Summary
A Letter of Expectation is an action intended to correct a deficiency, such as excessive absenteeism. It is the first step in the corrective process. It is typically not considered discipline under the labor agreements and thus not grievable. A Letter of Expectation normally consists of four (4) sections:

1. Description of the corrective action that is being taken, the employee’s deficiency, and any prior counseling if applicable. For excessive absenteeism, do NOT count absences that qualify under FMLA, CalFRA, KinCare, Worker’s Compensation or Disability.

2. Statement of what the employee must do to correct the performance or misconduct. (To curb excessive absenteeism in the future, it can be effective to require medical verification for personal or family illnesses.);

3. Notice about the employee’s rights under FMLA to minimize an employee raising an “ignorance defense” later on. FMLA forms and information can be found at: http://www.ucdmc.ucdavis.edu/hr/hr/Forms/forms.htm. Also, a reminder about resources available through ASAP is included.

4. A concluding section that lists the documents considered in the decision to issue the Letter of Expectation.

What NOT to include in a Letter of Expectation. Since a Letter of Expectation is corrective action, not discipline, the Letter of Expectation should NOT include:

• Do NOT include a warning that, “Failure to show immediate and sustained improvement may result in further discipline.” (Such language could be interpreted as changing the action into discipline, namely a Letter of Warning)

• Do NOT include information about the employee’s appeal rights. (Since this is corrective action, the Letter of Expectation cannot be grieved.)

Labor Relations is available for consultation on proposed corrective actions.
Instructions are in Boldface Type

[Date]

[Employee’s Name]
[Employee’s Title]

RE: Letter of Expectation for Violation of Attendance Standards

Section 1: Describe the action being taken and the misconduct or performance deficiency. Cite specific examples. Describe behavior, not “attitude.”

Keep in mind that your objective is to lay out a clear and factual foundation of all information that led to your decision to take this action. Remember that in addition to communicating to the employee, this letter may also be read by an employee representative or an independent reviewer in order to assess whether the action you took was well founded and reasonable.

I am issuing this letter of expectation because of your excessive absenteeism and your failure to follow Patient Care Services’ attendance standards. During that past six months, you have taken _____ hours of unplanned absences, and you have had _____ tardy occurrences.

For a full-time employee, Patient Care Services’ Attendance Standards, XIX-10 and related Attachment specifies that use of more than 48 hours of unplanned absences in a six month period is excessive.1 Also, the attendance standards specify that having more than two tardy occurrences in a 4-week period is excessive.

During the past six months, you have taken the following unplanned absences:

November 6, 2004: 12 hours of sick leave;
November 30, 2004: 12 hours of sick leave (You failed to provide notice at least two hours prior to the start of your shift, as required. You called me 20 minutes before the start of your shift.);
December 4, 2004: 12 hours of sick leave;
January 21, 2005: 12 hours of sick leave;
February 7, 2005: 12 hours of sick leave;
February 9, 2005: 12 hours of sick leave.

During the past six months, you had the following tardy occurrences:

February 1, 2005: You arrived to work 15 minutes late. You stated that you were late because you had car trouble.
February 12, 2005: You arrive at work 20 minutes late. You stated that you were late because you could not find a parking spot.

You and I have previously discussed attendance. When you joined our unit, I went over my expectations on attendance with you. We talked about this issue again on January 22, 2005, when I expressed concern over your frequent absences.

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1 Please note that any absences that qualify under FMLA, CalFRA, KinCare, Worker’s Compensation or Disability are excluded when calculating the number of unscheduled absences taken by an employee.
Section 2: Clarify your expectations. You may want to use specific examples in order to ensure that the employee understands what you want done. State when you want the correction made. For most types of performance deficiencies or misconduct, you will want correction “on an immediate and sustained basis.”

On an immediate and sustained basis, I expect you to do the following:

1. Review the attached PCS Attendance Standards;
2. Comply with the attached PCS Attendance Standards;
3. Improve your attendance and punctuality to an acceptable level;
4. Provide notice of any absence by notifying a supervisor or me at least two hours prior to the start of your shift.
5. Submit a verification of illness from your physician, or other practitioner licensed to practice in the State of California, for all absences due to personal or family illness. If your absence is not for illness, you must submit sufficient proof to justify your absence.

Section 3: Put the employee on notice regarding FMLA rights. Even if absences and tardy occurrences have no relationship to FMLA, it is a good practice to notify the employee about his/her rights from the outset. Also, it may be prudent to remind the employee about resources available through ASAP.

I would also encourage you to explore whether your absences might be covered under the Family and Medical Leave Act (FMLA). FMLA information and forms are available at UCDHS H.R. website at: http://www.ucdmc.ucdavis.edu/hr/hr/Forms/forms.htm.

Attached to this letter are copies of the “FMLA Employee’s Rights and Obligations” document and a FMLA Medical Certification Form.

Sometimes personal issues may affect one’s ability to perform their job. You may wish to contact the Academic and Staff Assistance Program (“ASAP”) at 752-2727.

Section 4: All materials that were relied upon in considering this action must be listed in the attachments and attached to the letter. Document examples include attendance records and/or a summary of an employee’s unscheduled absences and tardy occurrences, departmental or university policies, etc.

[Signature of Supervisor]
[Supervisor’s Title]

Attachments: PCS Attendance Standards XIX-10 and Attachment;
Summary of Employee’s Attendance Record;
FMLA Medical Certification Form;

cc: [Department Head]
Department File
Employee & Labor Relations Consultant (optional)