

# UNMC EMPLOYEE CORRECTIVE/DISCIPLINARY ACTION

## Purpose

1.1 UNMC employees are required to meet certain standards of work performance and workplace conduct. When employees do not meet specified standards, Corrective and Disciplinary actions including termination for cause may be warranted.

## Scope

2.1 The UNMC Corrective and Disciplinary Action Policy is applicable to all UNMC employees to include Office/Service, Managerial/Professional, Faculty, and Other Academic positions. In the case of employees with Faculty appointments, terminations and grievance procedures are also governed by the Bylaws of the Board of Regents (<https://nebraska.edu/regents/bylaws-policies-and-rules/>) of the University of Nebraska (Chapter IV), Board of Regents Policy (<https://nebraska.edu/-/media/unca/docs/offices-and-policies/policies/board-governing-documents/board-of-regents-policies.pdf?la=en>), and policy and procedures adopted by the individual colleges and the UNMC Faculty Senate.

## Basis of the Policy

3.1 The University of Nebraska Medical Center (<http://www.unmc.edu/>) (UNMC) follows the performance management policies set forth in the University of Nebraska Administration Human Resources Handbook for Policies (<https://nebraska.edu/-/media/unca/docs/offices-and-policies/policies/policies/employee-policy-manual.pdf?la=en>) including: Original Probationary Period; Employee Discipline; and Termination of Employment for Cause. For employees with Faculty appointments, terminations and grievance procedures are also governed by the Bylaws of the Board of Regents (<https://nebraska.edu/regents/bylaws-policies-and-rules/>) of the University of Nebraska (Chapter IV), Board of Regents Policy (<https://nebraska.edu/-/media/unca/docs/offices-and-policies/policies/board-governing-documents/board-of-regents-policies.pdf?la=en>), and policy and procedures adopted by the individual colleges and the UNMC Faculty Senate.

## Authorities and Administration

4.1 The UNMC Human Resources' Division Director of Employee Relations is responsible for the administration, implementation, and maintenance of the Corrective and Disciplinary Action Policy at the campus level in consultation with the Assistant Vice Chancellor for Business and Finance, Executive Director of Human Resources, and the Vice Chancellor for Business and Finance.

## Policy

### Original Probationary Period

(Managerial/Professional and Office/Service employees only)

5.1 It is the policy of the University of Nebraska Medical Center that all newly hired regular managerial/professional and office/service employees serve one six-month Original Probationary Period. This Original Probationary Period is an extension of the selection process and is used to determine an employee's suitability for employment at UNMC. The successful completion of the probationary period is not to be construed as granting a property interest in continuing employment.

5.2 Departments in collaboration with Human Resources, Employee Relations may consider dismissing a managerial/professional or office/service employee during the Original Probationary Period with a Corrective and Disciplinary Action termination notice.

5.3 Unless there is a break in UNMC employment, managerial/professional and office/service employees serve only one Original Probationary Period.

### Original Probationary Period Rights

6.1 Original probationary employees have no grievance rights but have a right to a Corrective and Disciplinary Action Termination Notice. However, employees on original probation who believe that their legal rights with respect to employment have been violated by a termination action may consult with UNMC Human Resources-Employee Relations. Employees raising issues of discrimination and/or sexual harassment, during their original probationary period, may also seek assistance through Employee Relations/Affirmative Action Officer.

### Corrective and Disciplinary Actions

7.1 An action taken to address workplace performance and/or conduct deficiencies that are negatively affecting an employee's contribution to the organization.

7.2 Corrective and Disciplinary Actions cannot be administered according to an absolute set of rules; decisions must be made based on the facts of each situation. Corrective and Disciplinary Actions may be taken in progressive order up to and including termination for cause or may be administered as the situation warrants. Management is encouraged to consult with Human Resources – Employee Relations on Corrective and Disciplinary Actions.

7.3 Examples of conduct or actions that may justify Corrective and Disciplinary Actions, up to termination for cause, are listed in the Corrective and Disciplinary Action Procedures (<http://www.unmc.edu/hr/proc/Procedures1098.pdf>) on the Human Resources website at [www.unmc.edu/hr/](http://www.unmc.edu/hr/) (<http://www.unmc.edu/hr/>). Types of Corrective and Disciplinary Actions may include:

- Verbal Warning for inappropriate workplace conduct and/or for work performance deficiencies
- Written Warning for inappropriate workplace conduct and/or for work performance deficiencies
- Suspension with Pay
- Suspension without Pay
- Termination/discharge for Cause

**7.4** Departments and managers issuing any type of Corrective and Disciplinary Actions may complete the Corrective and Disciplinary Action Form ([https://www.unmc.edu/human-resources/\\_documents/forms/emp-rel/corrective\\_and\\_disciplinary\\_action\\_form.doc](https://www.unmc.edu/human-resources/_documents/forms/emp-rel/corrective_and_disciplinary_action_form.doc)) in consultation with Human Resources-Employee Relations (see procedures for contact information), to ensure that UNMC procedures are followed.

## Verbal Warning

**8.1** A Verbal Warning may be given to alert an employee to specific deficiencies (failure to meet work product standards or workplace/conduct standards). A Verbal Warning consists of a discussion in which the supervisor verbally advises an employee of his/her performance or conduct deficiencies and recommended corrective actions. Notes regarding the meeting may be kept in departmental files.

## Written Warning Notice

**9.1** A Written Warning Notice may be given to an employee when other efforts to correct performance or conduct deficiencies have failed or as a first Corrective and Disciplinary Action when the performance or conduct deficiency is serious enough to warrant a written reprimand. A Corrective and Disciplinary Action Written Warning Notice consists of a written document, which may be in the form of a letter or on the Corrective and Disciplinary Action Form. The Corrective and Disciplinary Action written warning notice will describe the deficiency; include a plan for corrective action, and a time frame if applicable. The employee should sign and date the written notice and may provide a written response presenting information on their own behalf.

## Suspension with Pay

**10.1** In the event that an employee's presence on campus during an employment situation investigation or actual employment may endanger others, present a risk to UNMC, or if it is required that an employee not return to the workplace until an employment situation investigation is complete and an employment decision has been made, the employee may be suspended with pay, until the employment situation investigation is completed and/or the employment decision is made.

**10.2** Management must consult with Human Resources-Employee Relations (see procedures for contact information) before suspending an employee.

## Suspension without Pay

**Note:** Suspending an employee without pay requires the prior approval of the UNMC Assistant Vice Chancellor - Executive Director of Human Resources.

**11.1** Suspension without Pay is appropriate when other efforts to correct unsatisfactory work performance or conduct have failed. It is also appropriate as a first Corrective and Disciplinary Action when the immediate supervisor considers the unsatisfactory work performance or conduct to be serious enough to warrant a severe penalty.

**11.2** After considering the circumstances the supervisor, with the assistance of the UNMC Assistant Vice Chancellor - Executive Director of Human Resources or designee, decides whether to implement the

suspension. The period of suspension is without pay and should normally not exceed five workdays. Suspension without Pay is implemented by a Corrective and Disciplinary Action to the employee informing the employee of the suspension and the reasons for the action. If an employee is to be placed on "Corrective Probation" upon return to work, that fact should be included in the Corrective and Disciplinary Action Form.

**11.3** Employees on suspension without pay will not be granted vacation, sick, floating/banked holiday, or regular holiday leave, nor may they use compensatory time previously earned to avoid being without pay.

**11.4** If a Corrective Probationary Period follows a suspension without pay, it must be done with the consultation of Human Resources-Employee Relations to ensure that it is reasonable and related to the suspension without pay.

## Termination for Cause

**12.1** Management, in consultation with Human Resources-Employee Relations, may terminate employees for cause when employees fail to meet department, unit, or UNMC work performance or workplace conduct standards. Note: Either the employee or UNMC may also end the employment relationship under UNMC Policy No. 1006, Employee Separation ([https://wiki.unmc.edu/index.php/Employee\\_Separation/](https://wiki.unmc.edu/index.php/Employee_Separation/)), sections 5.2, 5.3, and 5.4.

**12.2** Any employee (except probationary employee) considered for "Termination for Cause" will be given a pre-termination hearing. At the pre-termination hearing employees will be given the opportunity to be informed about why termination is being considered and to present information on their own behalf. If, after the hearing, "Termination for Cause" is recommended, the employee will be given a Corrective and Disciplinary Action Termination Notice and will have access to the UNMC grievance process in UNMC Policy No. 1020, Employee Grievance Process ([https://wiki.unmc.edu/index.php/Employee\\_Grievance\\_Process/](https://wiki.unmc.edu/index.php/Employee_Grievance_Process/)). Section 6.1 applies to original probationary period managerial/professional and office/service employees terminated for cause.

## Grievable Corrective and Disciplinary Actions

**13.1** For any of the following corrective and disciplinary actions, employees (except probationary employees) may file a grievance under UNMC Policy No. 1020, Employee Grievance Process ([https://wiki.unmc.edu/index.php/Employee\\_Grievance\\_Process/](https://wiki.unmc.edu/index.php/Employee_Grievance_Process/)) or the applicable faculty procedure.

- Written Warning of Corrective and Disciplinary Actions for inappropriate workplace conduct and/or work-performance deficiencies
- Suspension without Pay
- Termination for Cause

## Rehire Eligibility

**14.1** Persons dismissed for cause from UNMC or from any University of Nebraska campus are not eligible for rehire without prior approval of Human Resources. Persons leaving UNMC while under Corrective and

Disciplinary Action or those whose performance is documented as below satisfactory may not be eligible for rehire. Persons dismissed for gross misconduct from UNMC or from any University of Nebraska campus are not eligible for rehire at UNMC. Questions relative to an applicant's eligibility for re-hire should be directed to Human Resources.

## Notice of Non-Discrimination

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Please see UNMC's Notice of Non-Discrimination (<http://www.unmc.edu/titleix/notice-nondiscrimination.html>) regarding the University of Nebraska Medical Center's commitment to creating a diverse and inclusive working and learning environment free from discrimination and harassment.

## Additional Information

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- Contact Human Resources, Employee Relations (<https://www.unmc.edu/human-resources/about/contact-hr.html>), 402/559-7394, 402/559-8534 or 402/559-4371
- Bylaws of the Board of Regents (<https://nebraska.edu/regents/bylaws-policies-and-rules/>) of the University of Nebraska (Chapter IV)
- Board of Regents Policy (<https://nebraska.edu/-/media/unca/docs/offices-and-policies/policies/board-governing-documents/board-of-regents-policies.pdf?la=en>)
- University of Nebraska Administration Human Resources Handbook for Policies (<https://nebraska.edu/-/media/unca/docs/offices-and-policies/policies/policies/employee-policy-manual.pdf?la=en>)
- UNMC Policy No. 1006, Employee Separation ([https://wiki.unmc.edu/index.php/Employee\\_Separation/](https://wiki.unmc.edu/index.php/Employee_Separation/))
- UNMC Policy No. 1020, Employee Grievance Process ([https://wiki.unmc.edu/index.php/Employee\\_Grievance\\_Process/](https://wiki.unmc.edu/index.php/Employee_Grievance_Process/))
- UNMC Procedures No. 1098, Corrective and Disciplinary Action (<http://www.unmc.edu/hr/proc/Procedures1098.pdf>)
- Corrective and Disciplinary Action Form ([https://www.unmc.edu/human-resources/\\_documents/forms/emp-rel/corrective\\_and\\_disciplinary\\_action\\_form.doc](https://www.unmc.edu/human-resources/_documents/forms/emp-rel/corrective_and_disciplinary_action_form.doc))
- ADA - Americans with Disabilities Act and Section 504 Grievance Procedures (<https://wiki.unmc.edu/images/7/76/ADA-Sec504GrievanceProcedures.pdf>)
- ADA - Americans with Disabilities Act - Requests for Reasonable Accommodation (<http://www.unmc.edu/hr/proc/Req%20for%20Reasonable%20Accommodation%20-%20ADA.pdf>)

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