

## **Corrective Action Packet**

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### **Structure for Corrective Action Letter**

In all cases, corrective action is advised to be equal to the offense. If discipline is for a union employee, please review union contract before issuing to ensure that discipline is consistent with provisions in the collective bargaining agreement.

Prior to issuing corrective action, it is advised to review the Seven Tests of Just Cause checklist on the following page.

### **Other Tips:**

The effort in a disciplinary action is to identify and correct the behavior of an employee. The tone of the letter should be straight forward with a list of facts that can be supported with evidence. In addition, it should be free from language that may be considered intimidating or harmful.

Words to avoid include: failure, unfortunately, disappointment, regret, disobey, nonsense, - and other words that may be negative in nature. The use of the above words can instill lengthy contempt by the employee against the manager and put the manager at risk of a harassment complaint. Also, avoid using words in all CAPS and also avoid using exclamation points. Such text can give the appearance that the sender is shouting at the recipient. Staying with the facts may prevent an employee from becoming disgruntled and also avoid giving an employee a basis to claim that they are being bullied by their manager.

Regarding discharge cases, please email Jesse Perez, Director of Employee and Labor Relations at [jperez1@niu.edu](mailto:jperez1@niu.edu).

### Seven Test of Just Cause Check List

The Seven Tests of Just Cause is not a policy; however is an accepted industry wide practice in determining corrective action. The guidelines below are intended to ensure that the manager has met their burden of just cause. Below is your guide, as a resource tool, and is not intended to be submitted to HR or the employee with the corrective action template on page 3.

Consider the following checklist prior to issuing corrective action:

- |    |   |   |   |
|----|---|---|---|
| 1. | <b>Fair notice:</b> Did the manager provide notice that noncompliance with a policy or instruction would result in corrective action? | Y | N |
| 2. | <b>Reasonable Rule:</b> Was the policy or rule reasonably related to operational needs of department?                                 | Y | N |
| 3. | <b>Investigation:</b> Was there an investigation to determine that conduct was worthy of corrective action?                           | Y | N |
| 4. | <b>Fairness:</b> Did investigator use fair judgement free from personal opinion?  | Y | N |
| 5. | <b>Proof:</b> Did the employer collect sufficient evidence to determine that corrective action was necessary?                         | Y | N |
| 6. | <b>Consistency:</b> Where the rules applied evenly to everyone in the department?   | Y | N |
| 7. | <b>Appropriate Discipline:</b> Does degree of discipline match the offense?   | Y | N |

If you circle “N” for any of the above, please consult with your supervisor for additional guidance.

Other questions to consider:

**Alleviating circumstances:** were there any conditions that may have been a contributing factor that need to be taken into consideration, which would make the offense different from other similar offenses?

**Progressive discipline:** aside from serious offenses, was there an opportunity to issue a lesser discipline that allows an employee an opportunity to correct issue before issuing a financial burden or separation from employment?

For additional assistance, please contact Jesse Perez, Director of Employee and Labor Relations, at 815-753-5057 (also available on Outlook).

### References:

<http://www.wshrn.net/seventests.pdf>

[https://www.utoledo.edu/depts/hr/hsc/pdf/just\\_cause.pdf](https://www.utoledo.edu/depts/hr/hsc/pdf/just_cause.pdf)

<http://hr.osu.edu/public/documents/hrpubs/laborrelations/JustCauseTest.pdf?t=2015115143552>

<http://www.labornotes.org/2013/06/time-update-union-handbook-just-cause>

**CONFIDENTIAL MEMORANDUM**

To: **Employee Name**  
**Title**

From: **Issuing Manager**  
**Title**

Date: **Date**

RE: **Corrective Action**

This memorandum is sent as a notice of the following corrective action that has been issued to you:

- Verbal Warning
- Written Warning
- Suspension (unpaid)
- \_\_\_\_\_ Length of suspension (total number of work days)

The basis for the corrective action is regarding your:

- Attendance
- Conduct
- Performance
- Other (refer to attached report)

Attached is a Corrective Action Report that summarizes the matter that has prompted disciplinary action.

Please be advised, future issues may result in additional corrective action up to and including separation from employment. If you are a member of a bargaining unit, please consult with your union regarding the next step. If you are a non-union employee and would like a hearing on this matter, please contact Jesse Perez, Human Resource Services Director of Labor Relations, at 753-5057 within 3 business days from receipt of this notice. If no hearing is requested, the corrective action will be implemented.

A copy of this notice will be included in your personnel file and will be reflected on your annual evaluation. If there are questions or concerns on how the management can help strengthen the above areas, please feel free to contact me.

\_\_\_\_\_  
Signature

CC: **Appropriate Management**  
Jesse Perez, Director of Employee and Labor Relations  
HRS, Personnel File  
**Union (if member of bargaining unit)**

## **Incident Report**

Name of Employee:

Date(s) of incident:

Summary of Incident (include related policy or instruction that was violated, facts considered, names of employees involved):

History of other related issues or corrective action: