



## HUMAN RESOURCES POLICIES AND PROCEDURES

Area: Employee Relations

Subject: Employee Counseling & Disciplinary Action

Applies To: All campus employees

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### **Purpose**

This policy describes the procedures for disciplining a classified employee.

### **Policy**

Supervisors are responsible for achieving the highest performance possible from the activities under their control. Therefore, it is incumbent upon all supervisors to address unacceptable performance or conduct by their employees. Subject to the rules in this policy, supervisors are given the discretion to choose the best available method to address unacceptable performance or conduct in light of the overall circumstances.

### **Disciplinary Procedures**

3.1 Supervisors should follow these steps in arriving at an appropriate method to deal with unacceptable performance or conduct by a classified employee.

3.1.1 As part of their overall responsibility for the activities under their control, supervisors are required to monitor the performance and conduct of the employees in their area. Performance or conduct which violates Georgia Southern policies is unacceptable. Of course an employee's performance or conduct may be unacceptable even though it does not clearly fit into a Work Rule or Policy. Discipline may be imposed for conduct after consultation with the Director or Associate Director of Human Resources.

3.1.2 If an employee's performance or conduct is questionable, the supervisor must determine the facts. The amount of investigation required depends on the nature of the problem involved and the possible disciplinary consequences. Naturally, the employee's written account of an incident should always be obtained, and the statements of material witnesses should be reduced to writing. Public Safety and/or other law enforcement authorities should be contacted in any case that might result in criminal charges, although discipline may be based on a supervisor's own investigation.

3.1.3 After determining what has happened, the supervisor must attempt to determine why the employee's performance or conduct has been unacceptable. Identifying the root cause of a problem will always help in formulating an appropriate response.

3.1.4 The supervisor must then determine the appropriate method to deal with the problem at hand. If appropriate, supervisors are encouraged to take action which enables the employee to correct their deficiencies and contribute to the success of the workplace. Such action might consist of providing advice, orientation, and training to the employee, or referring them to the Employee Assistance

Program, or the Informal Mediation Program. While such non-disciplinary measures are often effective, they are not a prerequisite to the imposition of discipline. If the problem is that the employee does not have the requisite skills and abilities for their position, the supervisor may consider the possibility of an involuntary demotion or transfer. Demotions and transfers are not considered disciplinary actions; however, supervisors must consult with the Director or Associate Director of Human Resources before taking these actions.

3.1.5 If discipline is appropriate, supervisors should consider the nature of the problem, its impact on the activity of the department involved and on the operation of Georgia Southern as a whole, the work history of the employee, and any other aggravating or mitigating circumstances, before deciding on the discipline to be imposed. The Ranges of Discipline are guidelines to assist supervisors in deciding what discipline to impose. Any appropriate discipline may be imposed, but managers should consult with the Director of Human Resources before imposing a harsher punishment such as Suspension and termination.

3.1.6 An employee's work history consists of their official personnel record. In order to consider any incidents or past events which are not part of the personnel record, the supervisor must document them in the investigation. Any relevant past incident may be considered. Relevance is dependent upon the overall circumstances. For instance, a warning given two years ago for being late to work should have little bearing on a recent episode of rude or discourteous behavior. In contrast, if an employee's record reveals a previous incident involving theft or dishonesty, however long ago, this should have significant bearing on a subsequent incident.

3.1.7 Progressive discipline (imposing discipline in stages of increasing severity) is often an effective way to enforce the rules of the workplace while still giving the employee a chance to correct their performance or conduct behavior. Such an outcome is always best for both the employee and Georgia Southern. However, progressive discipline is not required. When appropriate, the supervisor may impose any disciplinary measure, including discharge, without having first imposed a less severe disciplinary measure. Again, the appropriate response is dependent upon the overall circumstances.

3.1.8 The same offense need not always warrant the same punishment. While consistency is a hallmark of fairness, supervisors have the discretion to evaluate the context of each incident individually, and to award any appropriate punishment.

3.2 The following methods of discipline are available.

#### 3.2.1 Verbal Counseling

Verbal counseling provides the supervisor the opportunity to specify to the employee what he/she is doing wrong and what corrective steps are necessary. During the meeting, the supervisor will discuss the time frame for correcting the behavior and schedule a follow-up meeting when applicable. Supervisors are encouraged to maintain documentation concerning performance and behavioral counseling sessions.

#### 3.2.2 Written Formal or Final Warnings

When an employee does not respond to verbal counseling or when the infraction is serious, the supervisor will issue either a "Formal" or "Final" written reprimand. The supervisor will meet with the

employee to discuss the reprimand and corrective measures the employee needs to take to resolve the issue. Employees have the right to include written comments with the reprimand. Supervisor should seek counsel with representatives of the Human Resource Division relative to administering formal disciplinary actions to include the Suspension, Demotion or Dismissal of an employee.

### 3.2.3 Suspension

A suspension orders an employee to miss work for up to five days without pay (suspensions for two months are authorized for certain drug offenses).

### 3.2.4 Termination

A termination orders the end of the employment relationship between the employee and Georgia Southern. It is recommended that supervisors consult with the Director or Associate Director of Human Resources prior to discharging an employee.

### 3.3 Imposing Discipline

All discipline should be imposed in writing using the formats. The memorandum imposing discipline should be given to the employee by the supervisor in a face-to-face meeting. Normally, this meeting should be held privately, but if the supervisor feels that a witness is needed, they should use a fellow supervisor rather than one of the employee's peers.

Except in emergencies, the effective date of a suspension must not be sooner than five working days from the date the employee receives their written notification. This delay allows the employee to appeal the suspension to the next higher authority. There is no formal process for this appeal; the employee may simply request that the next authority reverse the decision. Although a supervisor may take action based on an oral appeal, they may require the employee to put their appeal in writing.

The effective date of a discharge is the date the employee receives the written notification. The employee may appeal the discharge to the next higher authority.

An employee is not required to appeal and does not waive their right to file a grievance by not appealing the suspension or discharge before it becomes effective.

## 4.0 Special Circumstances

The following rules apply in the indicated special circumstances.

### 4.1. Arrests and Off-Duty Conduct

Employees may only be disciplined for their performance or conduct that is within the scope of their employment, or for conduct which has a sufficient impact on or connection to Georgia Southern. The decision on whether conduct outside the scope of employment constitutes an adequate basis for imposing discipline should be made by the supervisor in consultation with the Director of Human Resources and the Legal Affairs Office.

If an employee is arrested for any act on campus, the Director of Public Safety shall report the details of the incident to their supervisor and the Director of Human Resources for review to determine if disciplinary or other action is appropriate. If an employee is arrested for any act occurring off campus and off-duty, this will not normally call for a response from the employee's supervisor. However, if the supervisor feels that the conduct at issue may form a basis for discipline, they should contact the Director of Human Resources and the Legal Affairs Office as described above.

Also, if the arrest results in the employee missing work, the supervisor may take appropriate action to address the employee's absence. Supervisors should not unreasonably deny an employee's request to take leave as a result of an arrest.

#### 4.2 Drug Offenses

Any employee who is convicted of the unlawful manufacture, distribution, sale, use, or possession of marijuana, a controlled substance or other illegal or dangerous drug, or who admits guilt of any such offense in a court proceeding, shall be suspended for not less than two months, or dismissed. Such employee shall be required as a condition of re-employment following suspension to complete a drug abuse treatment and education program which has been approved by the President.

If, prior to arrest for an offense involving a controlled substance, marijuana, or a dangerous drug, an employee notifies their immediate supervisor that they illegally use a controlled substance, marijuana, or a dangerous drug and is receiving or agrees to receive treatment under a drug abuse and education program, such employee shall be retained for up to one year as long as the employee successfully follows the treatment program. If the employee fails to successfully follow the program, they must be discharged. No statement made by an employee to their supervisor in complying with this program shall be admissible against the employee in any proceeding. The rights granted in this section shall be available to an employee only once during a five year period, and shall not apply to an employee who has refused a drug test, or tested positive for a controlled substance, marijuana or a dangerous drug.

#### 4.3 Emergencies

Notwithstanding any other provision in this policy, if a supervisor, after consultation with the Director of Human Resources, determines that an employee poses a threat to any person or property at Georgia Southern any disciplinary action, including discharge, may be imposed immediately.

Also, in similar emergency situations, the supervisor may place an employee on leave without pay (or annual leave or unscheduled holidays if an employee so requests) until a thorough investigation can be completed. Such forced absences from work should be kept as short as possible and should only exceed ten working days with the permission of the Director of Human Resources. After considering the results of the investigation, the supervisor should determine what, if any, discipline is warranted. An employee should be recredited to the extent that their forced absence exceeds the discipline, if any, that is imposed. For example, an employee who is awarded no discipline should be paid for any leave without pay taken, or recredited any annual leave or unscheduled holidays taken. Also, if an employee receives a five day suspension but missed ten days pending the investigation, they should be recredited for the extra five days. Employees who are discharged should not be credited for any unpaid time missed.

#### 4.4 Imposing Discipline on Absent Employees

In the event that an employee is absent from work without authorization, any provisions of this policy

which require personal notice to or meetings with an employee may be satisfied by sending the required written notices by mail to the employee's home address as listed in Georgia Southern Human Resources records. In such cases, the effective date of a suspension should be six business days from the date the notification is mailed (allowing one day for delivery and five days for the employee to appeal). The effective date of a discharge should be the date the notification is mailed.

#### **5.0 Record Keeping**

All written materials related to employee discipline, including investigations and previous conference memoranda should be forwarded to the Human Resources Division for inclusion in the disciplined employee's file, with the supervisor retaining a copy for their departmental records. At the same time that any records are forwarded to the Human Resources Division, the supervisor should furnish the employee with a complete copy of these records (unless the employee has already been given a copy). The employee may submit a written response to their supervisor within five working days of first receiving the discipline, and this response will be included in their personnel file.