LETTER OF WARNING

GUIDELINES

Please read through prior to writing a Letter of Warning

* Review the applicable policy or labor agreement if an employee’s conduct or performance is not satisfactory and you are considering a letter of warning or other corrective action.
* Consult with Local HR Employee and Labor Relations prior to taking any corrective action for guidance and assistance.
* Conduct an Investigatory Meeting prior to considering a letter of warning, when an employee has a conduct or performance issue that continues to not meet expectations. This meeting includes the supervisor and the employee and provides an opportunity for the supervisor to share their concerns, and for the employee to provide their response/explanation.
* For represented employee’s the investigatory meeting is an opportunity to determine if the supervisor has just cause for letter of warning and the employee has the right to request that a union steward be present at this discussion (Weingarten Rights).
* Include the specific performance or conduct concerns shared with the employee during the investigatory meeting within the letter of warning and the employee’s response to each issue presented (i.e. their explanation or rationale for why he or she acted the way they did or why they failed to meet the supervisor’s performance expectations - see template). To the extent possible, letters must be concise, factual, objective and avoid emotion or judgments. You should attach any documents shared with the employee during the meeting, such as a copy of a customer complaint, timesheets or work product that demonstrates the performance concern.
* When you issue a corrective action, such as a letter of warning, meet with employee in person to advise them of the disciplinary action. When meeting with the employee, make sure to adequately portray the seriousness of the situation and that this is the first step of the formal corrective action process. Be prepared to provide specific examples of performance problems and respond to questions. *Employee does not have the right to representation at this meeting for the purpose of informing the employee of the decision.*
* Review policy or contract article applicable to issue (e.g. Sick Leave; Leave of Absence; Corrective Action/Discipline/Dismissal) and provide the employee with a copy or link to the policy or contract language applicable to the issue.
* Involve the employee in resolution of the deficiencies. Get the employee to commit to improvement. Offer yourself and others as resources.
* The clearer the performance expectations (see S.M.A.R.T. goals), the easier it will be for you to manage/monitor the situation and the facts used in the letter of warning should speak for themselves.

Warning letters are corrective actions and considered formal discipline and as such are grievable under the collective bargaining agreements.

LETTER OF WARNING

*Print on Department Letterhead*

*If being mailed to employee, format as letter, using employee’s home mailing address; if mailing the letter, add “proof of service”*

[Date]

To: [Employee's Name & Title]

Subject: [Supervisor's Name & Title]

RE: Letter of Warning for - [Subject]

This letter of warning is being issued to you for [state reason(s) - unsatisfactory performance, misconduct].

If an investigatory meeting was held, give the date of the meeting and list the persons attending the meeting.

[Next describe the specific incidents that prompted this letter and provide examples of the conduct or performance concerns and the employee’s response, along with your analysis of why the employee’s explanation does not relieve them of their responsibility to turn their work in on time, etc. If documentation, such as examples of the employee’s work product that did not meet expectations were presented to the employee in the investigatory meeting, attach those documents to the letter of warning to support the issue.]

On [date(s)], you were counseled by me verbally and received a Letter of Counseling on \_\_\_\_\_\_\_\_\_\_\_(attached). [If applicable, I further indicated that I would continue to review your performance for improvement. Please see attached Performance Expectations.]

Therefore, it is imperative that you understand that failure to show immediate and sustained improvement in your performance may result in further disciplinary action, up to and including your dismissal from employment with the University. If you have any questions regarding this matter, feel free to discuss them with me.

If you are experiencing problems of a nature that may be amenable to assistance by the Faculty and Staff Assistance Program (FSAP), please feel free to contact that office at 415-476-8279. Their services are provided on a confidential basis and your participation is purely voluntary. Alternatively, you may wish to contact another agency, which may offer you assistance. While such action is not a condition of employment, if you are having personal difficulties that affect your ability to meet University and Departmental work expectations, it is your responsibility to take the measures necessary to fulfill those requirements. If you have any questions regarding the services that FSAP provides, you may wish to contact them directly.

You have the right to request a review of this action in accordance with the provisions of the [Personnel Policies for Staff Members] or [collective bargaining agreement in effect between the University of California and **(applicable union)**].

Attachments: **[Any documentation upon which the decision to discipline the employee was based]**

cc: Supervisor’s Supervisor

Local HR Business Partner or Department HR Manager

Local HR Employee and Labor Relations

Personnel File