

Sam Houston State University
A Member of The Texas State University System

Finance & Operations Human Resources Policy ER-2
Employee Relations and Discipline of Staff Employees

SUBJECT: Employee Relations and Discipline of Staff Employees

PURPOSE: To set forth policy and procedures for the employee relations process including discipline and discharge of staff employees.

POLICY: Sam Houston State University is an “at will” employer. Staff employees serve without fixed term and at the pleasure of the President or his/her delegates and regardless of their length of service do not have vested rights for continued employment. All personnel actions are reviewed to ensure Equal Employment Opportunity (EEO) compliance.

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1. Terms of Employment

Non-faculty staff employees and administrative officers serve without fixed term and at the pleasure of the President. The President has authority to terminate at any time the employment of any staff member. The Board of Regents, upon its own initiative, may review the termination of a staff employee.

2. Responsibility

Supervisors who have been delegated hiring and dismissal responsibility have authority to dismiss a subordinate with prior approval of the Associate Vice President for Human Resources and Risk Management. The supervisor is responsible for coordinating disciplinary and discharge actions with his/her Divisional Vice President.

3. Disciplinary Actions

A progressive approach by supervisors is generally recommended (but not required) to allow for better employee understanding of the issue. The following are examples of disciplinary actions:

- a. *Problem-Solving and Open Dialogue* -- The mildest type of disciplinary action can increase understanding, reduce workplace tension, and open up communication. The objective of the meeting should be to come up with solutions to help resolve concerns before they progress further.
- b. *Oral Warning* -- The employee should clearly understand the gravity of the action and that the warning is disciplinary in nature. When presenting a corrective talk the supervisor should point out the error/problem(s), explain how to correct it, and come to an understanding with the employee about what is expected in the future. The Staff Performance Evaluation (SPE) Form (or comparable as to content) will be completed and kept in the supervisor's file to document the conversation.

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- c. *Written Warning* -- When an oral warning fails to achieve the desired improvement in performance or behavior or when in the supervisor's sole judgment the nature of the offense makes its use appropriate, the supervisor may issue a written warning. A Staff Performance Evaluation (SPE) Form (or comparable as to content) is used to issue a written warning. The Human Resources Department should be contacted for assistance in preparing a written warning and a representative of the Human Resources Department may be present if desired by the supervisor when the warning is presented to the employee. The written warning should be a forewarning of potential actions; be clear, focused and complete; be based upon facts that have been fully investigated; be consistent and applied equally to all; and it must not violate an employee's civil rights. The written warning must be signed by the employee and supervisor and should reference all previous oral warnings. The employee's signature is an acknowledgement and does not denote agreement with contents of the SPE. The completed Staff Performance Evaluation (SPE) Form will be kept in the supervisor's file for future reference.
- d. *Demotion* -- When in the sole judgment of the supervisor demotion is the best corrective method to remedy poor performance or behavior, this may be implemented with the approval of the Associate Vice President for Human Resources and Risk Management. When an employee is demoted to a position of decreased responsibility or complexity of duties requiring a change of title to one having a lower salary range, the employee's salary will be adjusted to an appropriate level within the new salary range as agreed upon by the Department Head concerned and the Associate Vice President for Human Resources and Risk Management. An Electronic Payroll Action Form (EPAF) and a Staff Performance Evaluation (SPE) Form (or comparable as to content) must be prepared in consultation with the Associate Vice President for Human Resources and Risk Management. The employee will be advised of the action in a meeting with the supervisor which may include a representative of the Human Resources Department. The Electronic Payroll Action Form (EPAF) will be forwarded to the Human Resources Department. The Staff Performance Evaluation (SPE) Form will be kept in the supervisor's file for future reference.
- e. *Reduction In Pay* -- When in the sole judgment of the supervisor reduction in pay is the best corrective method to improve an employee's performance or behavior, such action may be implemented with the approval of the Associate Vice President for Human Resources and Risk Management. Reduction in pay for disciplinary reasons provides reduction in salary to an amount within the designated salary grade no lower than the minimum entry rate. An Electronic Payroll Action Form (EPAF) and Staff Performance Evaluation (SPE) Form (or comparable as to content) must be prepared in consultation with the Associate Vice President for Human Resources and Risk Management. The employee will be advised of the action in a meeting with the supervisor which may include a representative of the Human Resources Department. The Electronic Payroll Action Form (EPAF) will be forwarded to the Human Resources Department. The Staff Performance Evaluation (SPE) Form will be kept in the supervisor's file for future reference.

Following reduction in pay, at the supervisor's requests, the employee's pay may be restored to any amount in the designated salary grade up to and including the prior rate as such employee's performance improves and warrants the action. Restoration of pay may be approved by the Associate Vice President for Human Resources and Risk Management. An Electronic Payroll Action Form (EPAF) and Staff Performance Evaluation (SPE) Form (or comparable as to content) is required to reinstate pay.

- f. *Suspension Without Pay* -- When any one or a combination of the above possible actions have failed to achieve the supervisor's desired results or when in the judgment of the supervisor the nature of the offense makes its use appropriate, the supervisor may suspend an employee without pay. This action must have the approval of the Associate Vice President for Human Resources and Risk Management. An Electronic Payroll Action Form (EPAF) and Staff Performance Evaluation (SPE) Form (or comparable as to content) must be prepared in consultation with the Associate Vice President for Human Resources and Risk Management. The employee will be informed of the suspension in a meeting with the supervisor which should

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include a representative of the Human Resources Department. The suspension period must be in accordance with the Fair Labor Standards Act (FLSA). FLSA overtime exempt employees must be suspended in weekly increments except for infractions of significant safety rules as defined by the Department of Labor. The Electronic Payroll Action Form (EPAF) will be forwarded to the Human Resources Department. The Staff Performance Evaluation (SPE) Form will be kept in the supervisor's file for future reference.

- g. *Discharge* -- This action may be the result of one serious act of misconduct or insubordination, or as the result of an accumulation of minor offenses, or failure to satisfactorily perform job duties. All discharges **must** have the prior approval of the Associate Vice President for Human Resources and Risk Management and the University President or his/her designee. When an employee is suspected of committing a serious act of misconduct, which in the judgment of the supervisor requires immediate action, and it is not possible to obtain the prior approval of the Associate Vice President for Human Resources and Risk Management, the supervisor may suspend or discharge the employee pending the approval of the Associate Vice President for Human Resources and Risk Management.

The employee will be informed of the discharge in a meeting with the supervisor and a representative of the Human Resources Department. An Electronic Payroll Action Form (EPAF) and Staff Performance Evaluation (SPE) Form (or comparable as to content) may be completed to document the discharge. The Electronic Payroll Action Form (EPAF) and the Staff Performance Evaluation (SPE) Form will be forwarded to the Human Resources Department. All employees involuntarily separated should go through the normal separation/clearance process so insurance, payroll, and retirement matters can be properly handled. Refer to Human Resources Policy E-3, "Separation of Employment".

4. Documentation

All staff employee disciplinary actions must be documented, normally by using the Staff Performance Evaluation (SPE) Form (or comparable as to content) to document the reason for the disciplinary action.

5. Regents' Rules

The provisions of this policy are subject to the Board of Regents' Rules. Those portions of Chapter V of the Regents' Rules specifically related to employment and termination are incorporated by reference into this policy. In case of any conflict between this policy and any provisions of the Rules, the Rules shall prevail.

Reviewed by: David M. Hammonds, Associate VP for Human Resources & Risk Management-05/23/2013
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