



Effective: July 1, 2019
Last Revised: B&F Policy Manual

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Human Resources

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Disciplinary Action

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Scope

This policy is applicable to all non-academic UNK staff and is intended to supplement the University of Nebraska Administration Human Resources Handbook for Policies.

Policy Statement

The following circumstances justify corrective action. ***This list, however, is not all inclusive.*** Other acts or omissions by an employee contrary to standards of work performance or employee conduct for a particular job may warrant corrective action.

- Violation of, or failure to comply with, State or Federal law. Failure to comply with published rules, regulations, policies, or procedures of the employing department or of the University
- Sexual harassment of another employee or a student of UNK, to include unwanted advances, persistent sexual innuendo, language, touching, verbal abuse, or any behavior or pattern of behavior that fosters a hostile environment
- Language or acts that are commonly understood to be offensive or insulting to any racial, religious, or ethnic group
- An act that causes disruption of work being performed

- An act or conduct (on or off the job) that adversely affects performance and/or the accomplishment of the job
- Failure or refusal to comply with a lawful request or to accept a proper assignment from an authorized supervisor
- Inefficiency, incompetence, or negligence in the performance of duties
- Possession of narcotics, alcoholic beverages, or other unlawful drugs on University property or while performing duties of employment, drinking alcoholic beverages or using unlawful drugs on duty, or reporting for duty under the influence of alcohol and/or unlawful drugs
- Failure to notify your supervisor of arrest or conviction under any criminal drug statute as a result of violation of law that occurs at the University of Nebraska workplace
- Soliciting or accepting anything of value based on an understanding that one's official action or judgment will be influenced thereby
- Using confidential information received through one's position to obtain favor or financial gain (other than compensation provided by law) for oneself or others
- Release of confidential or other information not authorized for release
- Falsification, fraud, or omission of information in applying for a position
- Unauthorized or improper use of any type of leave or abuse of meal or rest periods
- Repeated tardiness or unauthorized leave, including unauthorized departure from the work area
- Falsifying time cards
- Failure to maintain satisfactory working relationships with students, the public, other employees, or supervisors
- Failure to obtain and/or maintain a current license or certification required by law or department standards as a condition of employment
- Conviction of a felony
- Insubordinate acts or language toward a supervisor that substantially interferes with and impedes efficient operations or substantially interferes with and impedes the ability of a supervisor to manage or function
- Failure to use safety equipment or endangering self and others by unsafe practices
- Any other behavior not in the best interest of the University

In many cases corrective actions are not intended to punish but to bring work performance up to expectations. Corrective action will be taken in the following progressive order, except in cases where in the judgment of supervisory personnel, circumstances warrant the administering of immediacy and more severe corrective action, including dismissal.

- Written coaching
- Written warning
- Suspension without pay
- Dismissal

Written Coaching: A written coaching occurs when the employee's supervisor meets

with them to discuss the concerns about their performance. If the employee has questions about expectations, it is important that they have a meeting with a clear idea about what is expected to correct the performance issue.

Written Warning: If, in the judgment of the employee's supervisor, the written coaching does not correct the performance problem, the employee may receive a written warning. The warning will describe the problem once again and the actions required to correct it. The employee has a right to make a written reply. Copies of the reply will be filed along with copies of the warning in the employee's personnel file, both in the department and in the Department of Human Resources. At the conclusion of the discussion about the written warning, the supervisor will ask for the employee's signature. The signature simply shows that the employee has had an opportunity to read the warning. The signature does not indicate agreement with the contents of the warning. A written warning also may occur as a first corrective action if the supervisor considers the work performance or behavior to be serious enough to warrant a written warning.

Suspension without Pay: If, in the judgment of the employee's supervisor, efforts to correct unsatisfactory work performance or behavior have failed, the employee may receive suspension without pay. Suspension without pay also may occur as a first corrective action if the supervisor considers the work performance or behavior to be serious enough to warrant a severe penalty. Suspension without pay will normally not exceed five working days.

The employee will receive a written notice of the suspension and of the reasons for the action. Prior to a suspension without pay taking effect the employee will have an opportunity to meet with the supervisor or another departmental representative to discuss the reasons given for the suspension and to give any pertinent information relating to the same. Copies of all written materials relating to a suspension without pay will be placed in the employee's personnel file, both in the department and in the Human Resources Office.

Suspension until Further Notice: In cases involving possible serious acts or omissions contrary to standards of work performance or in cases where serious misconduct is suspected, the supervisor may place the employee on suspension until further notice. During this suspension a review of the acts, omission or misconduct will be made to determine the correct disciplinary action, if any, to be taken. This suspension may be with or without pay dependent on the outcome of the review.

Dismissal: In cases involving serious acts or omissions contrary to standards of work performance or in cases involving serious misconduct, the employee may be dismissed from employment for cause. In such cases, UNK may terminate the employment relationship immediately or with less advance notice than is otherwise required. The employee will receive written notice of dismissal for cause, which shall include a statement of the reasons for the action. Prior to a dismissal for cause taking effect, the employee will have an opportunity to meet with the supervisor or with another departmental representative to discuss the reasons given for dismissal for cause and to give any pertinent information relating to the same.

Right To Appeal: The type of corrective action will be determined by the nature, severity, and effect of the problem; by the type and frequency of previous problems; by the period of time elapsed since a previous problem; and by any circumstances relevant to the problem.

When meetings are held between the employee and departmental representatives to discuss corrective action or other employment-related matters, the employee may not have another party present.

As a regular employee, the employee may appeal all corrective actions, including dismissal for cause, through the UNK grievance procedure. The appeal, however, will not postpone the action.

Reason for Policy

Employees are responsible for meeting reasonable standards of performance and conduct in their work activities. Supervisors are responsible for providing leadership that makes such performance and conduct possible.

Supervisors may take corrective measures or impose disciplinary actions, up to and including discharge, in the event an employee's performance is less than the reasonable standards of performance or if the employee's conduct is not in keeping with what is expected in the working environment of the University.

Procedures

Consult with Human Resources for the following actions:

- Written warning
- Suspension without pay
- Dismissal

History

This policy replaces the prior version in the Business & Finance Policy & Procedure manual.