

SAMPLE – Written Warning for Misconduct and/or Performance

[Date]

[Name]

[Address]

Via [Hand Delivery OR Certified Mail No. _____]

Dear [Mr./Ms. Last Name]:

This letter shall serve as a formal written reprimand and is to confirm in writing our discussion of [date] concerning your unacceptable [performance and/or conduct] and to establish my expectations which I have outlined in a Corrective Action Plan to be commenced immediately. Further, you are hereby warned of additional disciplinary action if your [performance and/or conduct] does not improve. I have developed this corrective measure to assist you in bringing your work as a [classification] to an acceptable standard as defined in your enclosed Employee Performance Appraisal.

During the past [time period], your supervisor has shared with you concern about your [performance of the functions of your position and/or unacceptable conduct]. While I want to emphasize that some of the deficiencies would not constitute unsatisfactory performance when viewed singularly, the cumulative effect demonstrates your inability or unwillingness to conform to expected standards of work. I believe it is necessary to initiate this Corrective Action Plan to cause you to understand that not only are your deficiencies unacceptable, but also that we are at a point where such [substandard performance and/or unacceptable conduct] can no longer be tolerated. [Insert language describing the consequences of the employee's actions, or inactions.]

You have been verbally counseled on numerous occasions concerning your work [performance and/or conduct] and your supervisor, [name], has spent many hours explaining appropriate [classification/job] protocol and process. Additionally, you have attended [insert number of training sessions employee has attended] training sessions; however, even with these attempts you have still not met performance expectations. Nonetheless, despite management intervention and assistance from your coworkers in actually performing your work [if applicable], you have consistently failed to meet reasonable expectations. It is my sincere hope that this corrective measure will cause you to meet the full complement of performance expectations.

So you may understand why I believe your [performance and/or conduct] to be unsatisfactory and how this prevents or hinders this agency from meeting its objectives, I offer the following representative occurrences that demonstrate your failure to meet the agency's work expectations: ***[Give SPECIFIC reasons for written warning -- employee must be informed, with reasonable certainty and precision, of the cause of the action. Be sure to give examples of deficiencies i.e., who, what, when, where and how. Provide specific details including dates of previous disciplinary actions, unacceptable performance and/or conduct, management intervention, and the consequences to the agency/public.]***

In an effort to assist you in meeting a standard of [performance and/or conduct] consistent with my

expectations, I am establishing a thirty (30) calendar day improvement period, beginning **[date]** through **[date]** to allow you to bring your faltering **[performance and/or conduct]** to acceptable standards. Your supervisor will closely monitor all aspects of your work performance and will meet with you periodically during this time to discuss your progress and provide you with direction and feedback; however, I believe it is important for you to understand that your supervisor will not perform your work for you and will not make decisions for you. So there is no misunderstanding concerning your current responsibilities, I have reduced to writing my expectations of you in your position as a **[classification]**:

[Provide detailed expectations regarding behavior and direct employee to attend relevant training. The employee should know with certainty what he or she must do to meet expectations.]

I would like to confirm my receptiveness to any reasonable suggestion as to how I might assist you during this improvement period. I sincerely hope you will correct your **[specify issue]**. Please be advised that this letter is intended to serve as a formal warning in that regard. I assure you it is my intention to maintain the integrity of our standard of performance and conduct which provides the **[agency/department name]** and its employees with a means to ensure its efficient and effective operation. Accordingly, I must inform you that you are expected to fulfill your responsibilities as a dependable and conscientious employee. Continued **[specify issue]** will be viewed as unwillingness, rather than inability, to comply with reasonable expectations, and could result in further disciplinary action, up to and including dismissal.

The State of West Virginia and its agencies have reason to expect their employees to observe a standard of conduct that will not reflect discredit on the abilities and integrity of their employees, or create suspicion with reference to their employees' capability in discharging their duties and responsibilities. I believe the nature of your **[unacceptable performance and/or misconduct]** is sufficient to cause me to conclude that you did not meet a reasonable standard of conduct as an employee of **[agency/department name]**, thus warranting this written reprimand.

If your **[unacceptable performance and/or misconduct]** is the result of medical and/or personal problems, I suggest you may want to contact the physician, practitioner, or counseling service of your choice. Whether or not you choose to do so is your decision. I am, however, obligated to ensure that you **[report for duty as scheduled, observe established rules, meet performance expectations, etc.]**.

You may also obtain information on the State of West Virginia's Employee Referral Program by contacting the Division of Personnel at (304) 558-3950, extension 57247, or by visiting the web site at www.state.wv.us/admin/personnel/classes/erp/refbook.pdf.

You may respond to me, in person and/or in writing, concerning the contents of this letter, provided you do so within eight (8) calendar days **[Response period not required by DOP law, rule, or policy but is suggested as part of due process. Length of response period is determined by the agency.]** of its date. For any appeal rights you may have, please refer to W. VA. CODE §6C-2-1 *et seq.*, the West Virginia Public Employees Grievance Procedure. If you choose to exercise your grievance rights, you must submit your grievance, on the prescribed form, within fifteen (15) working days of the effective date of this action, to **[name and address of Chief Administrator]** at Level One of the Procedure. As provided in the statute, you may proceed to Level Three of the Procedure by filing your grievance directly with the Public Employees Grievance Board upon the agreement of the chief administrator, or when dismissed, suspended without pay, or demoted or reclassified resulting in a loss of compensation or benefits. You must provide copies of

your grievance accordingly to the Public Employees Grievance Board at 1596 Kanawha Boulevard, East, Charleston, West Virginia, 25311; **[agency copy - name and address]**; and the Director of the Division of Personnel, Building 6, Room B-416, State Capitol Complex, Charleston, West Virginia, 25305. Details regarding the grievance procedure, as well as grievance forms, are available at the Board's web site at www.pegb.wv.gov or you may telephone the Board at (304) 558-3361 or toll- free at (866) 747-6743. ***[Grievance rights are optional. May just provide response period.]***

Please sign one copy of this letter indicating your receipt of this written warning, and return to me. Your signature does not indicate agreement or disagreement with the contents; it only verifies that you received this letter. A copy will be placed in your confidential agency Personnel File.

I look forward to your success with the corrective action plan.

Sincerely,

[Appropriate Signature Authority]

Enclosure

c: Agency Personnel File
West Virginia Division of Personnel

I have received a copy and am aware of the contents of the foregoing letter

Employee Signature Date

[NOTE: Revised 6/2013. Ensure law, rule, and policy language is current.]