

PERFORMANCE EXPECTATIONS AND CORRECTIVE ACTION

POLICY NUMBER: HR-PERFANDCORRACTION

POLICY TYPE: ADMINISTRATIVE

RESPONSIBLE OFFICIAL TITLE: CHIEF HUMAN RESOURCES OFFICER

RESPONSIBLE OFFICE: OFFICE OF HUMAN RESOURCES

EFFECTIVE DATE: UPON PRESIDENTIAL APPROVAL – 7/27/2020

NEXT REVIEW DATE: PRESIDENTIAL APPROVAL PLUS FOUR YEARS – 7/27/2024

SUPERSEDES POLICIES: DISCIPLINE; PERFORMANCE IMPROVEMENT PLAN

BOARD OF REGENTS REPORTING (CHECK ONE):

PRESIDENTIAL RECOMMENDATION (CONSENT AGENDA/VOTING ITEM)

PRESIDENTIAL REPORT (INFORMATION ONLY)

I. POLICY STATEMENT

Northern Kentucky University's (NKU) vision is to be nationally recognized for being a student-ready, regionally-engaged university that empowers diverse learners for economic and social mobility. We do this while abiding by these core values (<https://nku.edu/about/mission-and-values.html>):

- Promote a culture that fosters and celebrates excellence in all that we do
- Engage in honest, fair, and ethical behavior with integrity at the heart of every decision and action
- Foster a community of belonging by embracing equity, diversity, and inclusiveness
- Approach our work with creativity and innovation
- Maintain a climate of collegiality built on respect and characterized by open communication and shared responsibility

All employees are expected to perform and engage in accordance with NKU's mission and core values, as well as NKU policies and procedures, and federal, state, and local laws. These requirements for employees are varied and broad; therefore, it would be impossible to list all situations in which this policy may apply. Below are several important examples of NKU's expectations.

All employees must:

- Use good judgement and take responsibility for their actions.
- Be collegial – treat others with dignity and respect and refrain from actions that have a disruptive or negative effect on others or NKU.
- Have a good attendance and punctuality record.
- Support collaboration and teamwork.
- Perform good work and maintain acceptable standards.
- Support and abide by all NKU policies and procedures.

This policy will apply for all employees while at work, on or off-campus, at NKU-sponsored events or anytime representing NKU. It is the policy of NKU to promote a culture where

employees and supervisors/department heads engage in constructive conversations regarding job performance and/or conduct. The shared goal of these conversations is to improve unsatisfactory job performance or to correct the unacceptable conduct.

NKU recognizes that situations may occur which require appropriate corrective action leading to the improvement of an employee's job performance and/or conduct. NKU is committed to providing progressive corrective action. Each instance where corrective action may be warranted will be evaluated on a case-by-case basis, taking into account all of the relevant factors to determine the appropriate response. The use of the progressive levels of corrective action is discretionary, and NKU may use any of the corrective action levels up to and including termination, as deemed appropriate for a given situation.

II. ENTITIES AFFECTED

All non-faculty employees.

Faculty should refer to the *Faculty Policies & Procedures Handbook* sections on Reappointment, Promotion, Tenure, Performance Review, Post-Tenure Review, and Separation.

III. DEFINITIONS

Active Period: When a corrective action is "active," it is a part of the employee's current performance record. Accordingly, it will be taken into consideration should the employee's behavior or performance warrant additional corrective action. Also while active, it may impact employee's eligibility for transfer, promotions, and merit increase.

Progressive Corrective Action: A step-by-step process designed to modify unacceptable employee performance or conduct allowing for corrective action to start at a lower step and progressively increase. It also allows for correction action to begin at a higher level based on the severity and circumstances of the situation.

SMART: Specific, Measurable, Attainable, Relevant, and Timely

IV. RESPONSIBILITIES

Supervisor/Department Head: The supervisor/department head must provide the employee an opportunity to explain the reason(s) for the behavior/performance. The supervisor/department head is responsible for applying corrective action as necessary for an employee. Human Resources should be contacted for advice and review of all corrective action that is at a Written Warning or above.

Human Resources: Human Resources provides guidance and policy interpretation to support Corrective Action and Performance Improvement Plan processes. Human Resources is also responsible for the record management of any corrective action or performance improvement documents.

V. PROCEDURES

It is the policy of NKU to address performance and conduct that are not meeting expectations with one or more of the following options.

A. Corrective Action

Progressive corrective action consists of a clarification of the performance or conduct expectations by the supervisor/department head; followed by four (4) distinct opportunities for an employee to demonstrate improvement prior to termination for cause. However, the supervisor/department head, in consultation with Human Resources, reserves the discretion to impose immediate (non-progressive) corrective action, as deemed appropriate, up to and including recommendation for termination. The type of corrective action taken in a specific situation depends upon many variables, including the following:

- the seriousness of the offense committed or the job performance deficiency and the circumstances under which it occurred;
- the seriousness of the offense or deficiency in terms of the employee's duties and responsibilities, level in the organization, and possible impact on coworkers;
- the effect of the offense or deficiency on the efficient operations of the department or university;
- the previous measures taken to correct the same problem, if this is a "repeated" offense or occasion of performance deficiency;
- the employee's explanation of her/his actions regarding the offense or deficiency;
- the type of corrective action taken for similar offenses or deficiencies;
- the employee's work history.

The supervisor/department head must provide the employee an opportunity to explain the reason(s) for the behavior/performance. The goal of this discussion is to ensure that the supervisor/department head has all information needed to make a determination regarding the level of corrective action.

The supervisor/department management is responsible for applying corrective action as necessary for an employee. Human Resources should be contacted for advice and review of all corrective action that is at a Written Warning or above.

If an employee is away from work for an extended and continuous period of time under any NKU leave policy while under active corrective action, the corrective action may be extended to provide the employee the opportunity to demonstrate improved performance or conduct. Extending corrective action requires Human Resources approval.

NKU's corrective action program generally progresses through the following steps:

1. Verbal Warning

A documented discussion between the supervisor/department head and the employee used to clarify performance or conduct expectations that are not being met. The discussion should be documented and a copy be provided to the employee. A copy will also be maintained by the supervisor/department head. The corrective action form may be used for the documentation. No additional approvals are needed for this level of corrective action.

A verbal warning is typically considered active for a period of three (3) to six (6) months as determined by the supervisor/department head – see definition of “Active Period” in Section III Definitions. A verbal warning will not become part of the employee’s personnel record unless the issue advances to a written warning.

2. Written Warning

When acceptable progress toward correcting an issue has not been made, or in a case where the misconduct or performance is deemed severe enough to skip a verbal warning, a written warning is the next step. A formal meeting between the supervisor/department head and the employee is conducted and documented using the standard Corrective Action Form.

A written warning is typically considered active for a period of six (6) to twelve (12) months as determined by the supervisor/department head. During that time, the employee will not be eligible for transfer, promotion, or merit. Documentation of Written Warning shall be forwarded to Human Resources for retention in the employee’s personnel record. A copy shall also be given to the employee.

3. Final Written Warning

When acceptable progress toward correcting an issue has not been made, or in a case where the misconduct or performance is deemed severe enough to skip the first two (2) steps of verbal and written warning, a final written warning is the next step. A formal meeting between the supervisor/department head and the employee is conducted and documented using the standard Corrective Action Form.

A final written warning is typically considered active for a period of twelve (12) to eighteen (18) months as determined by the supervisor/department head and Human Resources. During that time the employee will not be eligible for transfer, promotion, or merit. Documentation of Final Written Warning shall be forwarded to Human Resources for retention in the employee’s personnel record. A copy shall also be given to the employee.

4. Recommendation for Termination

When an employee has failed to respond to the progressive Corrective Action Program outlined above, or the employee’s performance and/or conduct is such that the supervisor/department management feels employment should not continue, the employee will be recommended for termination. Termination will be determined by the departmental chain of command and Human Resources.

If a recommendation for termination is not upheld, the employee will be issued a Final Written Warning active for a minimum of twelve (12) months. Documentation of Recommendation for Termination shall be forwarded to Human Resources for retention in the employee’s personnel record.

Note: All corrective action documents shall be reviewed with the employee and signed by the supervisor and employee. If the employee refuses to sign, this shall be noted in place of the employee’s signature with a date and the supervisor’s initials. Documentation of corrective action above a Verbal Warning shall be forwarded to Human Resources for retention in the employee’s personnel record. A copy shall also be given to the employee.

Impact of Corrective Action (Written Warning and Above)

- **Internal Transfers (applying for another position within the university):** Employees with corrective action of a Written Warning or above are not allowed to self-initiate an internal transfer to another position while the corrective action is active.
- **Merit Increase:** Employees with corrective action of a Written Warning or above are not eligible for any type of merit increase or bonus payment while the corrective action is active.
- **Promotions:** Employees with corrective action of a Written Warning or above are not eligible for any type of promotion or job reclassification while the corrective action is active.

B. Suspension

1. Suspended With Pay Pending Investigation

There may be situations where an employee needs to be sent home pending investigation. The employee is paid for his/her normally scheduled work hours (not overtime). The employee should not return to work until contacted by Human Resources.

2. Suspended Without Pay

When acceptable progress toward correcting an issue has not been made, or in a case where the misconduct or performance is deemed severe enough to skip the first three (3) steps of Verbal Warning, Written Warning, and Final Written Warning but not termination, unpaid suspension may be utilized.

The unpaid suspension shall be no less than one (1) full shift but not to exceed one (1) week as defined by employee's assigned work schedule.

Unpaid suspension is issued along with a Final Written Warning if the employee does not already have an active Final Written Warning. A formal meeting between the supervisor/department head, a Human Resources representative, and the employee should be held and documented using the standard Corrective Action Form.

A suspension will be considered active for a minimum period of eighteen (18) months and a maximum of twenty-four (24) months as determined by the supervisor/department head and Human Resources. During that time the employee will not be eligible for transfer, promotion, or merit.

Note: An employee may not request vacation time to cover pay when placed on unpaid suspension.

C. Performance Improvement Plan (PIP)

The Performance Improvement Plan (PIP) is designed to help employees develop and improve performance while maintaining accountability. The time given to each step should take into account the complexity or newness of the position or tasks, workplace circumstances, and organizational impact. Human Resources will assist supervisors/department heads in seeking the best outcomes from this process and must be consulted if coaching does not achieve the desired goals. A PIP's objective is to focus an employee's attention on the identified areas of performance problems and assist the employee in bringing performance back to "meeting expectations." See the Performance Improvement Plan Guidelines in Section VII.

VII. PERFORMANCE IMPROVEMENT PLAN GUIDELINES

A Performance Improvement Plan (PIP) has the following steps.

1. Coaching

The supervisor/department head should communicate expectations for improvement clearly and in a timely manner. These expectations should have the following elements:

- Be direct and as specific as possible in identifying performance gaps and/or specific incidents and their significance (SMART);
- Provide the employee with specific examples of what meeting expectations and exceeding expectations looks like in his/her role;
- Allow the employee an opportunity to assess his/her own capability and commitment to a position;
- Identify the process for ongoing assessment of improvement;
- Explain the consequences of failure to improve within a fairly established timeline;
- Document content and date of conversation.

2. Performance Improvement Plan

If coaching does not lead to improved performance or conduct, or if the issues at stake are considered relatively urgent, the supervisor/department head should outline expectations on the Performance Improvement Plan Form.

If an employee receives an overall “needs improvement” on his/her annual performance evaluation, the employee will be assigned the PIP by the supervisor/department head.

Expectations should be clear that the employee’s success in the position is the goal of this step. The supervisor/department head will work with Human Resources in developing the plan that includes specific performance or conduct expectations, a schedule for the employee to update his/her supervisor/department head, and feedback for the supervisor/department head to provide support to the employee.

The duration of the PIP will depend on many factors, including type of position, complexity or severity of the issue, and assessment of the likelihood of improvement. Employees will be given a minimum of 30 days to a maximum of 90 days to demonstrate the required improvement. While the plan will include a timeframe, employment may be ended during the plan if there is not demonstrated improvement and goals are not met. If expectations defined in the PIP are not met within established timeframe, the supervisor/department head, in consultation with Human Resources, may either extend the PIP for a minimum of 30 days to a maximum of 90 days or determine to end employment.

An employee must have demonstrated improvement for the duration of the PIP. Therefore, should the employee be away from work for an extended and continuous period under an approved NKU leave, the performance improvement plan may be extended to provide the employee an opportunity to demonstrate improved performance upon return. Extending the PIP must be done in consultation with Human Resources.

When an employee succeeds and substantially meets expectations within the defined timeframe, extra supervision and oversight are no longer required. However, the performance feedback remains relevant into the future. The improvement made during the PIP must be

sustained by the employee going forward. Should the same performance or conduct issue recur, the department and Human Resources will determine if utilizing the PIP is an appropriate step, looking at factors such as length of time since previous PIP, severity of performance and/or conduct issue, and the employee's commitment and ability to succeed.

While on a PIP, employees are ineligible for internal transfers, promotions, or merit.

Often a situation may arise where an employee is receiving direction and correction under both the Corrective Action Program and the Performance Improvement Plan. In these situations, the totality of the circumstances will be assessed when determining further actions.

VIII. EXCEPTIONS

For employees in their initial probationary period, it is not necessary to take the full sequence of Corrective Action steps before making a determination to either extend the probationary period or recommend the employee for termination.

Student employees are exempt from this policy. However, the Corrective Action Form may be used for documentation purposes, if applicable. Consultation with Human Resources is recommended.

Any exception to the policy requires approval of the employee's Vice President and the Chief Human Resources Officer and be in the best interest of employee's department and NKU.

IX. REFERENCES AND RELATED MATERIALS

REFERENCES & FORMS

Corrective Action Form:

https://inside.nku.edu/content/dam/humanresources/docs/employeerelations/Corrective_Action_Form.pdf

Performance Improvement Plan Form

Faculty Policies & Procedures Handbook sections on Reappointment, Promotion, Tenure, Performance Review, Post-Tenure Review, and Separation:

<https://www.nku.edu/academicaffairs/resources/faculty/handbook.html>

REVISION HISTORY

REVISION TYPE	MONTH/YEAR APPROVED
Revision and Name Change, replacing the following policies:	July 27, 2020
Performance Improvement Plan Discipline	August 1, 2012

PRESIDENT	
Signature <i>Ashish K. Vaidya</i>	Date 7/27/2020
Ashish K. Vaidya	

BOARD OF REGENTS APPROVAL

BOARD OF REGENTS (IF FORWARDED BY PRESIDENT)

This policy was forwarded to the Board of Regents on the **Presidential Report (information only)**.
 Date of Board of Regents meeting at which this policy was reported:
 9 / 9 / 2020

This policy was forwarded to the Board of Regents as a **Presidential Recommendation (consent agenda/voting item)**.

The Board of Regents approved this policy on ____/____/____.
 (Attach a copy of Board of Regents meeting minutes showing approval of policy.)

The Board of Regents rejected this policy on ____/____/____.
 (Attach a copy of Board of Regents meeting minutes showing rejection of policy.)

VICE PRESIDENT AND CHIEF STRATEGY OFFICER

Signature <i>Bonita Brown</i>	Date 9/14/20
Bonita J. Brown	