



FACILITIES MANAGEMENT (FM) GUIDE TO EMPLOYEE CONDUCT & CONSEQUENCES



General Conduct Expectations

- The mission and vision of Facilities Management (FM) is to provide world class services in support of the University's overall mission and strategic plan.
- **You**, FM employees are our greatest resource in successfully achieving this mission.
- In order to facilitate FM's mission, we expect all FM employees regardless of their position in the organization, to conduct themselves professionally, ethically and responsibly to include treating others in the workplace, with *courtesy* and *respect*.
- We expect FM employees to follow all work and safety rules and comply with all University policies and laws.

Objectives

When an employee does not meet conduct expectations, a corrective response may result to include disciplinary action.

- The purpose of this session is to introduce you to the “FM Guide to Employee Conduct & Consequences (The “Guide”).”
- The “Guide” is an negotiated agreement between the University, FM and AFSCME Local 1072, the collective bargaining agent at the University. It applies to all FM employees.
- The “Guide” is to be used as a resource for FM supervisors and employees, in response to employee misconduct (bargaining and non-bargaining) and the type of consequences one might expect.

Guide to Employee Conduct & Consequences

Highlights and Provisions

Guide to Employee Conduct & Consequences

Highlights & Provisions

- In general, an employee may be disciplined for performance related issues, misconduct or both.
- When applying disciplinary action, mitigating and/or aggravating circumstances shall be considered.

Guide to Employee Conduct & Consequences

Time and Attendance

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Time and Attendance

- From time to time, events occur which may result in occasional tardiness or unscheduled absences.
- On an exception basis only, an employee's tardiness/unscheduled absence will be excused on a **calendar year** basis as follows:

Guide to Employee Conduct & Consequences

Time and Attendance

- **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 may use an available “Unscheduled Absence of 60 Minutes or More” call-in to cover a period of absence/“Tardiness Less than 60 Minutes” (but not in the reverse order**).*

Guide to Employee Conduct & Consequences

Employee Misconduct

Guide to Employee Conduct & Consequences

Employee Misconduct

- *The conduct examples outlined in the Guide illustrate performance or misconduct related concerns and potential first-occurrence consequences.*
- *They are examples only; they are not all inclusive.*
- Depending on the circumstances of a situation, in some cases it may be appropriate not to discipline an employee.
- When this occurs, supervisors are expected to document such occurrences as disciplinary exceptions.

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Progressive Discipline

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Progressive Discipline

Facilities Management prescribes to the tenets of “progressive discipline.”

A system of discipline where the consequences increase upon repeat occurrences.

Possible consequences may not begin at a minimum step, it depends on the circumstances and facts in each situation.

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Steps to Progressive Discipline

Potential disciplinary consequences include:

■ Oral Reminder

- Minor infractions that are the least disruptive to others

■ Written Reprimand

- Used when prior warning has already been given
- To address more severe first time problematic behavior.

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Steps to Progressive Discipline

■ Disciplinary Suspension

A severe form of discipline used when the supervisor has made a concerted effort to address repetitive and inappropriate behavior

When the behavior is so objectionable that it warrants immediate correction

■ Discharge

Removal of the employee from University service

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Please keep in mind the following:

- Suspension Actions – all suspension actions must be implemented no later than the 3rd day of an incident/infractions or, Management obtaining knowledge that an incident/infraction has occurred.
- All suspension actions must be approved in advance by the Executive Director of the respective department (O&M, Building & Landscape Services Maintenance, etc.), in consultation with FM/HR Staff Relations
- No Manager/supervisor has the unilateral right to terminate an employee without vetting and obtaining approval from the VP, University Human Resources or appropriate designee (including Contingent employees)
- All sexual misconduct (harassment), discrimination and similar complaints are to be referred immediately to the University's Title IX Office (301) 405-1142, with concurrent notification to FM Staff Relations.

Guide to Employee Conduct & Consequences

Mitigating/aggravating circumstances include, but are not limited to:

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

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Common Terms and Definitions

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Memorandum of Understanding “MOU”

The American Federation of State, County and Municipal Employees (AFSCME) Local 1072 is the exclusive bargaining representative for all Exempt and Non-Exempt employees within the bargaining unit at the University

The MOU is the written agreement between the University and AFSCME that governs the employment, benefits and working conditions for all bargaining unit employees at the University (including/excluding UMCP policy, procedures and state/federal regulations).

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Grievance Rights & Procedures

- A grievance is any cause of complaint arising between an employee and his employer on a matter concerning discipline, alleged discrimination, promotion, assignment, or interpretation or application of University rules or departmental procedures over which the University management has control. However, if the complaint pertains to the general level of wages, wage patterns, fringe benefits, or to other broad areas of financial management and staffing, it is not a grievable issue.
- Three Step Grievance Process – (1) Departmental, (2) University, (3) State

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Grievance Rights & Procedures

- Grievances must be filed within 30 days of the complaint and/or obtaining knowledge.
- Throughout the grievance process the parties are encouraged to resolve the complaint at the lowest level possible.
- An employee may have a representative of their own choosing at any step of the process.

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Investigatory Process

An employee suspected of violating the rules, policy and/or procedure are to be given the opportunity to respond to all suspected violations *prior to* determining a course of action or consequence.

Guide to Employee Conduct & Consequences

Weingarten Rights

Weingarten rights guarantee bargaining union employee's the right to Union representation during any investigatory interview that may result in and/or lead to discipline.

These rights do not extend to other meetings e.g. performance discussions, or other meetings that are non-disciplinary in nature.

When an employee invokes these rights, all conversations with the employee are to cease immediately.

- Employees may not refuse to meet with supervisors when requested, they may request a postponement of the meeting in order to have a union representative present during the interview.
- The supervisor is expected to immediately contact an FM Staff Relations representative, at any time when a union representative has been requested.
- Supervisors are prohibited from conducting meetings directly with union representatives, without prior consultation with an FM Staff Relations representative.

Guide to Employee Conduct & Consequences

Frequently Asked Questions (FAQ)

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FAQ

What are the rules for the use of a Time & Attendance Exception?

Employees will only be allowed to use a Time & Attendance exception if:

- Proper call-in procedures are followed e.g. call in BEFORE the start of the work-shift or arrive 20 minutes or less after the start of the work-shift.
- Have leave available to cover the entire period of absence (e.g. annual, personal or comp)

Time & Attendance Exceptions are not to be used to cover absences/lateness due to sick (personal/family) and may not be used once the employee has arrived to work and then, unexpectedly needs to leave.

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
- Article 9, Sections 9 - 17 of the MOU
- MOU Side Letter #6 – Medical Certification of Absences

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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 (more commonly referred to as a Med Doc Requirement)

To address concerns related to sick leave usage, supervisors may require an employee to provide medical certification signed by a licensed medical provider, to support an absence due to medical reasons immediately upon their return to work (or during an absence in some cases).

There are three (3) types of medical certification requirements:

- One Time request (w/prior consultation with an FM Staff Relations representative)
- Initial Placement
- Repeater Placement

Guide to Employee Conduct & Consequences

Medical Case Management

Medical Certification of Absences

- One Time Request

When a reasonable basis exists to request supporting medical certification e.g. noted pattern of absences before and/or after a holiday, during peak operational periods and/or declared weather emergencies, or when a request for another type of leave has been denied and the employee calls out sick; a one time request for medical certification may be made.

Due to the provisions outlined under the Medical Requirement Agreement between the University/FM and AFSCME, FM Staff Relations must be contacted prior to making any request for medical certification to support an employee's absence from work.

Guide to Employee Conduct & Consequences

Medical Case Management

Medical Certification of Absences

- Initial Placement

If during the course of a sick leave audit or by way of a supervisor's request, the Medical Case Coordinator conducts a sick leave analysis and determines that an employee is exhibiting a significant pattern of absence due to medical reasons, he/she may be placed on a Med Doc Requirement for six (6) months.

If after six (6) months there is no noticeable improvement in the employees use of sick leave, the initial placement may be extended for an additional six (6) months.

Guide to Employee Conduct & Consequences

Medical Case Management

Medical Certification of Absences

■ Repeater Placement

If the Medical Case Coordinator determines by way of a sick leave analysis that an employee is exhibiting a significant pattern of absence due to medical reasons and their initial Med Doc Requirement was extended at least one (1) year beyond the effective date, or the employee was placed on a Med Doc Requirement within the preceding three (3) years; he/she may be placed on a Med Doc Requirement for twelve (12) months.

If after twelve (12) months, there is no noticeable improvement in the employees use of sick leave, the repeater placement may be extended for an additional twelve (12) months.

Guide to Employee Conduct & Consequences

Medical Case Management

Medical Certification of Absences

Significant patterns of absence due to medical reasons include (but are not limited to):

- Using an average of four (4) or more hours of sick leave per pay period.
- Repetitive use of sick leave in less than eight (8) hour increments.
- Consistently low sick leave balances.
- Use of Leave Without Pay (LWOP).
- Patterns of absences such as before and/or after weekends, holidays, scheduled vacation etc....

Guide to Employee Conduct & Consequences

Personal Responsibility

- ❑ Employees are encouraged to access the FM/HR Staff Relations website below:
https://sp.fm.umd.edu/staff/Staff_HR.aspx
 - ❑ *in order to familiarize themselves with other university policies and procedures as 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, however due to the complexity of the campus environment, FM/HR Staff Relations should be utilized as a resource to ensure any action issued to an employee can be supported via long-standing practice, policy, law, and/or regulation;

Guide to Employee Conduct & Consequences

General Standards of Conduct

- Employees are encouraged to access the FM/HR Staff Relations website below <https://www.usmh.usmd.edu/regents/bylaws/SectionVII/VII805.pdf> This policy establishes expectations of Regular AND Contingent employees.
- Employees shall exhibit integrity and exemplary conduct and use honest efforts in the performance of their duties.

Guide to Employee Conduct & Consequences

General Standards of Conduct

- 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.
- Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Institution.
- Employees shall act impartially and not give preferential treatment to any private organization or individual.

Guide to Employee Conduct & Consequences

General Standards of Conduct

- Consistent with all applicable laws, all employees shall be treated with dignity and respect and shall not be discriminated against on the basis of race, ethnicity, color, religion, sex, national origin, age, disability, gender identity, or sexual orientation
- Employees shall conduct intra-agency and interagency relations predicated upon civility, collaboration, cooperation. These same principles shall apply to interactions with officials and employees of the legislative and judicial branches.

Guide to Employee Conduct & Consequences

General Standards of Conduct

- Employees shall protect and conserve State property and shall not use it for other than authorized activities.
- Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, including federal, State, or local taxes that are imposed by law.

Guide to Employee Conduct & Consequences

Resource Documents

- FM 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 Staff Relations Representatives:
 - Faith Bagnall, Manager– X58937
 - LaShonda Black – HR Specialist X53432
 - Awele Gwam– HR Compliance Specialist– X53432



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