



The examples and best practices listed here are illustrative only, and are intended only for use as general advice. An appeal decision is the product of applying the Civil Service Rules, Article and Constitutional principles of Due Process to the unique facts of each case. Accordingly, these FAQ's and the HR Handbook do not predict or guarantee a particular result.

Q. What does an improvement letter do?

A. Advises an employee that certain conduct or performance is not acceptable and what conduct or performance is expected. The purpose of the letter is to get the employee to change his behavior.

Q. Must a person have appointing authority to issue improvement letters?

A. Yes.

Q. Are improvement letters discipline?

A. No.

Q. Why not?

A. Because they have no impact on an employee's current pay.

Q. Do these letters go into the employee's public personnel record?

A. Not until they are used to support future discipline.

Q. Where should the agency keep them?

A. In the appointing authority's file and in the evaluating supervisor's file.

Q. Does the employee have a right to respond?

A. Yes and the agency must attach the employee's response to each copy of the letter the agency maintains (including any copy offered into evidence at an appeal hearing).

Q. Is an employee entitled to a description of the evidence to support an improvement letter?

A. No.

Q. Is there a deadline for the employee to respond?

A. No, but requesting a response by a certain date encourages the employee to respond when his memory is fresh and will reduce the number of very belated responses.

Q. What if the employee's response is late?

A. Do not reject it; attach it to each copy of the improvement letter.

Q. Can an agency use improvement letters to support the severity of future discipline?

A. Yes, but only if the same or similar conduct recurs and only if the improvement letter advised the employee that the agency could use the letter for this purpose and advised the employee of his right to respond.

Q. Any suggested language for this notice?

A. “You have a right to respond in writing to this letter. Your response may be mailed to me at _____ or faxed to me at _____ or emailed to me at _____. If you plan to respond, please do so by _____. Your response will be attached to each copy of this letter maintained by this agency. Should the same or similar conduct recur, this letter can be used to support the severity of any future discipline, in which case a copy of this _____ will be included in your personnel record.”

Q. Can an agency use improvement letters for other purposes?

A. Yes, to show that the agency tried to work with the employee before resorting to discipline or to counter an employee’s argument that he did not know what was expected or that the employee did not know that his conduct or performance was not acceptable.

Q. Are improvement letters appealable?

A. Only based on a violation of a Civil Service Rule or discrimination based on the employee’s political or religious beliefs, sex, or race.

Q. Are improvement letters grievable?

A. No. *Appeal of Simien*, CSC Docket No. 13295, decided 3/11/99, on application for review.

Q. When should an agency issue an improvement letter?

A. When informal conferences and coaching sessions have failed to get the employee’s attention and the employee continues to engage in unacceptable behavior that needs correction, but does not warrant discipline.

Q. Does an employee have the right to an attorney during a counseling session or a rating session?

A. No.

Q. Does an employee have the right to tape record a counseling session or a rating session?

A. No.