

DISCIPLINARY ACTIONS AND DISMISSAL OF STAFF EMPLOYEES

1. GENERAL

- a. As noted elsewhere in this document, the employment relationship between the University and its staff (non-faculty) employees is by mutual consent (employment-at-will) and may be terminated by either the employee or the University at any time and for any reason. Without in any way altering or limiting this at-will relationship, the purpose of this section is to provide a statement of the University's policy and normal procedures with respect to the imposition of disciplinary actions against staff employees when performance or conduct problems arise.
- b. Disciplinary action imposed against a staff employee is generally imposed on either or both of the following bases:
 - (1) unsatisfactory job performance; or
 - (2) unacceptable personal conduct

2. REASONS FOR IMPOSING DISCIPLINARY ACTIONS

- a. **Unsatisfactory job performance** occurs when, in the supervisor's reasonable opinion, an employee fails to satisfactorily meet job requirements set forth in the relevant job description or as directed by the employee's supervisor. Generally, an employee's immediate supervisor will determine whether the employee's job performance has been satisfactory. In making this determination, a supervisor may consider any of the following factors, among others, either alone or in combination:
 - the quality of work;
 - the quantity of work;
 - work habits;
 - the timely performance of work;
 - related analysis, decisions, or judgement;
 - the accuracy of work;
 - the appraisal of result-oriented expectations and behaviors;
 - absenteeism or tardiness;
 - the ability to follow instructions, directions, and procedures;
 - the appropriateness of work performed;
 - ability to work well and display appropriate interactions with co-workers, supervisors, and customers; and
 - other factors that, in the opinion of the supervisor, are appropriate to determine whether an employee's performance constitutes unsatisfactory job performance.

Ordinarily an employee will be informed of and given an opportunity to improve his or her unsatisfactory job performance before a disciplinary action is imposed.

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- b. **Unacceptable personal conduct** occurs when an employee engages in conduct for which no reasonable person should expect to receive prior warning that such conduct is unacceptable. The determination of unacceptable personal conduct is generally made by the immediate supervisor, based on what is reasonably expected of an employee in the work unit, without the need for issuing prior warning that these behaviors are unacceptable.

Examples of unacceptable personal conduct include, but are not limited to:

- job-related conduct that constitutes a violation of State or Federal law, or University policies and procedures;
- conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the University;
- the violation of written or unwritten work rules that should be known to the employee;
- falsification of a University application or other employment documentation;
- insubordination;
- misuse of University property or resources, including records or funds;
- unjustified interference with the order, safety, or efficiency of the work unit;
- unauthorized disclosure of private, confidential, proprietary, privileged or controlled information or records;
- falsification of records or reports;
- unauthorized possession, use or distribution of alcohol or controlled substances, or being under the influence thereof at the work unit;
- gambling in any form on University property;
- unauthorized or improper use of University identification badges or passes;
- harassment based upon race, color, religion, gender, national origin, sexual orientation, age, veteran status, disability, or other bases prohibited by state or federal laws and University policies and procedures;
- actions that, due to one's connection with the University as an employee, reflect adversely on the University or cause the University embarrassment; and
- other acts that, in the reasonable opinion of the supervisor, constitute unacceptable personal conduct.

3. PROCEDURES

a. Imposition of Disciplinary Actions

- 1) Disciplinary actions may be imposed upon staff employees when the appropriate supervisor determines that such actions will result in a beneficial change in conduct, deter future violations, promote respect for and commitment to the observance of

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applicable regulations, or promote the efficient and economical administration of University affairs.

- (1) Various levels of discipline may be imposed by a supervisor, depending upon the facts of a particular case. In most cases, a progressive process will be followed, whereby increasing levels of discipline may be imposed as the same infraction is repeated or as additional problems occur. Whether the progressive process will be observed may also depend upon whether the infraction constitutes unsatisfactory job performance as opposed to unacceptable personal conduct. If a supervisor has cause to take disciplinary action for unacceptable personal conduct, the supervisor has the option to bypass the progressive disciplinary process and impose disciplinary action deemed necessary and appropriate for the personal conduct.
- 2) Progressive disciplinary action involves steps ranging from counseling to reprimands and admonishments, written warnings, suspension, demotion, and dismissal.
 - a. Counseling
The supervisor attempts to bring a problem to an employee's attention by counseling the employee.
 - b. Reprimand or Admonishment
When counseling has failed to correct a problem, the supervisor may issue a verbal or written reprimand or admonishment.
 - c. Written Warning
When problems are repeated or several different ones occur over a short period of time, a written warning may be appropriate. The written warning should include the following (but a failure to include all of the following information will not render a warning defective, the purpose of the written warning being to put the employee on notice of the problem and of the expectations for improvement):
 - the reason for the warning letter
 - specific description of the performance deficiencies
 - performance expectations for the future
 - a specific and reasonable time for improvement to occur
 - the consequences of failure to improve the performance
 - a specific date to follow-up and review the employee's ability or failure to improve the performance.
 - d. Final Written Warning
When a written warning fails to produce satisfactory performance from the employee, a final written warning may be issued. The final written warning is the final notice to the employee specifically stating that unless the employee is able to demonstrate improvement in job performance,

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further disciplinary action will be taken up to and including dismissal. A final written warning is to include the same elements as the first written warning outlined above and a statement advising the disciplined employee of the availability of the Employee Assistance Program as a source of assistance for those whose performance may be impacted by personal problems.

- e. When a supervisor deems it appropriate to impose more serious disciplinary actions the supervisor shall provide written notification of his/her intent to impose the stated disciplinary action to the Employee Relations Manager. Such actions include:
 - 1) suspension of the employee without pay for up to five (5) days (by law, exempt employees can be suspended in full week increments only);
 - 2) demotion of the employee to a lower classification and pay grade than the current job; or
 - 3) dismissal of the employee.
- f. After conducting an initial review of the circumstances, the Employee Relations Manager shall schedule a meeting with the employee and the supervisor for the purpose of providing the employee an opportunity to respond to the allegations of unsatisfactory job performance or unacceptable personal conduct.
- g. Following the meeting, the supervisor shall consult with the Employee Relations Manager regarding the employee's responses to the allegations given at the meeting and make the decision as to what disciplinary action is to be imposed by the supervisor.
- h. The supervisor shall provide written notification to the employee regarding the specific disciplinary action, if any, to be imposed. The written notification to the employee shall include:
 - 1) the disciplinary action being taken;
 - 2) the reason for the disciplinary action being taken;
 - 3) the effective date(s);
 - 4) the employee's right (if any) to grieve the disciplinary action pursuant to the [Staff Employees Grievance and Appeals Procedures](#); and
 - 5) in cases of dismissal, advice to contact the Human Resources Department in order to be apprised of rights under COBRA and other benefits entitlements.

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4. LIFE OF WRITTEN WARNINGS

All written warnings to staff employees will be considered to remain in force for 18 months from the date of issuance to the disciplined employee. This means an employee may expect that any consequences referred to in the warning may be imposed for additional recurrences of the conduct or performance issue during that time. However, a written warning may be withdrawn at any time deemed appropriate by the disciplined employee's supervisor and/or department head.

5. GRIEVING DISCIPLINARY ACTIONS

An employee who is disciplined may be able to file a grievance with respect to such disciplinary action pursuant to the *[Staff Grievance and Appeals Procedures](#)*; however, certain actions, such as termination of employment (dismissal), are not subject to the grievance process.

6. REEMPLOYMENT

Ordinarily, staff employees who are discharged due to misconduct will not be eligible for rehire. However, staff employees who are discharged for reasons other than misconduct may apply and be considered for other positions at the University. Such employees must meet the minimum qualifications required of the position being applied for and will not be guaranteed an offer of employment.

Drafted by the Director of Human Resources in consultation with the Legal Department, May 24, 2002

Approved by the President, June 28, 2002