and date of the warning;
- (ii) The specific violations or work performance problems that resulted in the written warning;
- (iii) The date of the incident, if applicable;
- (iv) The action to be taken to correct the problem(s); and
- (v) The consequences of failure to correct the problem(s) and the consequences of additional violations of university or departmental rules or rules.

(c) Probation generally follows a written warning if an offense is not serious enough to warrant suspension or termination, or if prior progressive corrective action has not been successful.



- (i) Probation shall not normally be greater than ninety calendar days.
- (ii) Documentation of the probation shall include:
 - (a) The dates of the probationary period;
 - (b) The specific violations or work performance problems that resulted in the probation;
 - (c) The date of the incident, if applicable;
 - (d) The action to be taken to correct the problem(s); and
 - (e) The consequences of failure to correct the problem(s) and the consequences of additional violations of university or departmental rules or rules.
- (iii) At any point during probation, if the employee is not improving or commits another offense(s), additional corrective action may be taken.
- (iv) At the end of probation, a written statement should be completed by the appointing authority advising the employee of satisfactory performance and removal from probation or the need for additional corrective action.
- (v) If paid leave is authorized for more than one week during probation, the probation will be adjusted by that length of time. No unpaid leave will be granted during a period of probation.
- (d) Suspension is generally the next step in the corrective action process if an offense is not serious enough to warrant termination from employment, or if prior corrective action has not been successful. The corrective action of suspension may only be taken by the appointing authority.
- (i) Suspension without pay is generally for a period of one to five working days. The length of suspension is typically dependent upon the nature and severity of the infraction or violation. Suspension without pay for three or more days requires that notification be sent to the state personnel board of review.



(ii) In cases of suspension required pending further investigation, the suspension may be of undetermined length depending upon the complexity of the case. In such cases, the suspension shall be termed an administrative leave and the administrative leave shall be with pay unless prohibited by law.

(iii) Documentation of the suspension shall include:

(a) The date(s) of suspension;

(b) The specific violations or work performance problems that resulted in the suspension;

(c) The date of the incident, if applicable;

(d) The consequences of failure to correct the problem(s) or additional violations of university or departmental rules or rules;

(e) Date, time and place of the pre-suspension meeting if the suspension is for more than three days;

(f) Consequences of failure to attend pre-suspension meeting.

(iv) Prior to suspension of three days or more, the appointing will schedule and hold a pre-suspension meeting. Human resources will notify the employee and the immediate supervisor and department head of the date, time and location. During the meeting, the immediate supervisor should be prepared to discuss the reasons and the basis for requesting corrective action. The employee will have an opportunity to explain and present evidence as to why the action should not be taken. If the situation warrants, the appointing authority may immediately suspend an employee, with or without pay pending the pre-suspension meeting.

(v) The appointing authority may conduct an investigation prior to the pre-suspension meeting if the appointing authority determines there is a need for, such an investigation.

(vi) After the pre-suspension meeting, the person who held the meeting will recommend



appropriate action to the appointing authority. The appointing authority will notify the immediate supervisor and employee of the action to be taken.

(e) Termination is the final step in the corrective action process. In case of a serious offense, the university may proceed directly to termination.

(i) Prior to termination, the appointing authority will schedule and hold a pre-termination meeting. The appointing authority will notify the employee and the immediate supervisor and department head of the date, time and location of the meeting. During the meeting, the immediate supervisor should be prepared to discuss the reasons and the basis for requesting corrective action. The employee will have an opportunity to explain and present evidence as to why the action should not be taken.

(ii) The appointing authority may conduct an investigation prior to the pre-termination meeting if the appointing authority determines there is a need for such an investigation.

(iii) After the pre-termination meeting, the person who held the meeting will recommend appropriate action to the appointing authority. The appointing authority will notify the immediate supervisor and employee of the action to be taken.

(7) All corrective action memos shall be reviewed with the employee and signed by the immediate supervisor and employee. If the employee refuses to sign, this shall be noted in place of the employee's signature. Documentation of corrective action, shall be forwarded to human resources for retention in the employee's personnel record. A copy shall also be given to the employee.

(8) Appeals

Only classified civil service employees may appeal the following corrective actions to the state personnel board of review:

(a) Terminations, except during the initial probationary period and for conviction of a felony.

(b) Demotions, except during the promotional probationary period.



(c) Suspensions, greater than three days.

(9) Return of university property

Employee must return all university property on or before the last work day, or when commencing administrative leave, at a time determined by the immediate supervisor or human resources.