



<b>Subject:</b>	Evaluation, Corrective Action, and Termination of Staff Personnel
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### 525.1 Purpose

To provide for regular, ongoing, and effective evaluation of staff personnel of the Office of the USTC Commissioner, and to ensure that the evaluation and corrective action processes are administered in a fair and consistent manner.

### 525.2 Approval

USTC Board of Trustees approval: September 30, 2010. Revised: January 12, 2011; June 8, 2016; September 13, 2017.

### 525.3 References

USTC Policy 501, Equal Opportunity and Nondiscrimination  
USTC Policy 502, Sexual Harassment and Consensual Relationships  
USTC Policy 507, Personal Conduct  
USTC Policy 508, Drug-free Workplace  
USTC Policy 511, Employment Practices  
USTC Policy 515, Staff Employment  
USTC Policy 516, Information Technology Acceptable Use  
USTC Policy 530, Staff Employee Separations

### 525.4 Scope

- 4.1 **Salaried Personnel:** This policy applies to all salaried personnel of the Office of the USTC Commissioner who have satisfactorily completed their probationary period (USTC Policies 511 and 515).
- 4.2 **Temporary, Hourly, and Probationary Staff:** Temporary, hourly, and probationary staff employees are not included within the scope of the policy, as they are designated at-will employees and, as such, may be terminated by USTC without advance notice and without staff employee grievance rights.
- 4.3 **Necessary Conditions:** Before any corrective action is taken, the employee's immediate supervisor will ensure that one of the following conditions has been met:
  - 4.3.1 The employee was made aware of the expectations of the job as outlined in the job description and as communicated in the hiring, orientation, and performance evaluation processes; or
  - 4.3.2 The behavior, in the reasonable opinion of the immediate supervisor, is such that no reasonable person should expect to receive prior warning.



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### 525.5 Performance Evaluation

All salaried personnel of the Office of the USTC Commissioner shall receive a performance evaluation at least annually by an immediate supervisor using forms and processes approved by the USTC Commissioner.

- 5.1 Results of the evaluation shall be reviewed with the employee within a reasonable time period following the evaluation.
- 5.2 An employee whose job performance is inadequate or in need of improvement shall be provided with an explanation clearly identifying:
  - 5.2.1 Deficiencies; and
  - 5.2.2 A recommended course of corrective action to improve performance.

### 525.6 Consideration of Actual and Potential Impact and Consequences of Behavior

In determining the level of corrective action which may be taken, consideration will be given to both the actual or potential impact, and to the consequences of the behavior. The factors which will be considered within the decision making process will include:

- 6.1 Physical/safety issues;
- 6.2 Service impact;
- 6.3 Financial implications;
- 6.4 Resultant disruption level;
- 6.5 Violation of USTC policies, procedures, or standards; and
- 6.6 Violation of law.

### 525.7 Level of Corrective Action

The level of corrective action will be the result of an evaluation of each current incident based on the following factors:

- 7.1 The six factors provided in section 6 (actual and potential impact);
- 7.2 Past history; and
- 7.3 Previous corrective actions taken (the current incident need not be of the same type as previous incidents).



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## 525.8 Possible Corrective Actions

Possible corrective actions in order of seriousness include, but are not limited to, written warnings, final written warning, suspension without pay, demotion, and termination. In determining the level of corrective action which may be taken, consideration will be given to both the actual or potential impact, and to the consequences of the behavior. Supervisors, in consultation with others as deemed appropriate, will determine the corrective action to be taken.

- 8.1 **Corrective Action without Warning:** Written warning, the least serious level of corrective action, may be applied without any prior warning. In some instances, depending on the nature and severity of the issue, more serious corrective action such as suspension or termination may also be applied without prior warnings having been issued to the employee.
- 8.2 **Review and Approval:** Prior to imposing a corrective action of final written warning, suspension without pay, demotion, or termination, supervisors must consult with the USTC Commissioner for review and approval of the action.
- 8.3 **Written Action and the Grievance Process:** The employee will be advised in writing of the corrective action being taken and the relevant grievance process.
- 8.4 **Serious Violations:** The following are considered serious violations within the meaning of this policy and will result in corrective actions at higher levels of seriousness as defined in 5.4 above:
  - 8.4.1 Theft;
  - 8.4.2 Violence or threat of violence;
  - 8.4.3 Falsification of USTC documents or misrepresentation to take advantage of USTC benefits or policies;
  - 8.4.4 A conviction of or a plea of guilty or no contest to any crime that is detrimental to or impacts the USTC community;
  - 8.4.5 Use of USTC computer systems to access pornography, gambling, or other unlawful activities (USTC Policy 516);
  - 8.4.6 Intentional privacy violation (GRAMA, FERPA, or HIPAA);
  - 8.4.7 A for-cause finding of discrimination or harassment;
  - 8.4.8 Serious misconduct including, but not limited to, violations that pose a serious risk of harm to people or resources; and



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- 8.4.9 Failure to correct, within a reasonable time period, any performance or behavior which has been identified as inappropriate or inadequate.