

Rule R5-111B: Corrective Action and Termination Approval Process for UUHC Staff

Revision 0. Effective date: December 4, 2017.

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I. Purpose and Scope

A. Purpose.

1. To provide a corrective action process that gives managers the necessary tools to deal with concerns about a Staff Member's performance and conduct in an effective, fair and consistent manner. This Rule 5-111B is applicable to all University of Utah Hospitals and Clinics Staff Members holding a benefits eligible position who have completed their probationary period. (See the counterpart Rule 5-111A which governs University Staff members employed by units which are not part of the University Hospitals and Clinics).

B. Scope.

1. This Rule applies to all permanent Staff Members employees holding a benefits eligible position of the University of Utah Hospitals and Clinics who have satisfactorily completed their probationary period.
2. This Rule does not apply to Staff Members who are “at-will” as defined in Policy 5-001. Staff Members employed "at will" may be terminated by the University without advance notice and without staff appeal rights. However, Staff Members employed “at will” do have the right to file a complaint with the Office of Equal Opportunity and Title IX pursuant to Policy 1-012, if they believe they have been subjected to illegal discrimination, sexual harassment, or a violation of the Americans with Disabilities Act (ADA)
3. “At Will” Staff Members also include those who are in their probationary period. This is defined as the first six (6) months of employment beginning from the date of hire, unless otherwise extended pursuant to Human Resource's guidelines for extending probation.

II. Definitions

The definitions provided in Policy 5-111 apply for this rule.

III. Rule

- A. Before any corrective action is taken the Staff Member's immediate Supervisor or Manager will make sure one of the following conditions has been met, including but not limited to:
 1. The Staff Member was made aware of the expectations of the job as outlined in previous corrective actions.
 2. The Staff Member was made aware of the expectations of the job, through the job description, communicated in the hiring process, orientation, or performance evaluation processes.
 3. The behavior or performance concern, in the reasonable opinion of the immediate Supervisor, is such that no reasonable person should expect to receive prior warning.

B. Application of the Policy

1. Staff Members may be disciplined for unsatisfactory job performance, for any conduct described in Section 4.3 of the Utah Board of Higher Education Policy R841, or for any conduct or behavior of a nature that no reasonable person should expect to receive prior warning. Unsatisfactory job performance is defined by reference to University or any sub-unit expectations, including any verbal or written expectations communicated by a supervisor; University Regulations; and federal and state laws. Further, Staff Members may be disciplined for conduct off-duty or away from the University if that conduct impacts the University, violates University or department policy, or violates the law. In determining the level of corrective action which may be taken, consideration will be given to both the actual or potential impact or consequences of the behavior or performance concerns. The factors which will be considered within the decision-making process will include:

- a. Physical/Safety Issues
- b. Service Impact
- c. Financial Implications
- d. Resultant Disruption Level
- e. Violation of University or Department policies, Procedures, or standards
- f. Violation of Law
- g. Patient Safety

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

1. Seven factors listed above (actual and potential impact)
2. Past history:
 - a. previous corrective actions taken.

- b. the current incident need not be of the same type as previous incidents.
- 3. The corrective action will fall into one of the following general categories of increasing seriousness:
 - a. corrective actions based on a concern, typically resulting in a written warning.
 - b. substantial corrective actions, typically resulting in a final written warning.
 - c. Serious corrective actions, typically resulting in a demotion, suspension, or termination of employment. Performance or behavior on the Egregious Behavior List (see Rule 5-11C) typically falls into this category.
- 4. Supervisors or Managers, in consultation with Human Resources Employee Relations and others as deemed appropriate, will determine the category of seriousness. The decision will stand unless found during appeal to be arbitrary and capricious.
- D. Possible formal corrective actions include Written Warning, Final Written Warning, Suspension Without Pay, Demotion and Termination.
- E. In the event of future circumstances requiring corrective action, higher levels of seriousness will be assigned based on either violations of prior written warnings or the seriousness of future behavior.
- F. In some instances corrective action may be applied without prior warnings having been issued to the Staff Member, depending on the nature and severity of the concern.
- G. Prior to imposing any formal corrective action including Written Warning, Final Written Warning, Suspension Without Pay, Demotion or Termination, supervisors or managers must consult with the Human Resources Department for review and approval of the action.

- H. Where institutional issues, rather than departmental issues, are involved, the appropriate institutional representative may take responsibility for any corrective action to be taken.
- I. The Staff Member will be advised, in writing, of the corrective action being taken and the general information regarding the relevant appeal process.
Documentation of formal corrective actions will be entered into the personnel files.
- J. A Staff Member may be assigned a designation of “Not Eligible for Re-application” (NER) upon termination of employment for reasons consistent with the Egregious Behavior Examples under Policy 5-111.
 - 1. An NER designation prohibits a former Staff Member from re-applying or being hired for a minimum of five (5) years from the date of termination and/or designation of NER. After five (5) years the former Staff Member may petition for removal of NER designation by submitting a detailed request to the Chief Human Resources Officer or designee.
 - 2. An NER designation prohibits a former employee from:
 - a. Becoming employed by the University, this includes but is not limited to University departments, divisions, affiliates, or entities.
 - b. Providing services to or on behalf of the University including but not limited to services provided as a consultant and/or contractor.
 - c. Participating in any Volunteer services or capacity.

Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.

IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources

A. Policies/ Rules.

1. Policy 5-111: Corrective Action and Termination Policy for Staff Employees

B. Procedures, Guidelines, and Forms. [*reserved*]

C. Other Related Resources. [*reserved*]

V. References

A. [*reserved*]

VI. Contacts

The designated contact officials for this regulation are:

- A. Policy Owner(s) (primary contact person for questions and advice): University of Utah Hospitals and Clinics Director of Employee Relations
- B. Policy Officer(s): University of Utah Hospitals and Clinics Chief Human Resources Officer

See Rule 1-001 for information about the roles and authority of policy owners and policy officers.

VII. History

Revision History.

- A. Current version. Revision 1.
 1. Effective Date December 4, 2017.
 2. Legislative History
 3. Editorial Revisions
 - a. Editorially revised [date] to replace references to the Board of Regents with references to the Utah Board of Higher Education.
 - b. Editorially revised February 19, 2025 to update name of Office of Equal Opportunity and Title IX.

B. Previous versions.

1. Revision 0 Effective Date. October 10, 2011

C. Renumbering

1. Not Applicable