



<b>POLICY TITLE</b>	Corrective Actions and Termination for Staff Employees	<b>Policy Number</b>	371
<b>Section</b>	Human Resources	<b>Approval Date</b>	June 21, 2012
<b>Subsection</b>	Disciplinary Sanctions and Terminations	<b>Effective Date</b>	June 21, 2012
<b>Responsible Office</b>	Office of the Vice President of Finance and Administration		

### 1.0 PURPOSE

1.1 The University maintains a workplace based on a culture of professional excellence and ethical behavior. When staff employee performance or behavior issues arise, they are frequently addressed through informal discussion and counseling between the supervisor and the employee. When more formal action is warranted, supervisors, in consultation with Human Resources, may implement corrective actions as outlined in this policy.

### 2.0 REFERENCES

- 2.1 *Fair Labor Standards Act (FLSA)*
- 2.2 UVU Policy 156 *Grievances*
- 2.3 UVU Policy 324 *Drug-free Workplace*
- 2.4 UVU Policy 331 *Performance Evaluation for Staff Employees*
- 2.5 UVU Policy 334 *Probationary Period for Staff Employees*

### 3.0 DEFINITIONS

- 3.1 **Benefits-eligible:** Positions in which the employee is eligible to enroll in university medical, dental and retirement benefit programs.
- 3.2 **Egregious conduct:** Serious conduct or behavior issues that will likely result in termination of employment.
- 3.3 **Exempt employee:** The classification of employees, excluding faculty and executives, who are exempt from the wage and hour provisions of the *Fair Labor Standards Act (FLSA)*.



**3.4 Nonexempt employee:** The classification of employees who are paid either by a wage rate or by a salary that is based on a per hour wage rate and who receive time and a half for hours worked beyond 40 hours a week in compliance with the *FLSA*.

**3.5 Probationary period:** The period of initial employment that provides the employee and the University the opportunity to assess the employee's ability to perform the duties and fulfill the responsibilities of the position.

**3.6 Supervisor:** A university employee charged with the responsibility for managing others' performance, including conducting performance evaluations.

#### 4.0 POLICY

**4.1** The University expects staff employees to maintain standards of professional conduct, satisfactorily perform job duties, and comply with university policies, procedures, guidelines, and practices. When these expectations are not met, corrective actions are used to resolve unsatisfactory job performance and respond to misconduct or any other behavior that violates institutional policies, procedures, guidelines, or practices.

**4.2** All benefits-eligible, nonexempt and exempt staff employees who have satisfactorily completed their probationary period are subject to this policy.

#### 5.0 PROCEDURES

##### 5.1 Corrective Actions

**5.1.1** Corrective actions are typically progressive in nature, beginning with the least severe action necessary to correct the undesirable situation, and increasing in severity if the condition is not corrected. However, it is important that the degree of discipline be directly related to the seriousness of the offense and the employee's work history record; therefore, it is possible that the following corrective actions may not necessarily follow the order listed below, and/or may be repeated.

**5.1.2** Corrective actions are:

- 1) Verbal warning (least severe);
- 2) Written Warning Notice;
- 3) Subsequent or additional Written Warning Notice(s);
- 4) Final Written Warning Notice. A Final Written Warning Notice may include a transfer to another position, a demotion with corresponding reduction in pay, or a suspension without pay.



For exempt staff who are not eligible for overtime, a suspension without pay must be in increments of a full workday.

5) Involuntary Termination (most severe).

**5.1.3** Prior to imposing any corrective action other than a verbal warning, supervisors or managers must consult with the Associate Vice President of Human Resources, or his or her designee, in determining the appropriate corrective action.

**5.2 Determination of Corrective Actions**

**5.2.1** The supervisor in consultation with the Associate Vice President of Human Resources, or his or her designee will determine the appropriate corrective action(s). In cases of violations of institutional policies and procedures, the supervisor and the Associate Vice President of Human Resources, or his or her designee shall consult with the appropriate institutional administrator on the appropriate corrective action.

**5.2.2** Factors in determining the appropriate corrective action(s) include (a) consideration of both the actual or potential impact and/or consequences of the behavior, (b) severity of the performance issue, behavior, or violation, (c) previous corrective actions (related or unrelated to the current incident), (d) past employment history, (e) physical/safety risk, (f) service impact, (g) financial implications, and (h) resultant disruption level.

**5.3 Written Warning Notice and/or Final Written Warning Notice Expiration**

**5.3.1** A Written Warning Notice or a Final Written Warning Notice expires no earlier than 12 months after the date of the Written Warning Notice or no earlier than 24 months after the date of the Final Written Warning Notice.

**5.3.2** An expired Written Warning Notice or Final Written Warning Notice may not be referenced in future corrective actions.

**5.4 Involuntary Termination of Employment**

**5.4.1** If other corrective action(s) fails to result in satisfactory progress or if the employee's conduct is egregious in nature, the employee may be considered for involuntary termination (which may be immediate) from employment.

**5.4.2** Grounds for involuntary termination may include, but are not limited, to the following:

1) Falsification of university documents, including but not limited to providing false or misleading information to take advantage of university benefits or procedures or to gain employment, or other similar conduct.



- 2) Violence or threat of violence, including but not limited to conduct that causes or could cause a reasonable person to fear physical harm or damage to property, or other similar conduct.
- 3) Conduct that poses a serious risk of harm to people or resources.
- 4) Violation of university policies against discrimination, harassment, sexual harassment, or retaliation.
- 5) Use of, or being under the influence or possession of alcohol in violation of the University's policy; or illegal use of drugs and/or being under the influence of illegal drugs while on university property or when engaged in university business and/or when such conduct poses a serious threat of harm to people, property and/or resources of the University.
- 6) Theft including but not limited to theft of services or resources; theft or unauthorized possession or use of university property or other similar conduct.
- 7) An incarceration for, a conviction of, a plea in abeyance, or a plea of guilty or no contest to any crime that prohibits an employee from performing the duties and responsibilities of his or her job.
- 8) Unauthorized and intentional access to or disclosure of confidential, proprietary, privileged or controlled information or records, or any similar conduct.
- 9) Violation of applicable statutory requirements, policies, or procedures that protect the environment and the health and safety of others, or any similar conduct.
- 10) Intentional use of position/affiliation with Utah Valley University for personal gain or in a manner that brings disrepute to the institution or otherwise adversely impacts the course of business and/or operations of the University.

**5.4.3** Decisions to terminate or not terminate an employee in such cases shall be made with approval of the appropriate vice president in consultation with the Associate Vice President of Human Resources, or his or her designee.

## **5.5 Notice and Right to Appeal**

**5.5.1** With the exception of a verbal warning, within 10 days of the supervisor's decision to take corrective action the employee shall be advised in writing of the corrective action and the employee's right to appeal.

**5.5.2** The University affords staff employees the opportunity to redress corrective actions. A staff employee choosing to appeal corrective actions (other than a verbal warning) should first talk

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with his or her immediate supervisor. If the employee believes that his or her concerns are not adequately addressed, the employee may appeal in writing to the appropriate vice president and/or the Associate Vice President of Human Resources, or his or her designee. If a review by the Vice President and/or the Associate Vice President of Human Resources, or his or her designee does not resolve the employee's concerns, the employee may submit an appeal in accordance with the University's grievance policy.

**5.5.3** The active service of an employee may be suspended pending an appeal when continued employment may be detrimental to students or other employees or is not in the best interest of the University. If the employee is suspended with pay and the charged offense is substantiated, the salary paid but not earned must be repaid to the University following university procedures for repayment. If the employee is suspended without pay and the actions taken on the employee are found to be arbitrary and capricious, the salary due will be paid following university payroll procedures.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity