

Facilities Management

Guide to Employee Conduct & Consequences ("Guide")

The University subscribes to the tenets of progressive discipline and strives to apply disciplinary action in an equitable and fair manner. The University will normally apply disciplinary action in a progressive manner from less severe discipline to more severe discipline depending on the specific circumstances and facts of each situation. However, the University reserves the right to administer any discipline deemed necessary and appropriate by the University when the circumstances requires such an approach. No employee shall be disciplined without cause. Additionally, this Guide will be subject to, and applied consistent with the terms of the Exempt and Nonexempt Memoranda of Understanding (MOU) applicable to employee discipline.

In conjunction with or prior to applying any disciplinary action, the University shall:

- Investigate the alleged misconduct;
- Consider mitigating and/or aggravating circumstances;
- Determine the appropriate disciplinary action, if any, to be imposed; and
- Provide written notice to the employee of the disciplinary action of a Letter of Reprimand or greater discipline and in accordance with the timelines of the applicable Memorandum of Understanding.

In applying disciplinary action, the University will consider mitigating and/or aggravating circumstances such as:

- Whether the employee has been previously disciplined for the same or similar infraction;
- The employee's overall disciplinary record;
- Whether the employee is currently serving a probationary period;
- Other special circumstances (such as whether the employee created a safety hazard by his/her actions, whether there was a financial loss as a result of the employee's conduct, whether the work of others was delayed, the totality of the circumstances involved, etc.)

In general, employees may be disciplined for performance-related issues, misconduct, or both. The burden of proof is on the Department. Behaviors such as those listed below are intended to provide examples of performance-related issues and misconduct and potential first occurrence consequences. It is understood that the examples listed below are illustrative only and they are not intended to be all inclusive.

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Conduct Examples	Potential First Occurrence Consequence Examples D: Discharge S: Suspension W: Written O: Oral
• Violence or threat against any person	S-D
• Verbal/non-verbal abuse against any person	S-D
• Reporting for work, or working under the influence of illegal drugs and/or alcohol	S-D
• Possession, use or distribution of illegal drugs on the job	S-D
• Refusal to submit to drug/alcohol test	S-D
• Smoking in unauthorized areas	W
• Theft or using University property for personal gain	S-D
• Absence without approval (60 minutes or greater) ¹	W-S
• Tardiness (less than 60 minutes) ¹	O
• Failure to clock-in/clock-out as scheduled	O
• Destroying or damaging University property due to negligence	S-D
• Failure to report or untimely report of an accident or injury	W
• Falsification of/dishonesty with regard to records (including attendance records, work orders, medical records, employment records, etc.)	W-D
• Unauthorized use or loss of keys and/or failing to turn-in/hand-off keys as required	O-W
• Failure/refusal to obey supervisory directive	W-D
• Harassment and/or disrespectful treatment or behavior towards others in the workplace	W-D
• Failure to accomplish the reasonable work standards and expectations of the job	W

¹ It is recognized that, from time to time, events occur which could result in occasional tardiness or an unscheduled absence. Therefore, and on an infrequent basis only, an employee's tardiness/unscheduled absence will be excused on a calendar year basis, as follows:

Tardiness of less than 60 minutes-three (3) maximum per calendar year

Unscheduled absence of 60 minutes or greater-three (3) maximum per calendar year

Employees will be permitted to use their "Unscheduled absence of sixty (60) minutes or greater" exception for tardiness of less than sixty (60) minutes, if they so desire. Such occurrences shall also be documented using the disciplinary exception process described in this Guide.

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Conduct Examples	Potential First Occurrence Consequence Examples D: Discharge S: Suspension W: Written O: Oral
<ul style="list-style-type: none">• Failure to maintain licenses/certifications which is an essential function of the job• Failure to wear complete uniform/ID as required• Unauthorized use of state vehicle• Sleeping during work shift	S-D O S W-S

Depending on the specific facts present, it may be appropriate, from time to time, for Management to refrain from issuing discipline. In such cases, FM expects its supervisors and managers to document these disciplinary exceptions.

You may also refer to Memoranda of Understanding for Nonexempt and Exempt employees and/or USM Policy VII-8.00 and 8.10 for further information on disciplinary action and appeal rights.