

**“THE GUIDE” TO  
EMPLOYEE CONDUCT &  
CONSEQUENCES  
SUPERVISOR TRAINING**



**FACILITIES  
MANAGEMENT**

# Guide to Employee Conduct & Consequences

## General Overview:

- The Guide is a resource document to advise supervisors and bargaining employees regarding employee misconduct and potential consequences
- The Guide is not intended to cover every conceivable infraction
- The Guide is subject to the terms of the Exempt and Nonexempt Memoranda of Understanding (MOU) and University policy, applicable to employee discipline



# Guide to Employee Conduct & Consequences

## Management Responsibilities

- Managers and Supervisors have certain responsibilities with regard to discipline, such as:
  - *Provide your workforce with a safe, secure and non-disruptive atmosphere*
  - *Establish and adhere to policies, regulations, and workplace rules*
  - *Apply the rules in a fair and consistent way.*

# Guide to Employee Conduct & Consequences

## Purpose of Discipline

### ■ What does discipline accomplish?

- *Provides an opportunity for learning. Helps to re-focus the employee's behavior and actions on what they must do (learn to do ) in order to align his/her behavior with the needs and expectations of the organization*
- *Corrects inappropriate workplace behavior*
- *Discourages repetition of negative conduct*
- *Reinforces performance and behavioral expectations when other efforts have been unsuccessful*
- *Maintains orderly business operations*
- *Removes the disruptive employee from the workforce*

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## What's the harm in failure to discipline?

- *Demoralizes the rest of the workforce*
- *Creates an imbalance regarding workplace expectations*
- *Gives an employee the false impression that your directions, policies and other regulations can be ignored without consequences*
- *Insures continuation of repetitive and problematic behavior*
- *Creates disharmony and disruption within the workgroup*
- *Precludes ability to take progressive action for the same or more serious infractions*
- *Increases the University's liability i.e. allegations of favoritism, discrimination, or "unfairness."*

# Guide to Employee Conduct & Consequences

## Common Terms and Definitions

- Coaching
- Mitigating Factors
- Aggravating Factors
- Facts
- Management Representative
- Weingarten Rules
- Progressive Discipline



# Guide to Employee Conduct & Consequences

## Coaching

- Coaching is part of the day-to-day interaction between a supervisor and employee
- It is non-disciplinary in nature
- The goal of coaching is to verbally communicate to the employee a behavior or performance expectation in order to engage their support and compliance
- Provide an opportunity to explain/teach where there may be questions or concerns

# Guide to Employee Conduct & Consequences

## Mitigating Factors

- Circumstance(s) or factors that do not necessarily excuse the behavior, but should be considered in determining whether to reduce the consequence associated with the offense.
- In other words, information that should be kept in mind when making a decision.

Note: All policy and rule violations must be documented via the appropriate disciplinary form

- [oral reminder](#)
- [written reprimand](#)
- [disciplinary exception form](#)
- [time and attendance exception form](#)





# Guide to Employee Conduct & Consequences

## Mitigating Factors

Examples can include, but are not limited to:

- Provocation
- Weather
- Involvement of others who might have contributed to the situation
- Impact
- Compelling circumstances e.g. family considerations, etc.  
(reasonable person standard)

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## Aggravating Factors

Are relevant facts and circumstances that increase the severity or blame on the part of the employee involved.

### *Examples include:*

- Wantonly offensive behavior or actions
- Intentional acts
- Actively and disrespectfully challenging supervisory instructions
- Making threats or using coercion or physical violence
- Using abusive language or making malicious statements

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## Facts

*Just the facts Ma'am, just the facts..." (Det. Joe Friday, Dragnet, circa 1950's)*

- *Something that actually exists; reality; truth*
- *Something known to exist or to have happened by actual experience or observation.*
- *A thing that is indisputably the case, or information that can be used to support a statement or claim.*
- *Facts can only be supported by direct knowledge or information based on real occurrences, such as: Who, What, When, How, Where and, whenever possible "eye witness" testimony/statements.*

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## Management Representative

Should have knowledge of an incident by virtue of their position and is responsible for taking the appropriate action:

- ✓ Investigate and resolve
- ✓ Report to Sr. Manager, Director and FM HR
- ✓ Document the incident



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## FM HR Staff Relations

- Act as a resource to Managers/Supervisors
- Monitor the application of any policies, laws or MOU provisions that should be considered
- Maintain awareness of what is going on in other areas of FM and the campus, in order to help ensure equity and consistency

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## Weingarten Rights

The “Right to Representation.” In certain limited circumstances an employee is entitled to have a union representative present during a discussion with management.

Bargaining unit employees have the right to request the presence of a union representative at an investigatory interview that could result in discipline.

# Guide to Employee Conduct & Consequences

## Weingarten Rights

### *Steps:*

- When such requests are made immediately discontinue having any further discussion with the employee.
- Contact FM-HR to obtain further guidance.
- Issue any documents as needed without further discussion.



# Guide to Employee Conduct & Consequences

## Progressive Discipline

- Is a system of discipline where the consequences increase upon repeat occurrences
- May not begin at the minimal step, depending on the circumstances and facts of each situation



# Guide to Employee Conduct & Consequences

## Progressive Discipline

Under the Guide potential disciplinary consequences include:

- Oral Reminder
- Written Reminder/Letter of Reprimand
- Disciplinary Suspension
- Termination from University Service



# Guide to Employee Conduct & Consequences

## Progressive Discipline

### Steps:

- Thoroughly investigate the incident in order to determine the facts.
- Meet with the employee privately to remind them of any prior coaching sessions regarding the same and/or similar behavior.
  - *a) describe the inappropriate behavior*
  - *b) what changes are required*
  - *c) the consequences for failing to improve*

# Guide to Employee Conduct & Consequences

## Progressive Discipline

- Obtain approval from your immediate supervisor of the disciplinary action taken
- Present the employee with a signed copy of the document
- Provide copies to FM Human Resources immediately following issuance to the employee \*\*

\*\*\* All suspension and terminations must be reviewed, approved and before issuance to the employee.

# Guide to Employee Conduct & Consequences

## Forms & Records

- Infraction Record
- Time and Attendance
- Exception Form
- Disciplinary Exception Form
- Oral Reminder
- Written Reprimand

# Guide to Employee Conduct & Consequences

## Infraction Record

*An employee's infraction record consist of 5 parts:*

- *Employee Name, Department/Unit*
- *Time and Attendance Exceptions Record*
- *Medical Certification Requirement Record*
- *Disciplinary Exceptions Record*
- *Additional Comments*

# Guide to Employee Conduct & Consequences

## Time and Attendance Exception Form

Used to document the following:

- **Tardiness:** Less than 60 minutes – three (3) maximum per calendar year
- **Unscheduled Absence:** Unscheduled absences of 60 minutes or More – three (3) maximum per calendar year.

Employees are allowed to use a Time & Attendance Exception of 60 minutes or More to cover a tardiness of 60 minutes or less to the extent that it is available and the employee has accrued leave for its use; however, such occurrences must be documented by the supervisor using the disciplinary exception process.



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## Disciplinary Exception Form

- Depending on the specific facts of a given situation, it may be appropriate to refrain from issuing discipline
- When this occurs, supervisors are expected to document these exceptions

# Guide to Employee Conduct & Consequences

## Disciplinary Exception Process

### Steps:

1. Meet with employee to discuss incident
2. Based on the facts and mitigating circumstances involved, decide whether to submit and approve a disciplinary exception on behalf of the employee
3. Submit form to the Department Head for review and approval.



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## Disciplinary Exception Process

- Obtain employee signature and provide them a copy of the approved form.
- Provide the original copy of the completed form with all signatures to FM/HR and maintain a copy in departmental files

Supervisors and Managers are expected to document all disciplinary exceptions



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## Oral Reminder

- Minor events, that have minimal impact on the workplace

## Written Reprimand

- Repetitive or severe incidents

All Oral and Written Reminders should be documented and filed in department files; with a copy to FMHR



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## Suspensions

Suspensions must be presented to the employee within 3 working days of the event.

All disciplinary suspensions must be reviewed and approved by the departmental Executive Director in consultation with FM/HR – Staff Relations.



# Guide to Employee Conduct & Consequences

## Suspension

### Steps

- Provide detailed statement of the event, to include all the relevant facts.
- The day of incident submit the statement of facts to your Director and FM HR for review and approval



# Guide to Employee Conduct & Consequences

## Suspension

- Once the Director has approved the suspension FM HR will prepare the suspension document and notify the supervisor when it is ready
- Review and provide a copy of the document to the employee after obtaining their signature.
- Return a signed copy of the document to FM HR.



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## Discharge

*Shall be considered, but not limited to the following circumstances:*

- *The behavior is repetitive in spite of previous warnings*
- *There has been a gross violation of policy, procedure, substantial financial impact or,*
- *The behavior presents a significant safety risk to the individual or others*
- *The behaviors has the effect of bringing the classified service into public disrepute.*

# Guide to Employee Conduct & Consequences

## General Considerations

- Remember, one's perception regarding an event, does not make it a fact. Determine the facts first, before taking disciplinary action.
- Always meet privately with the employee to discuss problematic behavior and concerns.
- Inappropriate conduct should be addressed by progressive discipline.

# Guide to Employee Conduct & Consequences

## Mitigating/aggravating circumstances to consider:

- *History of prior discipline for the same or similar infraction,*
- *Overall disciplinary record,*
- *Probation status,*
- *Whether a safety hazard was created by the action,*
- *Whether there was a financial loss as a result of the conduct,*
- *Whether the work of others was delayed; and,*
- *The totality of the circumstances involved*



# Guide to Employee Conduct & Consequences

- Do's and Do not's:

- Don't wait until there is a build-up and you are frustrated, address problems as they occur.
- Don't make idle or veiled threats regarding discipline
- Apply rules and consequences equitably and consistently without discrimination or retaliation intent.
- Provide adequate warning before taking disciplinary action; except when the conduct does not require prior warning
- Be clear regarding conduct and performance expectations
- Provide and review a copy of the Guide to all new employees

# Guide to Employee Conduct & Consequences

Oral Reminders:                      obtained knowledge of an infraction

Written Reprimands:                Same as Oral Reminders (10 days)

Suspension Actions:                Must be reported to FM/HR immediately and issued **within 3 days** of the date of incident or having obtained knowledge of an incident

**A disciplinary suspensions must be approved *in advance* by the Executive Director in consultation with FM/HR – Staff Relations**



# Guide to Employee Conduct & Consequences

## Medical Case Management

# Guide to Employee Conduct & Consequences

## Medical Case Management

Policies and MOU provisions include (but are not limited to):

- VII – 7.45 – USM Policy on Sick leave for Exempt and Non Exempt Staff Employees
  - <https://president.umd.edu/sites/president.umd.edu/files/documents/policies/VII-745.pdf>
- Article 9, Sections 9 - 17 of the MOU
- MOU Side Letter #6 – Medical Certification of Absences



# Guide to Employee Conduct & Consequences

## Medical Case Management

Sick Leave is to be used for:

- Illness or disability of the employee or an immediate family member
- Pre-scheduled and/or approved: medical appointments, exams, treatment, or medical emergencies, etc...

Supervisors and employees are encouraged to schedule medical appointments during non work hours when possible



# Guide to Employee Conduct & Consequences

## Medical Case Management

Medical Certification must:

1. Cover all periods of absence/lateness.
2. Specify the duration of absence.
3. Indicate a return to work date.
4. Confirm return to work status e.g. full duty or modified duty with specific restrictions and the expected duration of the restrictions.

Employees who fail to provide acceptable medical documentation when requested are subject to disciplinary action e.g. Unauthorized Absence (U/A) in most cases.



# Guide to Employee Conduct & Consequences

## Medical Case Management

### Medical Certification of Absences (i.e. Med Doc Requirement)

- ***There are four (4) types of medical*** In certain cases supervisors may require an employee to provide medical documentation to address concerns regarding a pattern of absence or abuse of leave, due to medical reasons. In such cases, the employee will be notified when medical documentation is required.
- All medical documents submitted must be signed by a licensed medical provider and cover all periods (dates) of the absence due to medical reasons (full/partial days; personal/family).
- Medical documentation must be provided immediately upon the employees return to work; except as provided below:
  - *Depending on the duration of absence i.e. generally (4) or more consecutive days, an employee may be required to provide medical documentation prior to returning from work.*

### ***I certification requirements:***

- One Time Request
- Initial Placement
- Initial Extension
- Repeater Placement



# Guide to Employee Conduct & Consequences

## Medical Case Management

### Medical Certification of Absences

- One Time Request
  - *Single Occurrence (based on individual*
  
- Initial Placement
  - *6 months*
  
- Initial Extension
  - *Additional 6 months*
  
- Repeater Placement
  - *12 months*



# Guide to Employee Conduct & Consequences

## Medical Certification of Absences

Reasons for placement include (but may not be limited to):

- Pattern of absence e.g. 4 hours or more during a 6 month period
- Repetitive use of sick leave in less than eight (8) hour increments.
- Consistently low or no sick leave balances.
- Use of Leave Without Pay (LWOP).
- Patterns of absences such as before and/or after weekends, holidays, scheduled vacation etc.
- Absences during peak operational periods e.g. Maryland Day, Student Move-in Day, Special Projects, etc.
- Denial of annual leave then calling out sick (One Time Request)

# Guide to Employee Conduct & Consequences

## Personal Responsibility

- ❑ Employees are encouraged to access the FM/HR Staff Relations website below: <https://www.facilities.umd.edu/>
- ❑ In order to familiarize themselves with other university policies and procedures applicable to their employment or interest.
- ❑ This overview does not cover all policies, procedures, rules and regulations governing University employees. Therefore, please take time to access the campus website <http://uhr.umd.edu/policies/> in order to familiarize yourself with other applicable University policies and procedures.
- ❑ Your supervisor is always available to assist you. Due to the complexity of the campus environment, FM/HR Staff Relations should also be utilized as a resource.



# Guide to Employee Conduct & Consequences

## Policy on Professional Conduct of Nonexempt and Exempt Staff Employees

- ❑ This policy establishes expectations of Regular AND Contingent employees; it provides general standards of conduct, provisions related to conflicts of interest, and reporting requirements (<http://www.usmh.usmd.edu/regents/bylaws/SectionVII/VII805.pdf>)

### Found in Section IV. C. is the reporting requirement for all staff:

- ❑ Employees are required to report to their department or unit head as to any arrest of the employee and as to each legal proceeding in which an employee is involved, as a party or otherwise, if the arrest or legal proceeding affects, or reflects on, the employee's job fitness or performance.



# Guide to Employee Conduct & Consequences

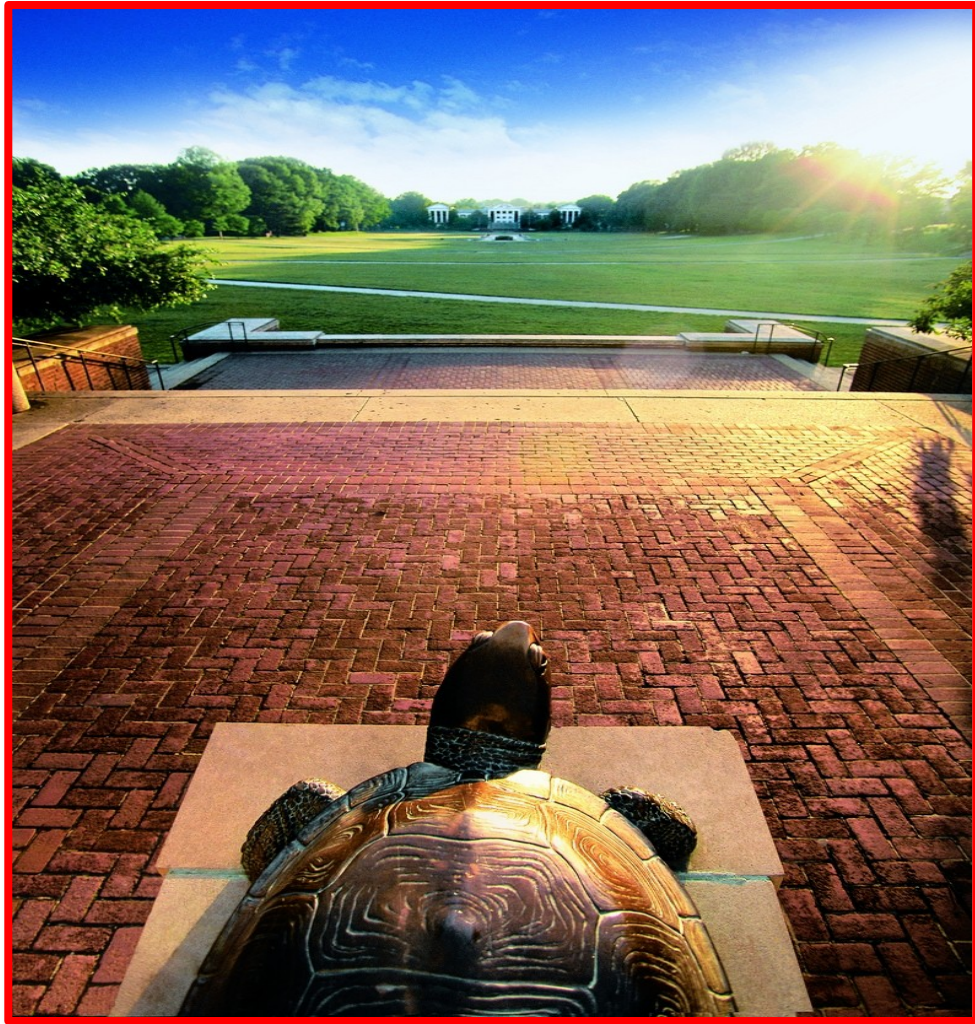
## Resource Documents

- Guide to Employee Conduct & Consequences
- Memoranda of Understanding for Non-exempt and Exempt employees
- USM Policy VII-8.00– Disciplinary Action and Appeal Rights

## Contacts

- Your Manager/Supervisor
- FM Human Resources
  - Faith Bagnall, Manager– X58937
  - LaShonda Black- HR Specialist- X53432
  - Awele Gwam- HR Compliance Specialist– X53432





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