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UNIVERSITY of HOUSTON
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Human Resources
AREA: Employee Relations

Number: 02.04.03

SUBJECT: Discipline and Dismissal of Staff Employees

I. PURPOSE AND SCOPE

The purpose of this document is to prescribe regulations to ensure compliance with University of Houston System Administrative Memorandum 02.A.04 and with all applicable state and federal laws, and to protect the rights of both management and the employee in the event that discipline and/or dismissal of a regular staff employee becomes necessary. These regulations apply to all regular staff employees except those in positions or situations described in Section V of this MAPP.

II. POLICY STATEMENT

The University of Houston is committed to fair, efficient, and equitable solutions to problems arising out of the employment relationship and to adherence to the requirements of state and federal laws. Clear guidelines providing for both informal and formal disciplinary measures have been developed and are available in this directive to ensure that fair and equitable treatment is provided; that requirements of the laws are met; and that the rights of both management and the employee are honored during the discipline and dismissal process.

The university reserves the right to discipline or summarily dismiss an employee for adequate cause, provided that management:

- Provides the employee due process to respond and appeal.
- Adheres to the other provisions outlined in this document.
- In the cases of suspension and dismissal, obtains full prior review by the appropriate representatives of management and of the Human Resources Department.

The steps of progressive discipline will be followed when dealing with employment problems, when possible and practical. Exceptions may be appropriate, subject to full prior review by the Human Resources Department. Nothing in this MAPP shall be used as the basis for illegal discrimination or retaliation against any individual or group.

Nothing in this MAPP creates a contract or property right to continued employment or changes the employment at-will relationship [see the Texas Human Resource Management Statutes Inventory, published by the Office of the Governor and State Auditor, available at <http://www.hr.sao.state.tx.us/Statutes/Inventory.html>, and Foreword to the University of Houston Staff Handbook (January 1997), available on the Human Resources web site at <http://www.uh.edu/hr/HRFORMS/staffhandbook.pdf>]. Failure to follow policy and procedures as outlined herein will not create claims based upon failure to meet standards of due process beyond those mandated by state and federal law.

III. DEFINITIONS

- A. Deans or directors: When approval of the dean or director is required, it refers to that level reporting directly to the Vice President or comparable executive official. In academic units, this approval level always refers to the dean.
- B. Discipline: Any action or series of actions instituted to ensure effective job performance and conformance with established work guidelines.
- C. Dismissal: Termination of an employee for cause. Dismissal represents the end of the disciplinary chain. It is reserved for employees who cannot or will not subscribe to university policies and procedures and who become recalcitrant, insubordinate, or otherwise oblivious to their responsibilities to the university and their work groups.
- D. Grievance: ~~An employee's formal expression of disagreement or dissatisfaction with employee-related concerns including: wages, hours of employment or condition of work. There are three levels to the grievance process:- Level One; Level Two and Level Three. Guidelines governing grievances can be found in MAPP 02.04.01.-In accordance with MAPP 02.04.01- Employee Grievances, a grievance is a disagreement between an employee and management on the terms or conditions of employment. A grievance may include, but is not limited to, involuntary transfer to a different job classification, demotion, suspension without pay, or dismissal. The assignment of duties, performance evaluation, determination of work hours, rate of pay, and other management responsibilities discharged within applicable laws are reserved as management rights and are not grievable.~~
- E. Major Offenses, Major Acts of Misconduct, or Major Rule Violations: Any willful, deliberate, or negligent act or violation of university policies or regulations of such a degree that continued employment of the offending individual may not be desirable.
- F. Progressive discipline: A system involving increasingly severe penalties each time an employee is disciplined for the same violation, a similar offense, or a very serious offense. The sequence from least severe to most severe is: ~~personal-verbal~~ conference, written reprimand, final reprimand and/or suspension without pay, and dismissal.
- G. Regular staff employee: A university employee who is appointed for at least 20 hours per week on a regular basis for a period of at least 4.5 months, excluding students employed in positions for which student status is required as a condition of employment, and who does not hold a teaching and/or research position classified as faculty.
- H. Non-regular staff employee: A university employee appointed to a position designated as temporary, as one requiring student status as a condition of employment, as lump sum, and/or as non-benefits eligible.

IV. GENERAL PROVISIONS

- A. General Responsibilities:
1. Supervisory personnel are required to inform employees of policies and procedures to be followed, standards of conduct to be met, and work performance to be achieved.
 2. Employees are required to learn and abide by the policies, procedures, and standards of the university and its departments.

3. Supervisors are required to administer progressive disciplinary action and/or termination action to employees who fail to abide by the policies, procedures, and standards.
 4. College and division administrators shall ensure compliance with the provisions of this MAPP. Therefore, they should be included in, and informed of, each step in the disciplinary action.
- B. Responsibilities in imposing discipline:
1. The supervisor is responsible for showing to the satisfaction of upper management and, in the case of dismissal, Human Resources, adequate cause why an employee should be disciplined or dismissed. Since the purpose of the disciplinary process is to provide remedial action whenever possible, no disciplinary measures may be undertaken without the employee's knowledge.
 2. Any disciplinary action must, at the minimum, include all of the following components:
 - a. Clear identification of the problem to be corrected or the standard to be met.
 - b. Identification of the remedial action expected.
 - c. Statement of the results of failure to take the specified remedial action.
 - d. An opportunity to respond to any formal disciplinary action in writing (an employee who has difficulty communicating in the English language will be allowed the opportunity to respond through a representative).
 - e. A written record of the disciplinary action.
 3. In cases where it becomes necessary to formally discipline an employee who has received a positive performance evaluation within the past year, the change in performance or behavior shall be taken into consideration when determining the appropriate level of discipline.
 4. Any written reprimand or letter of suspension will be signed by the supervisory authority and the employee. The employee's signature will acknowledge receipt of the document but may not necessarily indicate agreement with the action.
 5. The employee will be provided an opportunity to register a response to the supervisory authority in writing. ~~A copy~~The original of any written response will be placed in the appropriate employee personnel file. The employee may respond in accordance with MAPP 02.04.01 - Employee Grievances.
 6. ~~A copy~~The original of any formal written reprimand, letter of suspension, or notice of termination will be placed in the employee's official personnel file in the Human Resources Department.
 7. Any recommendation for suspension or dismissal must be sent through administrative channels, including the college or division administrator, to the dean of the college or director of the department. The dean of the college or director of the department may authorize suspension or dismissal following review by Human Resources.

8. For disciplinary purposes, the level of discipline must be appropriate to the offense and must follow the offense it is intended to correct (or the discovery of such offense) closely in time. Suspensions without pay may not exceed 10 working days.

V. EXEMPTIONS FROM THE DISCIPLINE AND DISMISSAL POLICY AND PROCEDURE

- A. Presidential exemptions: The President may designate specific executive and senior administrative positions as exempt from the general discipline and dismissal policy, subject to the approval of the Board of Regents. Continuous service in positions so designated will be at the pleasure of the President. Individuals in these positions will be informed of the terms of their appointment, and records of these designations will be maintained by the Human Resources Department. If a designated position involves a joint faculty appointment, the faculty appointment will be subject to university faculty policies and procedures.
- B. Probationary period: A regular non-exempt staff employee is probationary and serves at the pleasure of the hiring department during the first six months of continuous employment at the University of Houston or during the first six months of re-employment following a break in service for any reason other than a recall to work after an approved reduction in force. All regular exempt staff employees are probationary for the first 12 months of employment or re-employment following a break in service for any reason other than a recall to work after an approved reduction in force. At any time during this initial probationary period, the employee may be terminated without application of the discipline and dismissal policy and procedure. If the probationary period is interrupted by any authorized leave other than earned sick leave, the probationary period will be extended by the amount of time the employee is absent from work.
- C. Reduction In Force (RIF): Terminations due to a formal Reduction In Force are covered under a separate policy governed by MAPP 02.04.06 – Reduction in Force and are not subject to the discipline and dismissal policy and procedure.
- D. Inability to perform: An employee who, after all available leave has been exhausted, is unable to return to work to perform job functions for medical reasons other than a Workers' Compensation Injury, may be terminated without application of the discipline and dismissal policy and procedures. Such terminations are not considered disciplinary in nature. The Human Resources Department must review all such terminations before any action is taken.
- E. Job abandonment: An employee who fails to report to work and fails to follow departmental guidelines for notification of absence for more than three consecutive work days may be considered to have abandoned his/her job. Job abandonment is a form of resignation, and the employee may be released without application of the policy and procedures on discipline and dismissal. An employee contesting the termination by tendering an acceptable reason for failure to report for duty and failure to follow departmental guidelines for notification of absence may be reinstated to the position under certain circumstances. The reason must be presented in writing to the department head within a reasonable period of time prior to the employment of another individual in the vacant position. Typically the employee's reason should be submitted within up to five (5) business days from the date of the termination to be is considered a reasonable time period. The department head will determine whether the reason provided is sufficient and must be considered sufficient reason to excuse the failure. The department head will issue a written response to the employee within five (5) business days of receipt of the employee's submission.

VI. CAUSES FOR DISCIPLINARY ACTION AND/OR DISMISSAL

The university reserves the right to discipline or summarily discharge a regular staff employee for adequate cause. Each case is evaluated on its own set of circumstances. The following list of infractions may result in disciplinary action, up to and including dismissal. This list is in no way all-inclusive.

- A. Repeated or flagrant acts of inefficiency, incompetence, or negligence in the performance of duties.
- B. Continued tardiness or excessive absenteeism, including absence without approved leave, improper use of sick leave, frequent use of emergency leave, or repeated failure to report for duty at the assigned time and place.
- C. Improper use of university property or equipment, including waste of materials, supplies, or technology resources and/or carelessness resulting in damage to the university's tools, equipment, supplies, or other property.
- D. Dishonest actions, theft, misappropriation or unauthorized use of university funds or property or failure to report knowledge thereof. (Knowledge involves witnessing the dishonest act or receiving direct information from the perpetrator of the act.)
- E. Falsification of information to secure a university position or falsification of any other university records.
- F. Failure to obtain or properly maintain a current license or certificate required by law or policy as a condition of performing the job.
- G. Possession of illegal and/or unauthorized drugs on the university campus or while on university business; the abuse of drugs and/or alcohol while on university business; or reporting for duty under the influence of alcohol or illegal or unauthorized drugs. The same applies to any habit-forming or disabling substance not prescribed for the employee by a physician.
- H. Possession of unauthorized firearms or other dangerous weapons on university premises.
- I. Insubordination, willful disobedience, and/or refusal to or failure to follow directives or perform work properly assigned by a supervisor.
- J. Unauthorized release of confidential information from university records.
- K. Engaging in incompatible employment or in employment that represents a conflict of interest.
- L. Accepting gifts, monies, or other things of value intended as an inducement to perform or refrain from performing an official act.
- M. Criminal conduct other than a minor traffic violation, or employee's failure to report his/her criminal conduct, that would adversely affect an employee's work performance, impact the work environment, or cause major discredit or embarrassment to the university.
- N. Commission of an act of moral turpitude, including sexual harassment or sexual assault of another employee, student, or visitor.

- O. Failure to pay monies owed or satisfy other personal financial indebtedness to any component of the University of Houston System.
- P. Failure to abide by the laws of the United States, the State of Texas, county and municipal authorities, or the policies and procedures of the University of Houston System, including commission of any criminal act when the university is the victim or any criminal act against another party on the university's premises.
- Q. Commission of a willful act that endangers the personal well-being and safety of others while on duty.
- R. Participation in any action that would in any way disrupt or disturb the safe and efficient operation of the University of Houston System, including, but not limited to outbursts and other acts of aggression-
- S. Repeated and/or serious violations of the University of Houston or University of Houston System Sexual Harassment Policy or other discrimination policies.

VII. PROGRESSIVE DISCIPLINE

- A. When possible and practical, disciplinary action will be progressive. Progressive discipline is a system involving increasingly severe penalties each time an employee is disciplined for the same violation, a similar offense, or a very serious offense. The purpose of progressive discipline is to ensure that the employee is fully aware of any performance deficiencies that exist, and to provide the employee with a reasonable opportunity to improve such deficiencies.
 - 1. For management, progressive discipline maintains order and enforces university policies and procedures. It is a corrective process to help employees overcome work-related shortcomings, strengthen work performance, and achieve success. The discipline process also allows for the termination of employees who will not or cannot change unacceptable behavior or performance.
 - 2. For employees, progressive discipline sets clear standards and warns of consequences for noncompliance. It assures predictable, progressive, and equitable treatment and promotes fair decisions.
- B. When possible and practical, disciplinary action shall proceed through each of the stages from least severe to most severe outlined below.
 - 1. Informal measure:
 - Personal conference(s) between supervisor and employee. (The informal conversation will be documented, but not placed in the employee's official personnel file unless further corrective action is taken.)
 - 2. Formal measures:
 - Written reprimand.
 - Final Written Reprimand and/or Ssuspension without pay (not to exceed 10 working days)-and/or Final Written Reprimand.
 - Dismissal from employment.

3. Supervisory and management personnel may omit any stage of the process if, in their opinion and following review by the Human Resources Department, the problem cannot be corrected by a less severe form of disciplinary action.
- C. The burden of proof is upon the employing department to show adequate cause why the employee should be disciplined or dismissed. It is the responsibility of the supervisor to document the facts and inform the employee of the cause of the disciplinary action.
- D. A department head may initiate disciplinary action at any stage of the process if, in the department head's opinion, the problem cannot be corrected by a less severe form of disciplinary action. The reasons for skipping any of the disciplinary steps must be documented in correspondence with the Human Resources Department.

VIII. INFORMAL DISCIPLINARY MEASURE

- A. A personal conference between the immediate supervisor and the employee is the first step in the progressive discipline process. This involves a discussion between a supervisor and an employee about a minor rule violation or minor work performance problem. Continuation of a minor rule violation or continuous unsatisfactory work performance will subject an employee to formal disciplinary measures.
- B. A written notation of the conference must be maintained by the supervisor in departmental records. This does not become a part of the employee's official personnel record unless further corrective action is taken. Such written notifications are not grievable.
- C. Major rule violations or major acts of misconduct involving issues such as dishonesty, gross insubordination, threat to operations, or threat to safety of others at the university will subject an employee to formal disciplinary measures, including written warning, suspension, or dismissal.

IX. FORMAL DISCIPLINARY MEASURES

- A. Any formal disciplinary measure will provide in writing, at a minimum, all of the following elements:
 1. Identification of the problem to be corrected; the standard to be met; or the rule, policy, or procedure that has been violated.
 2. Recommendation of a course of action to correct the problem or behavior.
 3. If appropriate, documentation of past work record that includes relevant counseling or disciplinary measures taken.
 4. Statement of the consequences in the absence of improvement.
 5. Notice that the employee has a right to respond through the appeals process.
- B. Documentation: All documents pertaining to formal disciplinary measures will be signed by the supervisor and by the employee. The employee's signature will acknowledge receipt of the document but may not necessarily indicate agreement with the action. If the employee refuses to sign the written document, that fact should be noted on the document. ~~The original~~Copies of such documents will be retained by the supervisor. Copies are provided to the employee and originals should be forwarded to the Human

Resources Department, ~~through the college/division administrator for inclusion in the official personnel file of the employee.~~

- C. Appeal: At each stage in the formal disciplinary process, the employee will be allowed an opportunity to respond to the supervisory authority in writing. ~~A copy~~Originals of any written response will be placed in the employee's personnel file. Also, at each stage the employee may respond in accordance with MAPP 02.04.01 - Employee Grievances.
- D. Written reprimand:
1. When the supervisor determines that an employee has failed to respond to the personal conference(s) or has committed an infraction of sufficient severity to warrant immediate disciplinary action, a written reprimand may be prepared and forwarded to the head of the department or unit for approval. Upon approval by the head of the department or unit, the reprimand containing all of the elements detailed in Section IX (A) will be issued to the employee. A written reprimand is considered a warning letter. The reprimand is to be acknowledged and routed as detailed in Section IX (B).
 2. A written reprimand is considered active for 12 months from the date the letter is signed by the originator and will become obsolete at the end of the 12-month period unless specifically documented to the contrary.
- E. Suspension without pay:
1. An employee may be required to remain off the job in a non-pay status for a specified period of time for disciplinary purposes, following oral and written warnings, or with no warning for major rule violations or major acts of misconduct.
 2. Immediate suspension may be ordered when circumstances make attendance at work dangerous to the employee or to others, when an investigation is needed, or when circumstances seriously impair the employee's effectiveness of the job.
 3. If circumstances warrant immediate suspension, the employee may be suspended verbally, but written notice must follow within three calendar days.
 4. Any recommendation for suspension without pay must be sent through administrative channels to the dean of the college or director of the department. The dean of the college or director of the department may authorize suspension without pay following full review by Human Resources.
 5. For disciplinary purposes, the duration of suspension without pay will be appropriate to the gravity of the offense, but in any event may not exceed 10 working days.
 6. In addition to the standard requirements for all formal disciplinary actions, the written notice will clearly provide all of the following information:
 - a. Reason(s) for the suspension, including prior counseling and written reprimands, where appropriate.
 - b. Duration of the suspension, including the beginning and ending dates and times.

- c. Notification of the employee's right to appeal the suspension through MAPP 02.04.01 - Employee Grievances.
 - d. Notification that if the employee fails to return to work as scheduled following the suspension and fails to provide notice to the supervisor of an acceptable reason for the absence, the employee will be considered to have terminated employment voluntarily, in accordance with Section V(E), Job Abandonment.
- 7. The suspension notice will be routed and acknowledged by the employee as provided in Section IX (B).
- 8. An employee who is suspended without pay will retain status as a state employee for purposes of leave accrual, group insurance coverage, holiday pay, and other benefit entitlements during the suspension period.
- 9. If an employee chooses to file a grievance regarding the suspension and it is subsequently determined that suspension was imposed without adequate cause, the employee will receive back pay for the suspension period. The employee's department is responsible for taking all necessary steps to provide the back pay as soon as possible, including promptly requesting a manual check.
- F. Demotion and/or salary reduction:
 - 1. While it is not a usual part of the discipline and dismissal process, a department head may request a demotion and/or salary reduction for disciplinary reasons when work performance does not meet pre-established standards.
 - 2. Demotion means a change in duty assignment to a position of lower rank. Such reduction in rank will normally be accompanied by a decrease in salary rate. Reduction in salary may accompany a demotion or may be implemented without a change in title or duty assignment.
 - 3. A demotion and/or salary reduction for disciplinary reasons can happen only after personal conferences have been held, and written reprimands have been issued. There must be extenuating circumstances. Approval by the Associate Vice President for Finance is required.
- X. DISMISSAL
 - A. A regular, non-faculty employee may be dismissed after progressive disciplinary measures have proven unsuccessful upon the recommendation of the appropriate supervisor and approval by the dean of the college or director of the department. Decisions to dismiss an employee must be reviewed by the Human Resources Department prior to taking any action. Discharge without prior warnings or suspension may be justified for certain major rule violations or major acts of misconduct.
 - B. Prior to notifying an employee of his/her termination, except in cases specifically exempted as identified in Section V of this document, a pre-termination conference with the employee should take place. The purpose of the conference is to give the employee an opportunity to respond to the pending termination action and to identify additional facts that may alter the final decision.

- C. The employee shall be provided written notice of dismissal which shall include all of the following information:
 - 1. The effective date and time of the dismissal; i.e., the same date the employee is given notice.
 - 2. Detailed reasons for the dismissal.
 - 3. A description of previous attempts to correct the problems that constitutes the reasons for dismissal.
 - 4. A statement summarizing the pre-termination conference, including date, time, and consideration of facts presented by the employee at that time.
 - 5. A statement of the employee's right to appeal the termination, pursuant to MAPP [02.04.01 - Employee Grievances](#).
- D. The written dismissal notice will be acknowledged and routed as provided in Section IX (B).
- E. The effective date of the dismissal shall be the date the employee is given official notice of termination.
- F. Clearance: The dismissed employee is required to meet the requirements of all clearance procedures, including return of university keys, identification cards, uniforms, parking gate cards, library books, etc.
- G. Appeal of dismissal: If requested, a post-dismissal hearing will be conducted following the guidelines established by MAPP [02.04.01 - Employee Grievances](#). In accordance with the Grievance Policy, a final decision may be any of the following: upholding the dismissal; reinstatement with disciplinary penalties assessed, including suspension without pay; or full reinstatement.
- H. A reinstated employee may be entitled to back pay for normal work hours since the date determined by the appeals outcome. The employee's department is responsible for taking all necessary steps to issue any back pay as soon as possible, including requesting a manual check. Benefits accruing to the employee, such as vacation and sick leave, shall likewise be reinstated to the same date.

XI. SUSPENSION WITH PAY

- A. An employee may be suspended from employment with pay pending further investigation of a matter, including possible official actions by outside legal agencies.
- B. Any recommendation for suspension with pay must be sent through administrative channels to the dean of the college or director of the department. The dean of the college or director of the department may authorize suspension with pay following a full review of the situation and circumstances by the Human Resources Department.
- C. When circumstances seem to warrant suspension with pay, a written notice is provided to the employee by the immediate supervisor and must include all the following information:
 - 1. Reason(s) for the suspension.

2. Expected duration of the suspension, including beginning and targeted ending dates and times.
 3. Notification that the employee is considered on active assignment and may be required to be available for university business during normal work hours.
 4. Notification that if the employee fails to return to work as scheduled following the suspension with pay and fails to provide notice to the supervisor of an acceptable reason for the absence, the employee will be considered to have terminated employment voluntarily, in accordance with Section V(E), Job Abandonment.
- D. The suspension notice will be routed and acknowledged by the employee as provided in Section IX (B).
- E. Suspension with pay should be followed immediately with a thorough investigation of the case to determine the appropriate level of discipline.
- F. During the period of suspension with pay, an employee will retain status as a state employee for purposes of leave accrual, group insurance coverage, holiday pay, and other benefit entitlements.

XII. NOTICES OF DISCIPLINE AND DISMISSAL

Sample letters for notifying an employee of any level of formal discipline or of dismissal may be obtained from the Human Resources Department.

XIII. REVIEW AND RESPONSIBILITY

Responsible Party: Associate Vice President for Finance

Review: Every three years, on or before August 31.

XIV. APPROVAL

Jim McShan
~~Interim Executive~~ Vice President for Administration and Finance

Renu Khator
President

Date of President's Approval: April 7, 2008

XV. REFERENCES

University of Houston System Administrative Memorandum [02.A.04](#)

~~Index Terms:~~ Discipline
Dismissal
Grievance
Grounds for discipline and dismissal
Job abandonment

Offense
 Progressive discipline
 Suspension

REVISION LOG

<u>Revision Number</u>	<u>Approved Date</u>	<u>Description of Changes</u>
<u>1</u>	<u>08/22/1994</u>	Initial version (MAPP was a Policy and a Procedure)
<u>2</u>	<u>06/01/2000</u>	Applied revised MAPP template to meet current documentation standards. Combined Policy and procedure into one document. Rearranged terms in Section III; added Appropriate Representative as a term. In Section IV.D, all reprimand letters will be approved in advanced by Human Resources. Removed faculty granted tenure in Section V.A. Removed Section V.G on dismissal appeals. Deleted portions of Section VI to reflect current operating requirements. Removed reference to MAPP 02.04.03 from Section XII
<u>3</u>	<u>12/04/2000</u>	Applied revised MAPP template. Added paragraph in Section I on employment-at-will. Added "Grievance" to terms in Section III. Added Section VII on documentation of grievance for dismissal.
<u>4</u>	<u>04/07/2008</u>	Applied revised MAPP template. Added links to applicable documents as needed. Formatting changes made throughout the document to be consistent with other MAPPs. Section V.D specified exclusion of Worker's Compensation injury for termination. Section V.E indicated five days as a reasonable time period for employment of another person into a job abandoned by the original employee. In Section VII.B, informal measure disciplinary action was documented. Section X.G.2 and Section X.G.3 were deleted. The responsible party was changed from Vice President of Human Resources to the AVP for Finance. The review period was changed from July 1 st to August 31 st
<u>5</u>	<u>TBD</u>	Applied revised MAPP template and added new Revision Log. This document was under review for Texas Workforce Commission Interim designation (2011), but the finalized redlined document was not approved. Revised the definition for Grievance in Section III.D. Original documentation of any discipline and dismissal will remain in the employee's personnel file. In Section V.E, job abandonment was clarified with time periods for reasoning behind the abandonment. In Section VI.B, included frequent use of emergency leave in cause for disciplinary action. In Section VI.R, included outbursts and acts of aggression to cause for disciplinary action. In Section IX.B, original documentation on formal disciplinary measures is forwarded to Human Resources. Removed Index Terms from Section XV