

# Augusta University

## Policy Library

# Disciplinary Procedures for Employees

**Policy Manager: Human Resources**

## **POLICY STATEMENT**

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.

## **AFFECTED STAKEHOLDERS**

All faculty, staff, residents, and postdoctoral fellows

## **DEFINITIONS**

### **Employees**

- **Faculty:** The faculty shall consist of the corps of instruction and the administrative officers as defined in Section 3 of the Policy Manual of the Board of Regents of the University System of Georgia.
- **Staff:** Staff employees shall consist of two major employee groups 1) *staff professional and administrative employees* and 2) *staff non-exempt* and defined as follows:
  - **Staff Professional and Administrative Employees** are exempt from the Federal Wage-Hour provisions of the Fair Labor Standards Act (FLSA) because of their professional or administrative responsibilities. (This group does not include faculty or graduate assistants, it does include Residents and Postdoctoral Fellows); and
  - **Staff Non-Exempt Employees** are not exempt from the federal wage-hour provisions of the Fair Labor Standards Act (FLSA). (NOTE: The University System of Georgia position classification system includes the appropriate FLSA status in the “Master List with Definitions and Guidelines”.)
  - **Classified Employees** shall consist of the Staff Professional and Administrative, and Staff Non-exempt employees as defined above.

## **PROCESS & PROCEDURES**

### **Disciplinary Procedures**

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

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 supervision. Performance or conduct which violates the USG Code of Conduct (Board of Regents {BOR} Policy Manual section 8.2.20.5) and the Augusta University [Work Rules](#) that support the Code of Conduct is unacceptable. Additionally, an employee’s performance or conduct may be unacceptable even though it does not clearly fit under the

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Code of Conduct or a Work Rule. Discipline may be imposed for conduct which is not listed in the Code of Conduct or [Work Rules](#) after consultation with the Director of Employee Relations.

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. If an issue of misconduct arises, the supervisor should generally take statements from all employees involved and prepare a written summary of what has been reported to the supervisor to document the issues. The supervisor may also choose to request from the employee and any material witnesses written accounts of the matter in question. 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.

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

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 either the [Employee Faculty 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 of Employee Relations before taking these actions. For faculty serving in administrative positions covered by the USG BOR Policy Manual section 3.2.1.2, the administrative position is held at the pleasure of the president, and there are no rights of tenure in the administrative position. Thus, the administrative appointment may be removed at any time and is also not considered a disciplinary action.

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 Augusta University as a whole, the work history of the employee, and any other aggravating or mitigating circumstances, before deciding on the discipline to be imposed.

### **Faculty**

If dismissal is the disciplinary action to be imposed, such action for faculty will be taken in accordance with the USG BOR Policy Manual section [8.3.9 titled Discipline and Removal of Faculty Members](#). The content of this policy applies to faculty and any disciplinary action that may lead to termination must be in accordance with BOR policies.

### **Faculty & Staff**

The [Work Rules](#) are applicable to all employees and serve as guidelines to assist supervisors in deciding what discipline to impose. The ranges of possible discipline in relation to the work rules for faculty will vary slightly given they are appointed or contracted employees. All employees may be issued a conference memorandum, warning, final warning, or suspension. If discharge is the discipline to be imposed, as stated above such action for faculty will be taken in accordance with the [USG BOR Policy Manual section 8.3.9 titled Discipline and Removal of Faculty Members](#).

Any appropriate discipline may be imposed, but supervisors should consult with the Director of Employee Relations before imposing a harsher discipline than is listed in the Ranges of Possible Discipline. In a subsequent grievance, discipline which falls within the Ranges of Possible Discipline should be presumed to be reasonable, unless the employee can prove that due to unusual or special circumstances, the discipline is unreasonable. The [Work Rules](#) may be modified by the Vice President of Human Resources.

An employee's work history consists of their official personnel record. In order to consider any incidents or past incidents 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, then the incident should have significant bearing on a subsequent incident involving theft or dishonesty.

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 Augusta University. 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. The appropriate response is dependent upon the overall circumstances.

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 assign any appropriate discipline.

The following methods of discipline are available:

**Warning** - A warning is a written memorandum from a supervisor to an employee that warns them that their performance or conduct is unacceptable.

**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). Please consult with the Director of Employees Relations prior to initiating a suspension.

**Discharge** - A discharge orders the end of the employment relationship between the employee and Augusta University. Only Department Heads and higher authorities may impose a discharge. Please consult with the Director of Employees Relations prior to initiating a discharge.

### **Imposing Discipline**

All discipline should be imposed in writing using the one of the following \*templates:

- [Conference Memo Template](#)
- [Discharge Template](#)

- [Final Warning Template](#)
- [Provisional Discharge Template](#)
- [Suspension Pending Investigation Template](#)
- [Suspension Template](#)
- [Warning Template](#)

\*Templates can be found on the [Employee Relations webpage](#).

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 highest authority. There is no formal process for this appeal; the employee may simply request that the next highest 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. Please note a suspension for non-exempt employees can range from one, two, three, or more days (any day of the work week); exempt employees must be suspended for the entire Monday-Friday work week. Please consult with the Director of Employees Relations prior to initiating a suspension.

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.

Please note, both suspensions and discharges must be reviewed and approved by the Director of Employee Relations and the Legal Affairs Office.

### **Special Circumstances applicable to all Employee types**

The following rules apply in the indicated special circumstances:

#### **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 Augusta University. 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 Employee Relations (or Vice President of Human Resources if Director is not available or designee) 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 the Department Head and the Director of Employee Relations (or Vice President of Human Resources if Director is not available or designee) 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 Employee Relations (or Vice President of Human Resources if Director is not available or designee) and the Legal Affairs Office as described above.

If an employee is arrested off campus, the employee (or his or her designee) must report the arrest within 72 hours of the incident to the employee's direct supervisor. The employee must complete the [Arrest Disclosure Form](#) and provide it to their direct supervisor who will submit the document to the Director of Employee Relations.

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.

### **Drug Offenses**

Any employee who is convicted of the unlawful manufacture, distribution, sale, use, or possession of marijuana, a controlled substance, or any other illegal or dangerous drugs, 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 marijuana, a controlled substance, or any other dangerous or illegal drug, an employee notifies their immediate supervisor that they illegally use a controlled substance, marijuana, or 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.

### **Emergencies**

Notwithstanding any other provision in this policy, if a supervisor, after consultation with the Vice President of Human Resources or designee, determines that an employee poses a threat to any person or property at Augusta University, 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 Vice President of Human Resources or designee. 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.

### **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 Augusta University 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.

### **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 personnel 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.

### **REFERENCES & SUPPORTING DOCUMENTS**

See links within policy

### **RELATED POLICIES**

None

### **APPROVED BY:**

Executive Vice President for Academic Affairs and Provost, Augusta University  
Date: 3/8/2019

President, Augusta University and CEO, AU Health System  
Date: 3/13/2019