

## Human Resource Manual

	Policy Name	<b>Corrective Actions</b>
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### I. Description

This policy provides all Regular UNC Health Care employees and management a fair, clear, and useful tool for correcting and improving performance problems, as well as to provide a process to assist management in handling cases of unacceptable personal conduct.

### Table of Contents

I. Description.....	1
II. Rationale.....	2
III. Policy.....	3
A. Covered Employees.....	3
B. Counseling Sessions.....	3
C. Contents of a Documented Counseling Session.....	3
D. Just Cause.....	3
E. Approved Actions.....	4
F. Unsatisfactory Job Performance.....	4
G. Factors for Consideration.....	4
H. Unsatisfactory Job Performance Corrective Action Progression.....	5
I. Unacceptable Personal Conduct.....	5
Unacceptable Personal Conduct Corrective Action Progression.....	5
J. Differences in Progressions/Combinations of Progressions.....	5
K. Inclusion of Corrective Actions in Performance Evaluations.....	6
L. Supervisor and Management Responsibilities.....	6
Leader Responsibilities and Time Frames.....	7
Consultation Guidance.....	7
Non-UNC Health Care Leader Responsibilities.....	7
M. Contents of a Written Warning and a Final Written Warning.....	7
N. Investigatory Suspension.....	8
Notification.....	8
Time Limits.....	8
Extension.....	9
O. Credentials.....	9
Falsification of Credentials.....	9
P. Criminal Activity.....	9
Q. Pre-Disciplinary Conference proposing Suspension without Pay, Demotion, or Dismissal.....	9
Required Consultation.....	10
Person Conducting the Pre-Disciplinary Conference.....	10
Pre-Disciplinary Conference Participants.....	10
Procedures for Demotion, Suspension Without Pay, or Dismissal.....	10
R. Dismissal following a Suspension without pay or Demotion.....	11
S. Failure to Follow Procedure.....	11
T. Grievance Time Limits.....	12
U. Grievances.....	12
V. Waiver of Appeal Rights.....	12
W. Transfer of Corrective Actions.....	12
X. Employee Reinstatement.....	12
Y. Retention of Records.....	12
Z. Definitions.....	12

## Corrective Actions

At-Risk Behavior .....	12
Consoling .....	13
Coaching .....	13
Counseling .....	13
Current Active Incident .....	13
Demotion.....	13
Dismissal.....	13
Human Error .....	13
Inactive Corrective Action.....	13
Insubordination.....	13
Reckless Behavior .....	13
Substantial and Unjustifiable Risk .....	13
Suspension Without Pay .....	14
Unacceptable Personal Conduct .....	14
Unsatisfactory Job Performance .....	14
IV. Related Policies .....	14
A. <a href="#">Attendance and Tardiness Policy</a> .....	14
B. <a href="#">Code of Conduct Policy</a> .....	14
C. <a href="#">Grievance Resolution Policy</a> .....	14
D. <a href="#">Information Security Policy</a> .....	14
E. <a href="#">Licensure/Certification Policy</a> .....	14
F. <a href="#">Probationary Appointment Policy</a> .....	14
G. <a href="#">Reinstatement Policy</a> .....	14
H. <a href="#">Temporary Appointment Policy</a> .....	14
I. <a href="#">Administrative Leave Policy</a> .....	14
J. <a href="#">Management Rights Policy</a> .....	14
K. <a href="#">Fit-for-Duty Policy</a> .....	14
L. <a href="#">Criminal Activity Policy</a> .....	14

### Table List

Table 1. Corrective Actions Requirements .....	15
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## II. Rationale

It is the intent of UNC Health Care in establishing this policy to provide a fair, clear, and useful tool for correcting and improving performance problems, as well as providing a process to assist management in handling cases of unacceptable personal conduct. Any corrective actions taken in accordance with this policy shall be preceded by a fair and thorough investigation. An investigation for fact finding purposes must include interviews and/or written statements by available witnesses and the employee in question, noting in particular that all employees are responsible for reporting disruptive or inappropriate behavior per the Code of Conduct Policy. Employees involved must cooperate with any investigation. Investigation results shall be used to determine an appropriate response under this policy prior to any corrective actions to the employee's file. Any corrective action taken in accordance with this policy must be for one of the two following reasons:

- Corrective action imposed on the basis of unsatisfactory job performance.
- Corrective action imposed on the basis of unacceptable personal conduct.

### III. Policy

#### A. Covered Employees

This policy applies to all regular employees, except those in Probationary or Temporary status. For more information see the [Probationary Appointment Policy](#) or the [Temporary Appointment Policy](#).

#### B. Counseling Sessions

A counseling session between an employee and his/her supervisor is required as part of the pre-corrective action process when administering the Attendance and Tardiness Policy. Once a corrective action has been issued, it is optional to conduct additional counseling sessions before taking further corrective action. While not a formal corrective action, counseling sessions must be documented as a course of action using the Employee Counseling form. Supervisors and Managers are responsible for sending the Employee Counseling form to the Employee Records Office for entry into the employee's personnel file as soon as is practicable. See Contents of a Documented Counseling Session, below, for further guidance.

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**Note:** Counseling Sessions may be issued at any time for minor performance or conduct issues and, as is noted further in this policy, do not extend the time that any previously issued corrective actions remain active.

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#### C. Contents of a Documented Counseling Session

All documented counseling sessions must:

- Be presented with a management representative as a witness, (or Employee Relations member, if necessary);
- Be documented on a UNC Health Care Employee Counseling form;
- Indicate use of the [Just Culture Algorithm](#) for guidance, except for [Attendance and Tardiness Policy](#) violations. When applying the [Just Culture Algorithm](#), indicate which level of behavior applies and whether there were potential system contributing factors;
- Describe the event;
- State the specific performance expectations;
- Identify training and skill development courses or programs appropriate to the situation and dates by which these will be completed.
- State the time period during which the employee must show improved performance;
- State the consequences of failing to make the required improvements or corrections;
- Be signed and dated by the manager/supervisor and the employee (or witness if employee refuses to sign); and
- Be sent to the Employee Records Office as soon as practicable.

#### D. Just Cause

Just Cause is the basis for using corrective action. There are two reasons for the use of corrective action. These are:

- unsatisfactory job performance and unacceptable personal conduct.

Some actions by an employee may fall under both categories. No corrective action shall be invalid solely because the corrective action is either allegedly or actually labeled incorrectly.

## Corrective Actions

Moreover, there are three subsections of cause for corrective action when analyzed under the [Just Culture Algorithm](#), which can be applied to either performance or conduct issues. These are:

1. Human Error – error resulting from inadvertently doing other than what should have been done; a slip, lapse, or mistake; usually involving repetitive acts, but may result from one egregious act;
2. At Risk Behavior – action taken, or failure to take action, that increases risk of harm; usually involving repetitive acts, but may result from one egregious act;
3. Reckless Behavior – choosing to consciously disregard a substantial and unjustifiable risk of harm.

### E. Approved Actions

When just cause exists for corrective action, any regular UNC Health Care employee covered by this policy, regardless of occupation, position, or profession, may be warned, demoted, suspended, or dismissed by UNC Health Care management. The degree and type of action taken shall be based on the sound and considered judgment of UNC Health Care. The [Just Culture Algorithm](#) should be used as a guide for determining whether just cause for corrective action exists. When just cause exists, the corrective actions that can be taken are:

- Written Warning;
- Final Written Warning;
- Disciplinary suspension without pay;
- Demotion; and
- Dismissal.

Consistency, past practice, and individual circumstances should determine the appropriate action. The [Just Culture Algorithm](#) should be used as a guideline in determining whether or not to issue corrective action.

### F. Unsatisfactory Job Performance

Any work-related performance problem may be just cause to bring a corrective action against an employee for unsatisfactory job performance. Just cause for a Written Warning or other corrective action for unsatisfactory job performance occurs when an employee fails to satisfactorily meet job requirements.

A counseling session is an optional first step for any performance problem. Once a corrective action has been issued, it is also optional to conduct additional counseling sessions before taking further corrective action.

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**Note:** A counseling session is required as a first step in addressing violations of the [Attendance and Tardiness Policy](#).

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### G. Factors for Consideration

The determination of unsatisfactory performance is generally made by the supervisor. The supervisor's determination should be reasonable, proper, factually supported, and guided by use of the [Just Culture Algorithm](#). In determining whether an employee's job performance is unsatisfactory, a supervisor should consider any one or a combination of the following factors:

- Quality of work
- Quantity of work

## Corrective Actions

- Work habits
- Promptness
- Timely performance of work
- Related analysis, decisions, or judgment
- Accuracy of the work
- The work plan and the annual appraisal
- Ability/willingness to follow instructions, directions, or procedures
- Appropriateness of work performed
- Adequacy of any training provided the employee
- Any other factors that, in the opinion of the supervisor, are appropriate to determine whether an employee's performance constitutes unsatisfactory job performance

### H. Unsatisfactory Job Performance Corrective Action Progression

Written Warning: In order to receive a Written Warning for unsatisfactory job performance, an employee must have a current active unresolved incident of unsatisfactory job performance. An employee may also have a counseling session, though a counseling session is not mandatory for unsatisfactory job performance. For other actions, please refer to [Table 1: Corrective Actions Requirements](#) at the end of this policy.

### I. Unacceptable Personal Conduct

Just cause for corrective action due to unacceptable personal conduct may be created by intentional or unintentional acts. The conduct may be job-related or non-job-related as defined later in this policy (see Definitions). Unacceptable personal conduct can also occur when an employee violates the Information Security/Privacy Policy (see "Instructional Bulletin" for violations of the Information Security Policy). Insubordination is unacceptable personal conduct for which any level of corrective action, including dismissal, may be imposed without prior warning. The [Just Culture Algorithm](#) should be used as a guide for determining corrective action for unacceptable personal conduct.

#### Unacceptable Personal Conduct Corrective Action Progression

The particular corrective action for an instance of unacceptable personal conduct is a matter that should be guided by the [Just Culture Algorithm](#). For all levels of corrective action, a current active incident of unacceptable conduct is required. As noted above in Section III. B., a manager must issue a documented Counseling Session prior to giving a corrective action for unacceptable personal conduct as a first step *only* with [Attendance and Tardiness Policy](#) violations. Violations of the Information Security/Privacy Policy have recommended corrective action in the [Instructional Bulletin](#).

Please refer to [Table 1: Corrective Actions Requirements](#) at the end of this policy.

### J. Differences in Progressions/Combinations of Progressions

- As a first step with [Attendance and Tardiness Policy](#) violations, a manager must issue a documented Counseling Session prior to giving an employee further corrective action for continued [Attendance and Tardiness Policy](#) violations. Employees who incur a single current incident of egregious unacceptable personal conduct not related to Attendance and Tardiness can be suspended, demoted or dismissed without a prior counseling, Written Warning or Final Written Warning.

## Corrective Actions

- When an employee has not been dismissed, demoted, or suspended without pay for an incident of unacceptable personal conduct, and instead is given a Written Warning or a Final Written Warning, that corrective action is tracked in the same track with unsatisfactory job performance. All corrective actions are then tracked successively and progressively together regardless of whether the corrective actions are for performance or conduct. This includes corrective actions for Attendance and Tardiness and Information Security/Privacy violations.
- Once a Written Warning has been issued, if a subsequent egregious (i.e., not minor) instance of unsatisfactory job performance or unacceptable personal conduct occurs within a 12-month period, a supervisor *must* issue *at least* a Final Written Warning when corrective action is warranted. If the instance of unsatisfactory job performance or unacceptable personal conduct is relatively minor in nature, supervisors may always issue a documented Counseling Session to address this behavior. Supervisors must use the [Just Culture Algorithm](#) and good judgment.
- An employee may have only one active Final Written Warning. A supervisor or manager may not issue a second, simultaneously active, Final Written Warning.
- A Suspension Without Pay or a Demotion carries the weight of a Final Written Warning and remains active for 12 months.

### K. Inclusion of Corrective Actions in Performance Evaluations

Corrective Actions which remain active at the time of an employee's annual performance evaluation shall be documented in that performance evaluation under the core behavior or job function that best captures the conduct or performance deficiency noted for improvement.

### L. Supervisor and Management Responsibilities

The supervisor is responsible for reviewing job performance and personal conduct and encouraging satisfactory performance and conduct by employees in his/her work unit.

Supervisors shall:

- Assure the satisfactory performance of assigned work by an employee of the work unit. The supervisor's determination must be reasonable and factually supported.
- Hold employees accountable for making behavioral choices that are supportive of the organizational values, for following UNC Health Care policies, and for avoiding causing unjustified risk or harm to self or others.
- Require acceptable personal conduct of each employee through enforcement of the UNC Health Care Code of Conduct and related policies.
- Take corrective action when the employee has engaged in conduct or performance prohibited by this policy.
- Use the [Just Culture Algorithm](#) to determine if corrective action is necessary and, if so, the level of action to be taken, except for use with initial violations of the Attendance and Tardiness Policy which must always begin with a Counseling Session.

The [Just Culture Algorithm](#) is the approved guide for determining the appropriateness and level of corrective action for unacceptable choices of behavior. When a supervisor determines, with the use of the [Just Culture Algorithm](#), that an employee has violated conduct or performance standards, he/she should examine a number of factors to decide the appropriate type of corrective action. Among the factors are:

- Whether corrective action should be recommended, given the available facts;

## Corrective Actions

- Whether further investigation is needed to make a recommendation;
- The type and degree of corrective action that should be taken;
- The employee's work history and performance appraisal ratings;
- Corrective actions received by other employees for similar deficiencies within the work unit;
- Factors that, when reviewed, would provide additional relevant positive or negative information.

### Leader Responsibilities and Time Frames

The supervisor must begin investigating the facts within 5 business days of receiving knowledge of an employee's poor job performance and/or misconduct. The supervisor must initiate appropriate corrective action for the employee within 5 business days of completion of the investigation. If the supervisor is unavailable, the supervisor may delegate these responsibilities. It is the responsibility of the supervisor to provide honest and constructive verbal and written feedback to his/her direct reports. Supervisors and managers are responsible for the accuracy and timeliness of administering corrective action and may be held accountable for deficiencies in administering appropriate corrective action. Failure to appropriately administer this policy may result in review and possible corrective action for the leader up to and including dismissal.

### Consultation Guidance

Supervisors contemplating corrective action of any kind must request the guidance of their management before beginning such action. Corrective actions that request Demotion, Suspension Without Pay or Dismissal require policy and procedure compliance review by the Employee Relations Director (or designee) for both the Pre-Disciplinary Conference and for the Final action prior to communication and delivery to the affected employee, and prior to inclusion in the employee record. However, the Final responsibility for defending the corrective action remains with the supervisor and his/her management.

### Non-UNC Health Care Leader Responsibilities

UNC Health Care's Corrective Action policy and process applies only to UNC Health Care employees. UNC School of Medicine supervisors and managers of UNC Health Care employees are responsible to know and implement UNC Health Care's Corrective Action policy and process with the UNC Health Care employees under their supervision. UNC School of Medicine supervisors and managers who fail to appropriately administer UNC Health Care's Corrective Action policy and process may be subject to review and possible corrective action by their management in accordance with the UNC School of Medicine's disciplinary procedures. All contract or third party supervisors/managers are also subject to this provision.

## M. Contents of a Written Warning and a Final Written Warning

Every Written Warning, including Final Written Warnings, must:

- Be presented with a management representative as a witness, (or Employee Relations member, if necessary);
- State clearly that it is a Written Warning or Final Written Warning, whichever is appropriate;
- Be signed and dated by supervisor/manager and the employee (or witness);
- Indicate use of the [Just Culture Algorithm](#) for guidance. When applying the [Just Culture Algorithm](#), indicate which level of behavior applies and whether there were potential system contributing factors;

## Corrective Actions

- State the specific conduct or performance that is the reason for the warning;
- State the specific expectations for future performance or conduct improvements required;
- Identify training and or skill development programs appropriate to the situation and dates by which these will be completed.
- State the time period during which the employee must show improved performance or conduct;
- State the consequences of failing to make the required improvements or corrections
- Be signed and dated by the manager/supervisor and the employee (or witness if employee refuses to sign); and
- Be sent to the Employee Records Office as soon as practicable.

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**Note:** Employees have the right to write a rebuttal to any counseling or corrective action within five (5) business days of receipt of the corrective action. Management, within five (5) business days, must acknowledge receipt of the rebuttal, in writing, to the employee. The acknowledgement needs to be sent to the employee with a copy to Employee Records for inclusion in the employee's file.

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### **N. Investigatory Suspension**

Investigatory Suspension is used to temporarily remove an employee from work status. Placement on investigatory suspension with pay does not constitute a corrective action as defined in this policy.

Under no circumstance is it permissible to use investigatory suspension for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

An employee may be placed on investigatory suspension with pay according to the Administrative Leave Policy, under the following circumstances:

- To investigate allegations of unsatisfactory performance or unacceptable conduct that could constitute just cause for corrective action;
- To provide time within which to schedule and conduct a Pre-Disciplinary Conference; or
- To avoid disruption of the work place or to protect the safety of persons or property.

#### **Notification**

Management must notify an employee in writing of the reasons for investigatory suspension not later than the second scheduled workday after the beginning of the suspension.

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**Note:** A *NOTICE OF INVESTIGATORY SUSPENSION WITH PAY* has been added to the Human Resources Forms section of the HR website. It is intended that this form will permit managers/supervisors to comply more easily with the requirement to provide employees with clear and timely written notice of their status change.

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#### **Time Limits**

An investigatory suspension may last no longer than 30 calendar days, unless an extension is approved in writing by the VP of Human Resources or his/her designee.

### Extension

When an extension beyond the 30-day period is required, the Director of Employee Relations (or designee) must advise the employee in writing of the extension, the length of the extension, and the specific reasons for the extension. If no action has been taken by UNC Health Care at the end of the 30-day period and no further extension has been granted, UNC Health Care must either take appropriate corrective action on the basis of the findings of the investigation or return the employee to active work status.

### O. Credentials

By statute, regulation, and administrative rule, some duties assigned to positions in UNC Health Care may be performed only by persons who are duly licensed, registered, or certified as required by the relevant law, rule, or provision. All such requirements and restrictions are specified in the statement of essential qualifications or recruitment standards for classifications.

Employees in such classifications are responsible for obtaining and maintaining current, valid credentials as required by law, rule, or regulation. Failure to obtain or maintain the legally required credentials constitutes a basis for immediate corrective action (demotion, suspension, or dismissal) without prior warning following a pre-disciplinary conference. An employee dismissed on this basis shall be given a written letter of dismissal with the specific reason for the dismissal and written notice of the right of appeal. Refer to the [Licensure/Certification Policy](#) for more information.

#### Falsification of Credentials

Falsification of employment credentials or other documentation in connection with securing employment constitutes just cause for corrective action. When credential or work history falsification is discovered after employment with UNC Health Care, corrective action shall be administered as follows:

- A permanent employee who was determined to be qualified and was selected for a position based upon falsified work experience, education, registration, licensure, or certification information that was a requirement for the position must be dismissed for conduct according to the provisions of the "Dismissal" section of this policy.
- Probationary, Temporary, or Per-Diem employees who were determined to be qualified and selected for a position based upon falsified work experience, education, registration, licensure, or certification information that was a requirement for the position must be dismissed immediately.
- In all other cases of post-hiring discovery of false or misleading information, corrective action must be taken. The level of the corrective action shall be at the discretion of the Director of Employee Relations or designee.
- When falsification of credentials, work history, military status, or other applicant information is discovered before employment with UNC Health Care, the applicant shall be permanently disqualified from consideration for any UNC Health Care position

### P. Criminal Activity

An employee's failure to report any criminal conviction as required may result in corrective action up to and including dismissal in accordance with the [Criminal Activity Policy](#).

### Q. Pre-Disciplinary Conference proposing Suspension without Pay, Demotion, or Dismissal

A pre-disciplinary conference must be held with the employee prior to taking any corrective action involving Suspension without Pay, Demotion, or Dismissal.

## Corrective Actions

Any employee may be Demoted, Suspended Without Pay or Dismissed as a corrective measure either after the receipt of at least two prior corrective actions (Written Warning and Final Written Warning) for unsatisfactory job performance, or without any prior corrective action for unacceptable personal conduct, depending on the nature of the unacceptable behavior.

Disciplinary Demotions shall result in the reduction of responsibilities and compensation.

A corrective Suspension Without Pay for an employee who is subject to the overtime compensation provisions of the Fair Labor Standards Act (FLSA) must last for at least one full work day, but not more than two work weeks. A corrective Suspension Without Pay for an employee who is exempt from the overtime compensation provisions of the FLSA must last for at least one full work week, but not more than two work weeks.

### **Required Consultation**

The supervisor recommending Demotion, Suspension without Pay or Dismissal must consult with the Director of Employee Relations (or designee) prior to the Pre-disciplinary Conference to ensure that proper policies and procedures have been followed. Upon approval, a Pre-Disciplinary Conference shall be held with the employee. Following the conference, the supervisor must again consult with the Director of Employee Relations (or designee) for Final review and approval if the supervisor's recommendation is Demotion, Suspension Without Pay or Dismissal.

### **Person Conducting the Pre-Disciplinary Conference**

The person conducting the Pre-Disciplinary Conference must be the immediate supervisor of the affected employee. The supervisor must have a member of his/her management present. The supervisor must have the authority to recommend or decide what if any corrective action should be imposed on the employee.

### **Pre-Disciplinary Conference Participants**

- The following are the only individuals who may be present at the Pre-Disciplinary Conference:
- The supervisor and a management member;
- The employee;
- An Employee Relations staff member whose role it will be to respond to questions related to UNC Health Care policies and procedures; and
- If the supervisor conducting the conference believes that a security risk may exist, a UNC Health Care Police Officer.

*No attorney shall be present at the conference.*

### **Procedures for Demotion, Suspension Without Pay, or Dismissal**

Before Demotion, Suspension Without Pay or Dismissal of an employee, a supervisor must:

- Inform the appropriate Executive of the proposed action;
- Schedule and conduct a Pre-Disciplinary Conference and give prior written notice of the conference to the employee. The notice must state the type of corrective action (Demotion, Suspension Without Pay or Dismissal) being considered, the conference time and location, and the facts that led to the recommendation. Advance notice should be 24 hours, or as much as is practical under the circumstances;
- Allow the employee, at the conference, an opportunity to provide reasons why the Demotion, Suspension Without Pay or Dismissal should not be imposed, offer facts that are

## Corrective Actions

different from those presented by management, and offer facts in support of his or her case. The employee is not allowed to have witnesses or legal counsel at this conference;

- Document the employee's responses given during the Pre-disciplinary Conference;
- Advise the employee that he/she may be contacted by phone when a decision has been reached and obtain a telephone number by which the employee may be reached;
- Provide a copy of the employee's responses given at the Pre-disciplinary Conference to the Director of Employee Relations (or designee) and discuss the outcome of the pre-disciplinary conference with the appropriate members of the chain-of-command; Conduct further investigation if needed; Write the letter informing the employee of management's decision.
- If the decision is to Demote, Suspend Without Pay or Dismiss, the employee shall receive notice of the decision from his/her management in writing within 5 business days of the decision. The written notice shall be presented to the Director of Employee Relations (or his/her designee) for Final review. The letter may be delivered to the employee either in person or by both first class and certified mail (return receipt requested). The letter must include:
  1. The reason for the Demotion. Suspension Without Pay or Dismissal;
  2. The effective date of the action;
  3. A copy of UNC Health Care's Employee [Grievance Resolution Policy](#);
  - Make all reasonable attempts to contact the employee in person by phone to inform him/her of the decision; or, if the decision is not to Demote, Suspend Without Pay or Dismiss the employee, provide the employee written notice of the decision either in person or by *both* first class and certified mail (return receipt requested). The letter must include notification of when the employee is expected to return to work; and send a Final copy of the notice of the conference outcome as well all written communications with the employee to the Employee Relations Department.
  - The effective date of the Demotion, Suspension Without Pay or Dismissal shall be no sooner than the day after the Pre-Disciplinary Conference and no later than 5 business days after the date of the Pre-Disciplinary conference notice. Extensions to these time frames *must have* prior approval of the Director of Employee Relations (or designee).

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**Note:** An employee's failure to appear at a scheduled Pre-Disciplinary Conference will be considered a Voluntary Resignation Without Notice.

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### **R. Dismissal following a Suspension without pay or Demotion**

Within 12 months following a suspension without pay or a demotion, an employee who has a subsequent Unresolved Incident of poor performance or poor conduct may be dismissed. A pre-disciplinary conference proposing dismissal must be conducted prior to dismissing the employee.

### **S. Failure to Follow Procedure**

Failure to: (1) give written reasons for Demotion, Suspension Without Pay, or Dismissal, (2) to offer written notice of appeal rights (where applicable), or (3) to conduct a Pre-Disciplinary Conference where required by this policy, are all procedural violations. Failure to follow any of these procedures may delay the corrective action process. The corrective action process will be reviewed and, if warranted, re-initiated from the beginning to allow the procedural error to be corrected. The employee shall be made whole for any loss of compensation or benefits caused in the meantime by the procedural error.

### T. Grievance Time Limits

The time limit for filing a grievance does not start until the decision to Demote, Suspend Without Pay, or Dismiss is communicated to the employee, and the employee receives written notice of any applicable appeal rights. Failure to provide the employee with written notice of applicable appeal rights extends the time for the employee to appeal until actual receipt of his/her written appeal rights. See UNC Health Care's Employee [Grievance Resolution Policy](#).

### U. Grievances

Only Demotions, Suspensions without Pay, and Dismissals of employees covered by this policy are disciplinary actions which are grievable. UNC Health Care shall provide, as an attachment to the written documentation of any grievable corrective action, a copy of UNC Health Care's [Grievance Resolution Policy](#), which includes information about an employee's full appeal rights.

### V. Waiver of Appeal Rights

If an action is grievable, and the employee fails to timely grieve the action, the employee is deemed to have waived the right to contest the validity of the action. See UNC Health Care's Employee [Grievance Resolution Policy](#).

### W. Transfer of Corrective Actions

If an employee transfers to another department (i.e., does not experience a break in service), any active corrective actions in the employee's personnel file will remain in full force at the new work unit in accordance with the time frames of this policy.

### X. Employee Reinstatement

An employee's active corrective actions become null and void if the employee experiences a break in state service (i.e., employee is separated from employment for more than 31 calendar days) and is in a position to be reinstated. See the [Reinstatement Policy](#) for more information.

When employees are out on an approved leave, i.e., Short-term Disability Leave, Family Medical Leave, Military Leave, etc., the corrective action process is suspended until the employee returns from leave. Corrective actions the employee received prior to the approved leave do not expire while the employee is out on approved leave. When the employee returns to work, the corrective action process is resumed and the remaining corrective action period is extended by the length of the leave.

### Y. Retention of Records

The original documentation of a corrective action shall be kept within the departmental personnel file for the employee. Copies of any counseling, Written Warning and Final Written Warnings, Demotion, Suspension Without Pay or Dismissal shall be forwarded to the Human Resources Employee Records Office within 24 hours for inclusion in the employee's personnel file maintained there. Copies of Pre-disciplinary Conference Notices and Letters, as well as Demotion, Suspension Without Pay, and Dismissal letters shall be forwarded to the Employee Relations Department within 72 hours for inclusion in the employee's personnel file. That file of record shall be the file retained in the UNC Health Care Employee Records Office.

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**Note:** NCGS 126-23 (a) (11) provides that *Dismissal Letters are public information and must be released if requested.*

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### Z. Definitions

#### At-Risk Behavior

Action taken or failure to take action that increases risk of harm; usually involves repetitive acts, but may result from one egregious act.

## Corrective Actions

### **Consoling**

Providing support, reassurance and encouragement.

### **Coaching**

Supportive discussion with the employee on the need to engage in safe behavioral choices.

### **Counseling**

- Face-to-face discussion with an employee during which expectations for appropriate performance/conduct are restated and documented;
- Opportunity to console an employee when appropriate.
- Opportunity to coach an employee when appropriate.

### **Current Active Incident**

An act involving unacceptable personal conduct or unsatisfactory job performance for which no corrective action has been previously imposed or issued by UNC Health Care management.

### **Demotion**

An involuntary reduction in responsibilities and compensation.

### **Dismissal**

The involuntary ending of the employment of an employee.

### **Human Error**

Inadvertently doing other than what should have been done; a slip, lapse, or mistake; usually involves repetitive acts, but may result from one egregious act.

### **Inactive Corrective Action**

A corrective action becomes inactive for the purpose of this policy when:

- 12 months have passed since the issuance of the corrective action and the employee has not received another corrective action within the last 12 months. However, when an employee has received further progressive active within the last 12 months, all preceding corrective actions will remain active.

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**Note:** Counseling Sessions may be issued at any time for minor performance or conduct issues and do not extend the time that any existing corrective actions remain active.

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### **Insubordination**

The willful failure or refusal to carry out a reasonable order from an authorized supervisor. Insubordination is unacceptable personal conduct for which any level of corrective action, including dismissal, may be imposed without prior warning.

### **Reckless Behavior**

Conscious disregard of a substantial and unjustifiable risk of harm.

### **Substantial and Unjustifiable Risk**

A behavior for which the risk of harm outweighs the social utility that may be associated with the behavior.

### **Suspension Without Pay**

Removal of an employee from work for corrective reasons without paying the employee during the period of suspension.

### **Unacceptable Personal Conduct**

An act that is:

- Conduct for which no reasonable person should be expected to receive prior warning including an egregious human error, egregious at risk behavior, or reckless behavior; or
- Job-related conduct which constitutes a violation of state or federal law; or
- Conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to UNC Health Care; or
- Willful violation of known or written work rules; or
- Conduct unbecoming an employee that is detrimental to UNC Health Care; or
- Abuse of client(s), patient(s), student(s), or person(s) over whom the employee has charge or to whom the employee has a responsibility, or of an animal owned by UNC Health Care; or
- Unauthorized absence from work after all authorized leave credits and benefits have been exhausted; or
- Falsification of a job application form, credentials, or other employment documentation, or loss of legally required credentials; or
- Insubordination, as defined in this policy.

### **Unsatisfactory Job Performance**

Work-related performance that fails to satisfactorily meet job requirements as specified in the relevant job description or work plan, or as directed by management.

## **IV. Related Policies**

- A. [Attendance and Tardiness Policy](#)
- B. [Code of Conduct Policy](#)
- C. [Grievance Resolution Policy](#)
- D. [Information Security Policy](#)
- E. [Licensure/Certification Policy](#)
- F. [Probationary Appointment Policy](#)
- G. [Reinstatement Policy](#)
- H. [Temporary Appointment Policy](#)
- I. [Administrative Leave Policy](#)
- J. [Management Rights Policy](#)
- K. [Fit-for-Duty Policy](#)
- L. [Criminal Activity Policy](#)

## Corrective Actions

**Table 1. Corrective Actions Requirements**

	<b>Unsatisfactory Job Performance</b>	<b>Personal Conduct</b>
<b>Documented Counseling Session</b>	Requires an unresolved incident and is conducted at supervisor's discretion. Supervisors giving a documented counseling though must complete an <a href="#">Employee Counseling Session</a> form. Counseling for unsatisfactory job performance is not a corrective action and is optional.	Is only required as a first step prior to giving corrective action for Attendance and Tardiness policy violations. Supervisors must complete an <a href="#">Employee Counseling Session</a> form. This is not a corrective action, but it is required as a first step for Attendance and Tardiness violations
<b>Written Warning</b>	Requires an Unresolved Incident	Requires an Unresolved Incident and is imposed at supervisor's discretion. (This is not a necessary step in the corrective action progression; its use is based on the individual circumstances.)
<b>Final Written Warning</b>	Requires an Unresolved Incident and a previous active Written Warning. The previous active Written Warning may be for either unsatisfactory job performance or unacceptable personal conduct.	Requires an Unresolved Incident and is imposed at supervisor's discretion. (This is not a necessary step in the corrective action progression; its use is based on the individual circumstances.)
<b>Suspension Without Pay</b>	Requires an Unresolved Incident of unsatisfactory job performance, a Written Warning and a Final Written Warning for either unsatisfactory job performance or unacceptable personal conduct and a Pre-Disciplinary Conference with approval from the Director of Employee Relations or designee; OR an Unresolved Incident of unsatisfactory job performance, a Final Written Warning for Unsatisfactory job Performance or Unacceptable Personal Conduct, and a Pre-Disciplinary Conference with approval from the Director of Employee Relations or designee.	Requires an Unresolved Incident, approval from the Director of Employee Relations or designee, and a Pre-Disciplinary Conference.
<b>Demotion</b>	Requires an Unresolved Incident of unsatisfactory job performance, a Written Warning and a Final Written Warning for either unsatisfactory job performance or unacceptable personal conduct and a Pre-Disciplinary Conference with approval from the Director of Employee Relations or designee; OR an Unresolved Incident of unsatisfactory job performance, a Final Written Warning for Unsatisfactory job Performance or Unacceptable Personal Conduct, and a Pre-Disciplinary Conference with approval from the Director of Employee Relations or designee.	Requires an Unresolved Incident, approval from the Director of Employee Relations or designee, and a Pre-Disciplinary Conference.

## Corrective Actions

<p><b>Dismissal</b></p>	<p>Requires an Unresolved Incident of unsatisfactory job performance, a Written Warning and a Final Written Warning for either unsatisfactory job performance or unacceptable personal conduct and a Pre-Disciplinary Conference with approval from the Director of Employee Relations or designee; OR an Unresolved Incident of unsatisfactory job performance, a Final Written Warning for Unsatisfactory job Performance or Unacceptable Personal Conduct, and a Pre-Disciplinary Conference with approval from the Director of Employee Relations or designee; OR within 12 months following a suspension without pay or a demotion, an employee has another Unresolved Incident of poor performance or poor conduct.</p>	<p>Requires an Unresolved Incident, approval from the Director of Employee Relations or designee, and a Pre-Disciplinary Conference.</p>
<p>NOTE: Failure to give written reasons for a demotion, suspension without pay, or dismissal, failure to give written notice of appeal rights, or failure to conduct a Pre-Disciplinary Conference are all procedural violations that will necessitate re-issuance of the corrective action. See the heading "Failure to Follow Procedure" in the Corrective Action Policy for more information.</p> <p>The time limit for filing a grievance does not start until the employee receives a copy of UNC Health Care's Grievance Resolution policy.</p>		