

CALIFORNIA STATE UNIVERSITY, BAKERSFIELD

Progressive Discipline Process

It is the philosophy of California State University, Bakersfield to follow a program of progressive discipline when an employee fails to meet the required standards of performance or displays inappropriate conduct.

The University maintains a progressive discipline program to provide a fair and consistent method for addressing employee performance deficiencies and inappropriate conduct. However, because no two situations are exactly the same, it is not possible to prescribe one single procedure that is applicable in every case where corrective or disciplinary action may be necessary. Thus each situation must be analyzed to determine an appropriate course of action. As deemed appropriate, progressive disciplinary action, including corrective action, may vary based on repeated violations of the same or related performance issues or misconduct. Where serious misconduct has occurred, corrective action may not be sufficient. Rather, formal disciplinary action, including dismissal, may be required as the step selected to address serious infractions. Discipline is addressed in various Collective Bargaining Agreements (CBAs). Please refer to the CBA that is appropriate for the employee.

The University's Progressive Discipline Program is generally designed as a two-phased process.

1. **Corrective Action:** This "corrective action" phase provides an opportunity for employees to receive advice and counseling regarding unsatisfactory performance and/or inappropriate conduct, allowing reasonable time for the employee to improve performance to a satisfactory level. Corrective action may include oral warning or counseling and/or written warning, counseling or reprimand.

Corrective action begins when supervisors issue oral warnings and/or counseling. Written counseling memoranda or letters of reprimand may be issued by the appropriate administrator. Such documents generally include a description of the performance deficiency or behavioral concern, a timeline within which improvement must be made, a statement of expectations and the consequences for failure to improve. Written reprimands are generally issued to the employee by the appropriate administrator in a meeting where a discussion of the written document can occur. Such documents should be copied to the Employee's official personnel file. Consultation with the office of Human Resources should occur before any corrective action is taken.

Supervisory efforts should focus on employee development and prevention of serious personnel problems. Supervisors are strongly encouraged to address performance issues as they arise to assure that employees receive timely feedback and an opportunity to improve performance. Formal performance evaluation programs provide another opportunity for supervisors to provide both written and oral comment. Feedback provided via regularly scheduled performance evaluations and, when necessary, additional special performance evaluations, is intended to advise the employee of the need to improve performance overall or related to specific issues of inappropriate conduct.

2. **Formal Discipline:** The second phase involves formal disciplinary action which includes suspension, demotion or dismissal. Employees are provided proper notice of the reasons for disciplinary action and are entitled to due process. There are times when formal disciplinary action (suspension, demotion or dismissal) is necessary due to the severity of the conduct or the repeated nature of the unsatisfactory performance.

The President has delegated the authority to approve disciplinary action for non-faculty employees to the appropriate Vice President in consultation with the Director of Human Resources. Consultation by the appropriate department/area/division/administrator with the Director of Human Resources is required prior to the submission of a recommendation for formal disciplinary action for non-faculty employees.

The written recommendation to the Human Resources Director must document the causes for which discipline is being recommended, any prior corrective steps that have been taken, and any prior formal discipline that has been imposed on the employee. Any and all documentation supporting the recommendation for disciplinary action must accompany the recommendation. The Director of Human Resources will review the recommendation with the appropriate Vice President to receive approval.

Investigation

Appropriate steps by the appropriate department/area/division/administrator in consultation with the Director of Human Resources must be taken to gather evidence to support the recommendation for disciplinary action, including such things as statements from witnesses, documents, correspondence, policies/procedures and other relevant evidence.

Weingarten Rights

Employees are entitled to union representation during an investigatory interview, i.e. any time the supervisor questions the employee to obtain information which could be used as a basis for discipline or asks an employee to defend his/her conduct. Contact Director of Human Resources for further information on rights to representation.

Notice of Discipline

Preparation of the Notice of Disciplinary Action is an administrative function performed by the Office of Human Resources in consultation with the employee's appropriate administrator, manager, and others with relevant information, as well as with the CSU Office of General Counsel. The Office of Human Resources coordinates communication with the Office of General Counsel.

Due Process

The employee is provided the opportunity for an informal hearing on campus prior to the implementation discipline (referred to as a "Skelly Hearing"). A neutral hearing officer is assigned the responsibility of hearing the appeal and preparing a recommendation to the President. After considering the recommendation, the President issues a Final Decision regarding the disciplinary action indicating whether the discipline will be imposed, modified or not imposed.

Employees may also request a formal administrative hearing through the California State Personnel Board before an administrative law judge, which normally occurs after the imposition of the discipline.

Questions regarding progressive discipline should be addressed to the Office of Human Resources.