

MARSHALL UNIVERSITY BOARD OF GOVERNORS

Policy No. HR-5

Four-Part Progressive Counseling

1 General Information.

- 1.1 Scope: This policy applies to classified and optionally to nonclassified employees and provides for the application of four-part progressive counseling as the method for remedying instances of inadequate work performance that do not rise to the level of the infractions set forth in the rule on employee infractions.
- 1.2 Authority: n/a
- 1.3 Passage Date: March 8, 2006 (amended November 13, 2008)
- 1.4 Effective Date: January 12, 2009
- 1.5 Controlling over: Marshall University
- 1.6 History: The four-part progressive counseling was originally set forth as “Disciplinary Procedures” in the Employee Relations chapter of the Marshall University Classified Staff Handbook. This policy was amended on November 13, 2008 to make the policy optional in the case of nonclassified employees.

2 Policy:

- 2.1 Marshall University (hereinafter the University) and Marshall Community and Technical College (hereinafter the College) utilize four-part progressive counseling as the prescribed method for attempts to remedy instances of inadequate work performance that do not rise to the seriousness of the infractions set forth in the rule on employee infractions. Four-part progressive counseling is to be applied for classified and optionally for nonclassified employees in instances of inadequate work performance that are believed to be remediable (e.g.-can be improved or eliminated with some effort on the part of the employee). The goal of four-part progressive counseling is to restore the employee’s work performance to an acceptable level.
- 2.2 The four components of progressive counseling are (1) oral warning; (2) written warning; (3) suspension without pay; and (4) termination from employment. The components are applied in the order listed.
- 2.3 The principles of four-part progressive counseling are (1) to ensure that such counseling is provided fairly and consistently among employees and across departmental lines; (2) to provide clear communication about the problem; and (3) to set forth a plan for improvement to the employee providing the employee a reasonable opportunity to improve.
- 2.4 The employee’s immediate supervisor is responsible for initiating four-part progressive counseling for instances of inadequate work performance for which four-part progressive counseling is appropriate. The employee’s immediate supervisor is responsible for creating and maintaining appropriate documentation and records to support the application of four-part progressive counseling. Failure to utilize four-part progressive counseling when needed and/or failure to create and maintain appropriate documentation may result in disciplinary action against the supervisor.

- 2.5 The steps in four-part progressive counseling include the following:
- 2.5.1 Verbal Warning: When a supervisor observes a work performance deficiency that (a) is not a deficiency requiring immediate suspension without pay or termination of employment as set forth in the rule on employee infractions and (b) has happened once for a more serious issue of several times for a minor issue, he/she shall discuss the problem or issue with the affected employee. The employee is asked to take steps to improve the workplace behavior and is given a reasonable timeframe in which to demonstrate the required improvements. The timeframe varies according to the nature of the problem. A problem such as chronically arriving late for work should be remedied immediately unless there is a compelling situation that would require a longer timeframe in which to improve. A verbal warning is a spoken warning. No written communication should be presented to the employee at the event of verbal warning. The issue should be simply and clearly discussed with the employee. The employee should not be required to sign anything written in connection with the verbal warning. The supervisor should retain in his/her files a brief note that identifies the employee, the situation, the required improvement, the timeframe for improvement, and the consequences of failure to improve. This note should be retained in the event that it is necessary to go to the next step in four-part progressive counseling which is written warning. If a period of time goes by during which the supervisor is satisfied with the improvement made by the employee, he/she may at his/her own discretion determine the progressive counseling process to be ended and may determine to destroy his/her notes about the verbal warning.
- 2.5.2 Written Warning: If verbal warning does not result in an acceptable level of improvement or remedy of the problem cited, the supervisor shall proceed to write and tender a written warning. The written warning should state that the step of verbal warning has not proven sufficient and should identify the employee, the problem, the timeframe for improvement, and the consequences of failure to improve. A written warning should be signed by the supervisor. An original and one copy of the written warning are provided to the employee. He/she is asked to sign one copy acknowledging receipt of the written warning and return the copy signed by him/her to the supervisor. If the employee refuses to sign the written warning, the supervisor should write a note on a copy of the written warning indicating the employee refused to sign it. The copy of the written warning with the employee's signature or the supervisor's note that the employee would not sign the written warning should be retained by the supervisor. If a period of time goes by during which the supervisor is satisfied with the improvement made by the employee, he/she may at his/her own discretion determine the progressive counseling process to be ended at the written warning stage. Copies of the written warning in the possession of the supervisor may be destroyed according to the retention standards outlined below. Beginning at the written warning stage, the supervisor shall send a copy of the written warning to the chief human resources officer where it will be maintained in the employee's personnel file. The supervisor shall attach to the copy of the written warning forwarded to the chief human resource officer a copy of the notes created by the supervisor at the time of the verbal warning event.
- 2.5.3 Suspension Without Pay: If written warning does not result in an acceptable level of improvement or remedy of the problem cited, the supervisor shall write to the employee indicating that he/she is recommending that the employee be suspended without pay for a reasonable period of time. Such communication must be approved by the responsible vice president or dean. Approval for suspension without pay rests with the president. A copy of this written communication shall be sent to the chief human resources officer who shall obtain a decision from the president or his/her designee to approve or disapprove suspension without pay. A copy of the written warning issued earlier to the employee should be in the personnel file maintained by the chief human resources officer. If this was not done for whatever reason a

copy of the written warning with the notes of verbal counseling attached should be forwarded immediately to the chief human resources officer. Suspension without pay cannot be imposed without a complete record of the preceding steps in progressive counseling being in the hands of the chief human resources officer. Suspension without pay for three days, if approved by the president or his/her designee, will be imposed on three consecutive work days to be determined by the supervisor. Suspension without pay must be supported by a Personnel Action Request (PAR) or an Electronic Personnel Action Form (EPAF) submitted to the chief human resources officer. The payroll office shall process the request as a set number of days without compensation and without charging any type of accrued leave. No accrued leave may be taken in lieu of time without pay under the provisions of suspension without pay. If after a reasonable period of time following the employee's return to work from suspension without pay the supervisor is satisfied with the improvement made by the employee, he/she may recommend that the progressive counseling process be ended at the stage of suspension without pay. Copies of the written warning in the possession of the supervisor may be destroyed according to the retention standards outlined below. The removal of such items shall be solely at the discretion of the chief human resources officer or the president.

- 2.5.4 Termination of Employment: If suspension without pay does not result in an acceptable level of improvement or remedy of the problem cited, the supervisor shall write to the employee indicating that he/she is recommending to the president that the individual's employment be terminated. A copy of this written communication should be sent to the chief human resources officer for a decision from the president or his/her designee on approving or disapproving termination of employment. A copy of the communication imposing suspension without pay should be in the employee's personnel file maintained by the chief human resources officer. If this was not done for whatever reason a copy of the communication imposing suspension without pay should be forwarded immediately to the chief human resources officer. Termination of employment for other than the infractions listed in the rule on employee infractions cannot be imposed with a complete record of the preceding steps in progressive counseling being present in the personnel file. The recommendation for termination of employment should identify the employee, the problem, and the reasons that led to the decision to recommend termination and should be signed by the supervisor. The original should be submitted to the chief human resources officer, and the supervisor or department head should keep one copy. Termination of employment can occur in this situation only with the written approval of the president as communicated by the chief human resources officer. Termination of employment, if approved by the president, becomes effective at close of business on the working day that the signed approval is received by the supervisor. Termination of employment must be supported by a Personnel Action Request (PAR) or Electronic Personnel Action Form (EPAF) submitted to the chief human resources officer.
- 2.6 The chief human resources officer is responsible for developing, implementing, and administering sufficient procedure to effectuate the provisions of this policy.