LETTER OF WARNING

NX Article 26 - Corrective Action, Discipline and Discharge
SCOPE: Registered Nurses – California Nurses Association

Summary

A Letter of Warning normally consists of five (5) sections:
1. Description of the action being taken and the deficiency, prior to counseling if applicable;
2. Statement of what the employee must (or must not) do to correct the performance or misconduct;
3. Statement of the Action that will be taken if the correction is not made;
4. Information about appeal rights;
5. A concluding section that lists the documents considered in the decision to issue the Letter of Warning. A Proof of Service shall also be attached, but listed separately.

Employee & Labor Relations is available for information and consultation on proposed corrective actions.
[Date]

[Employee’s Name]

RE: Letter of Warning (Example)

Section 1: Describe the action being taken and the misconduct or performance deficiency. Cite specific examples. Describe behavior, not “attitude.” (See NX Article 26)

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 warning because of your excessive absenteeism and your failure to follow our department’s attendance standards. On Monday, November 6, 2002, you did not report to work or notify me of your absence. General attendance rules require employees to phone her/his supervisor in advance if s/he will be absent or unexpectedly late for work. When I had not heard from you by 9 AM on Monday, I called and left a message on your answering machine asking you to return my call, which you failed to do. This morning, when I asked you what happened, you said you were sick, had forgotten to call, and did not know I had left a message because you had turned off the telephone’s ringer.

You and I have previously discussed attendance. When you joined our department, I went over my expectations on attendance with you. We talked about this issue again on January 20, 2002, when I expressed concern over your frequent absences. Between January and June, you had seven more incidents of absence or tardiness, for a total of 62 hours.

On June 1, 2002, we discussed your performance evaluation, which assessed you as “needs improvement” due to your poor attendance. Since your June performance evaluation, you have been absent or late to work 10 separate times, for a total of 75 hours missed. This is unacceptable. When you are not at work, other staff members must assume your workload, and some tasks are left undone.

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.”

I expect you to comply with the department’s attendance standards on an immediate and sustained basis. A copy of the department’s attendance standards is attached so you can refresh your knowledge of its features. I also expect you to improve your attendance to an acceptable level on an immediate and sustained basis. You must 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 you absence is not for illness, you must submit sufficient proof to justify your absence.

*In a few instances, such as failure to perform timely work, it may be appropriate to add deadlines, but be careful. Do not convey to the employee that s/he has three months to begin to correct the problem or to perform at a level s/he can already achieve.*

I expect you to complete your work on time on an immediate and sustained basis. As for the current backlog, I expect you to finish the third-quarter TB skin test results summary by November 15, and complete the medical assistant staffing projection by November 20.

**Section 3:** State the probable action to be taken if the offense is repeated or deficiency persists.

Failure to meet my expectations may result in further corrective action up to and including dismissal.

**Section 4:** State the employee’s right to appeal. State your availability for questions.

You have the right to request review of this action under UC/CNA NX Agreement Article 27, Grievance Procedure. You must do so in writing, as explained in the above contract article, using the appropriate complaint form, and it must be received in the Employee & Labor Relations Office no later than 30 calendar days from the date of this letter. If you have any questions, please contact me.

**Section 5:** 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, time cards, memos, employee development worksheets, performance evaluations, witness statements, calendar notes, schedules, departmental or university policies, etc.

If there are many documents, you should number them sequentially. The list of attachments should also include the phrase, “All relevant materials are in employee’s file.”

A Proof of service must be attached, but listed separately. The copies specified below should also be listed.

[Signature of Supervisor]
[Supervisor's Title]

**Attachments:**
- Department’s Attendance Standards (1)
- June 1, 2002 Performance Evaluation (2)
- Attendance Record – June through November 2002 (3)
- All relevant materials in the employee’s file (4)

Proof of Service
cc: [Supervisor’s Department Head]
[Department File]
[Employee & Labor Relations Consultant]
[Personnel File (via Employee & Labor Relations)]