

POLICY

Corrective Discipline

LAST REVISED ON 04/2021

This policy applies to: All staff (Individuals represented by collective bargaining agreements should reference their respective bargaining agreements).

I. Policy

When an employee's conduct interferes with the orderly and efficient operation of the University, or an employee's performance does not meet the expectations or requirements of the job, the University may take corrective action. In some cases, it may be appropriate to consider progressive discipline, which provides the opportunity for employees to be warned of the seriousness of unacceptable behavior and the consequences if the misconduct continues. However, the decision to use or not to use progressive discipline is solely within the discretion of the University. Nothing in this Policy is intended to modify the at-will nature of employment, which means that either the employee or the University may terminate the employment relationship at any time.

II. Guidelines

A. Corrective discipline options include, but are not limited to:

- Verbal warning to clarify the standards of acceptable conduct or performance, and consequences if the problem is not corrected.
- Written warning which states the nature of the misconduct or performance deficit, what change is required, and the possible consequences if the problem is not corrected.
- Suspension: Time off without pay, which could range from the balance of a shift to five or more workdays. For salaried staff, in most cases, suspension can be only in increments of a full workweek.
- Discharge: Termination of employment relationship, with or without notice.

Note: If an employee's performance does not meet standards a corrective action plan should be implemented in correlation with warnings.

B. Review of Proposed Disciplinary Actions

1. Supervisors may take corrective action in the form of a verbal counseling or written warning without consultation from Human Resources. Where corrective action is expected to involve time off without pay, or discharge, the department management and the applicable Human Resources Business Partner shall be consulted before

the corrective action is taken. **Note:** For corrective actions related to employees represented by a collective bargaining unit the Labor Relations Office should be consulted.

2. In some cases it may be inappropriate to have the employee remain at work during an investigation of potential misconduct. The supervisor may indefinitely suspend the employee pending investigation until the investigation is completed and specific corrective action if warranted is determined. However, notice of the suspension must be provided to the department management and to the applicable Human Resources Business Partner as soon as possible.

The indefinite suspension procedure allows the supervisor time to collect and consider the facts, and to review contemplated action with his or her supervisor and/or the applicable Human Resources Business Partner. If any lost time discipline imposed the time on indefinite suspension would be part of the suspension.

C. Documentation

Written documentation indicating the dates of infractions or the specifics describing the performance deficit should be given to a staff member receiving a written warning, suspension or termination. The memo/letter should be addressed to the employee with copies sent to Employee Records, PO Box 278829 for placement in the personnel file as well as the department file. In the case of verbal warnings, a note should be placed in the department file documenting the date and subject of the verbal warning. Supervisors should retain notes documenting all such actions.

D. Types of Misconduct and Suggested Corrective Action

To facilitate consistency, this outline of types of misconduct and suggested corrective actions will serve as a guide. These are not prescribed actions – – they are suggestions only. Nor is the list of infractions below inclusive. **There are no automatic measures of discipline.** Every case is to be treated on its own merits, taking into account the seriousness of the infraction and the nature of the circumstances, as well as the employee's work record.

Certain forms of misconduct may be minor enough initially to warrant efforts at corrective discipline through, for example, counseling and/or a written warning. However, depending on the circumstances certain types of conduct may warrant different or additional discipline up to and including termination. Examples of these types of misconduct include:

- Unreported absence
- Excessive unapproved and unprotected absences
- Excessive unapproved and unprotected tardiness at start of shift or after breaks
- Improper care or use of University property (Note: this also includes all electronic information systems, i.e., computer, Internet, email, telephone, fax, copier, etc. The University reserves the right to monitor all electronic information systems.)
- Failure to record or improper recording of time (without apparent intent to defraud)
- Failure to follow personal safety rules

- Leaving work area during work time without authorization
- Wasting time, loitering
- Failure to properly or completely perform job tasks
- Failure to follow dress code
- Failure to follow University Parking policy and guidelines

Other types of misconduct are so severe that except in unusual circumstances, discharge may be warranted. Examples include:

- Stealing or removing without proper authorization any property of another person or of the University
- Insubordination (willful refusal to perform an assigned duty or to comply with an instruction)
- Verbal or physical abuse of a supervisor
- Possession or use of alcohol or illegal drugs during scheduled work hours, or reporting to work unfit for duty
- Intentionally misusing, damaging, or destroying University property or the property of others
- Fighting, provoking, or instigating a fight; willfully injuring or attempting to injure another person
- Possession of a weapon on University premises

- Indecency in dress, language, or behavior
- Breach of confidentiality
- Falsification of any University record
- Abusive, threatening or harassing remarks or behavior toward a supervisor, security officer, patient, visitor, student or another employee
- The use of epithets on the basis of a protected class as listed in Policy #106 (<https://www.rochester.edu/policies/policy/discrimination-harassment/>).
- Sleeping on the job

III. Procedure

A. Questions regarding appropriate corrective disciplinary measures should be directed to the applicable Human Resources Business Partner.

B. Discussion with the applicable Human Resources Business Partner should take place prior to the decision to discharge an employee.

See also Policy:

- #108 Confidentiality (<https://www.rochester.edu/policies/policy/confidentiality/>)
- #169 Probationary Period (<https://www.rochester.edu/policies/policy/probationary-period/>)
- #106 Policy Against Discrimination, Harassment, and Discriminatory Employment/

Service Practices (<https://www.rochester.edu/policies/policy/discrimination-harassment/>)

ABOUT THIS POLICY

Policy Applies To

Staff

Policy Number

154

Policy Group

Human Resources

Issuing Authority

Human Resources

Responsible Officer

John Spuhler

Contact Information

john.spuhler@rochester.edu (mailto: john.spuhler@rochester.edu)

RELATED POLICIES

Policy Against Discrimination, Harassment, and Discriminatory Employment/Service Practices (<https://www.rochester.edu/policies/policy/discrimination-harassment/>)

Remote Work Policy (<https://www.rochester.edu/policies/policy/remote-work/>)

Compensation Discussions and Disclosures (<https://www.rochester.edu/policies/policy/compensation-discussions/>)

Termination (<https://www.rochester.edu/policies/policy/termination/>)

Outside Employment (Moonlighting) (<https://www.rochester.edu/policies/policy/outside-employment/>)

Probationary Period (<https://www.rochester.edu/policies/policy/probationary-period/>)

Attendance Control (<https://www.rochester.edu/policies/policy/attendance-control/>)

Dress (<https://www.rochester.edu/policies/policy/dress/>)

Confidentiality (<https://www.rochester.edu/policies/policy/confidentiality/>)

Drug-Free Workplace (Controlled Substance Policy) (<https://www.rochester.edu/policies/policy/drug-free-workplace/>)

Safety or Personal Protective Equipment (<https://www.rochester.edu/policies/policy/protective-equipment/>)

POLICY KEYWORDS

Conduct (<https://www.rochester.edu/policies/all/?filter%5Btopics%5D=346>)