

JACKSONVILLE STATE UNIVERSITY
Manual of Policies and Procedures

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DATE: May 1, 1987

REVISION DATES: Mar 1993, May 1997, Sept 2008, Apr 2016

SUBJECT: Employee Discipline

APPROVED: John M. Beehler, President

PURPOSE

The purpose of this policy is to establish guidelines for the application of disciplinary actions and to support discipline processes which addresses Jacksonville State University (JSU) employees' performance and behaviors.

POLICY

Jacksonville State University is committed to a progressive discipline process. This policy allows a pre-disciplinary review to be conducted in conjunction with the Department of Human Resources prior to any form of severe disciplinary action being imposed. Based on the severity and the frequency of the offense or occurrence, this policy supports disciplinary actions in the form of counseling, reprimands, demotions, suspensions, and/or dismissals.

A pre-disciplinary review must be conducted in collaboration with the Department of Human Resources. The purpose of the pre-disciplinary review is to ensure all pertinent information is obtained and reviewed by a representative of the Department of Human Resources. The pre-disciplinary review ensures that employee behavior which necessitates disciplinary action is appropriately determined and recommended to the president, provost and/or applicable vice president for approval. Further, this process enables the Department of Human Resources to ensure campus-wide consistency when imposing severe disciplinary actions. Supervisors must consult with Human Resources before proceeding with any form of severe disciplinary action.

Based on the severity of the offense, the University reserves the right to impose discipline at any level, including immediate dismissal.

DEFINITIONS

Dismissal occurs when an employee is permanently separated from employment with the University.

Oral Reprimand is the least severe form of formal discipline. An Oral Reprimand is documentation of a conversation between the supervisor and the employee about a performance or behavioral issue.

Severe Disciplinary Actions are defined as Reprimands, Suspensions, and Dismissals. **Suspension** occurs when an employee is taken off duty for a specified period of time, with or without pay.

EMPLOYEE DISCIPLINARY PROCEDURE:

A. VERBAL DOCUMENTED COUNSELING: Verbal counseling is the first step in the process of progressive discipline and is considered to be informal. A record of verbal counseling is not required to be maintained in the employee's personnel file in Human Resources. This form of discipline is typically used by a supervisor to address substandard performance and/or inappropriate behaviors of a minor nature, or when it is the first occurrence. Substandard performance includes, but not limited to not meeting deadlines, not following established department procedures or University policies. Some examples of inappropriate behavior are, but is not limited to, tardiness, pattern of absenteeism, and/or dress code violations.

Supervisor Responsibility:

- Recognize and address potential problems when they begin to develop.
- Provide constructive counseling with the primary purpose of helping the employee to recognize possible impacts on the Department and/or University, and to correct the performance or issue
- Allow employee an opportunity to provide feedback
- Encourage employee to participate in solving the problem
- Summarize and document the counseling to include:
 - date and time of meeting
 - a brief description of the issue
 - employee's response/feedback
 - established expectations
- Provide employee with a copy of the counseling summary
- Monitor the employee's progress. If employee does not correct performance or behavior, contact the Department of Human Resources for guidance on further disciplinary action(s) if warranted

The number of times counseling may be provided is at the supervisor's discretion. Supervisors must, however, be consistent with the practice toward all individuals they supervise.

B. ORAL REPRIMAND: An Oral Reprimand is the least severe form of formal discipline. An Oral Reprimand is documentation of a conversation between the supervisor and the employee about a performance or behavioral issue. Prior to the Oral Reprimand, the supervisor should meet with a member of the Department of Human Resources to discuss the employee relations issue and to determine the appropriate course of action.

Supervisor Responsibility:

- Prepare and provide Human Resources with Oral Reprimand for review and approval
- Schedule and facilitate meeting with employee and address issue(s)/concern(s)

- Inform employee of disciplinary action – Oral Reprimand
- Explain the necessary corrective action; and advise the employee of possible future action if the problem is not corrected
- Obtain employee signature on the Oral Reprimand to acknowledge receipt, **not agreement with the action**
- Send a copy of signed document to Human Resources for maintenance in the employee's Personnel File

C. WRITTEN REPRIMAND: A Written Reprimand is a more severe form of disciplinary action and is normally administered after an Oral Reprimand has been issued, but no change in performance or behavior has resulted. Prior to the Written Reprimand, the supervisor must consult with a member of the Department of Human Resources to discuss the employee relations issue and to determine the appropriate course of action. A Human Resources representative will assist the supervisor in preparing the Written Reprimand, which must be approved by the dean/director/designee.

Supervisor Responsibility:

- Notify Dean/Director/Designee of proposed action and obtain approval
- Schedule and facilitate meeting with employee and address issue(s)/concern(s)
- Inform employee of disciplinary action – Written Reprimand
- Explain the necessary corrective action; and advise the employee of possible future action if the problem is not corrected
- Obtain employee signature on the Written Reprimand to acknowledge receipt, **not agreement with the action**
- Send a copy of signed document to Human Resources for maintenance in the employee's personnel file

NOTE: The following criteria should be met in order to issue a Written Reprimand:

- The Employee has been counseled about a previous performance issue and/or inappropriate behavior.
 - a. There has been no improvement or consistent improvement
 - b. If this is the first infraction, the impact should be serious enough to warrant further corrective action or dismissal the very next time it occurs.

D. SUSPENSION: A Suspension is a severe form of disciplinary action, which is usually administered following one or more Written Reprimands, or as a result of a serious offense. A Suspension may be the first step in the progressive disciplinary process if the severity of the offense warrants such action.

A Suspension is a disciplinary action taken by the University to temporarily relieve an employee of duties, and place the employee on leave without pay. The number of days of the proposed suspension is determined by the nature and severity of the offense, and/or past practice by the University of similar or comparable circumstances.

Prior to the proposed suspension, the supervisor must meet with a representative of Human Resources to discuss the situation and determine the most appropriate course of action. An HR representative will assist the supervisor in preparing the Suspension Notice. Employees receive written notice of a Suspension from the respective Director or Department Head to whom the employee reports. The notice shall include the specific action taken, the specific offense for which the employee is being suspended, the reason for the suspension, the dates of the suspension, the consequences if the offense is repeated.

A Human Resources representative must be present when a Notice of Suspension is administered to an employee.

Human Resources Responsibility:

- Obtain approval from President, Provost or Vice President to whom the employee reports
- Assist supervisor in preparing the Suspension Notice
- If warranted, respond to employee's questions/concerns during suspension notice meeting

Supervisor Responsibility:

- Provide the Department of Human Resources with supporting documentation that attempts have been made to work with employee to rectify behavior and/or resolve issue(s), if warranted
- Ensure department head is aware of the proposed disciplinary action
- Schedule and facilitate meeting with employee and address issue(s)/concern(s)
- Inform employee of disciplinary action – Suspension
- Explain the necessary corrective action and advise the employee of possible future action if the problem is not corrected
- Obtain employee signature on the Notice of Suspension letter to acknowledge receipt, **not agreement with the action**
- Provide Department of Human Resources with a copy of signed document for maintenance in the employee's personnel file
- Complete Personnel Action Form to reflect Suspension Notice letter

E. DISMISSAL: Dismissal is the final and the most severe disciplinary action. It is either the initial step in the case of a major offense or the final step in the progressive discipline process. An employee can either be dismissed with cause or dismissed without cause.

Prior to the proposed dismissal, the supervisor must meet with a representative of the Department of Human Resources to discuss the situation and determine the appropriate course of action.

Employees receive written notice of Dismissal from the president, provost or vice president to whom the employee reports. The notice shall include the specific action taken, the specific offense for which the employee is being dismissed, the reason for the dismissal, the effective date of the dismissal, and the right to file a grievance.

Dismissal with cause may be administered for such infractions including, but not limited to:

- Continuous or willful neglect of job responsibilities
- Insubordination, to include repeated and/or intentional defiance of any valid authority
- Violation of departmental or University policies and procedures
- Threats or evidence of damage to institutional property, stealing, or attempting to steal JSU property or the property of a student or another employee
- **Violence or threats of violence**, or cause or attempt to cause physical injury to another employee, a student, or other person
- Verbal or physical abuse or mistreatment of a student
- Possession or transfer of any firearms, knives, explosives, or other dangerous objects to/or at work
- Sleeping on the job
- Indecent exposure
- Use of abusive or objectionable language, or conduct of any nature which is detrimental to the reputation or purposes of the University
- Intentional and/or repeated violation of safety rules
- Lying to University officials, falsifying records, bringing false charges or other libelous actions
- Commission of a criminal act that constitutes a felony or one that is an offense involving moral turpitude, whether or not connected to employment with JSU

If Dismissal is for cause, the dismissal action taken will become part of the employee's employment record. Dismissal without cause may be administered for incompetence or inability to perform the prescribed work satisfactorily. A regular employee who is dismissed without cause, may be given two (2) weeks of notice prior to dismissal.

JOB ABANDONMENT: Job abandonment occurs when an employee has demonstrated no intention of returning to the job and has not notified his or her supervisor of intention to quit. If an employee is absent from work without authorized leave for three (3) consecutive work days, and has not contacted his/her supervisor, or other University authority, the employee shall be considered to have abandoned the position and voluntarily resigned from the University. If the employee's absence is for reasons beyond the control of the employee, and the employee notifies the University as soon as practical, the University will review the circumstances surrounding the absence on an individual basis to determine if the absence should be considered job abandonment.

Human Resources Responsibility:

- Notify the President, Provost or Vice President to whom the employee reports of the intent to dismiss the employee
- Prepare Dismissal letter
- If warranted, respond to employee's questions/concerns during Dismissal meeting

Supervisor Responsibility:

- Provide the Chief Human Resources Officer with supporting documentation that attempts have been made to work with employee to rectify behavior and/or resolve issue(s), if warranted
- Schedule and facilitate meeting with employee and address issue(s)/concern(s)
- Inform employee of disciplinary action – Dismissal

- Obtain employee signature on the Dismissal letter to acknowledge receipt, **not agreement with the action**
- Send a copy of signed document to Human Resources for maintenance in the employee's personnel file
- Complete Personnel Action Form to reflect Suspension letter
- Obtain all University property from impacted employee (keys, laptop, uniforms, ID card, etc.)
- Complete Separation Clearance Form and obtain appropriate signatures
- Submit copy of Separation Clearance Form to Human Resources and Payroll

Completion of the Separation Clearance Form is necessary before the final paycheck can be released to employee.

In any case of dismissal (except during the six (6) months probationary period), unless for discrimination because of the protected classes as defined by the Equal Employment Opportunity Commission (EEOC), to include: age, disability, race, relation, sex), the affected employee may, at any time within ten (10) work days after the effective date of dismissal, request, through the Department of Human Resources, an investigation by a grievance committee. The committee shall make an investigation in any manner it deems desirable or necessary in accordance with the Grievance Procedure, and shall file with the president, a written recommendation concerning the grievance.

RESPONSIBILITY

The Vice President for Finance and Administration is responsible for this policy.

EVALUATION

The policy will be evaluated on an annual basis by the Chief Human Resources Officer.