

Policies of the University of North Texas Health Science Center	Chapter 05
05.901 Performance Counseling and Discipline	Human Resources

Policy Statement.

The UNT Health Science Center is committed to recruiting, developing and retaining quality staff employees in an at-will employment relationship that fosters successful performance and requires accountability from all employees. Supervisory efforts should concentrate on development of employees and the prevention of serious personnel problems rather than on disciplining employees for misconduct. No provision of this policy shall confer rights to an employee that are contrary to the employment at-will relationship.

Application of Policy.

This policy applies to all regular staff

Definitions.

1. At-Will Employment. An employment relationship of indefinite duration that may be terminated by either party, at any time, without cause for any reason except one that is unlawful.

2. Disciplinary Actions. Actions taken by management to address and correct deficient work performance or employee conduct.

3. Employee Misconduct. Serious, willful, deliberate or negligent acts that violate Health Science Center policies or that otherwise impair the efficient operation of the institution.

4. Management Position. A faculty or staff position with supervisory responsibilities over and authority to hire and terminate staff employees.

5. Regular Staff. An individual who is employed part-time, full-time or in a temporary capacity. The term regular staff does not include faculty, employees under contract, or individuals who are required to be students as a condition of employment.

6. Reviewing Official. A UNT Health Science Center employee who is responsible for reviewing a termination decision.

7. Workday. A day when the UNT Health Science Center is open for official business, excluding days when essential personnel are required to work.

8. Work Performance Standards. Policies, procedures, work-related requests, needs of the work unit, and standards of conduct established by the UNT Health Science Center, a division, or department.

Procedures and Responsibilities.

1. **Disciplinary Action:** Supervisors who plan to issue disciplinary action should consult with Human Resource Services prior to completing the action. Failure of an employee to maintain satisfactory work performance standards or employee misconduct may result in disciplinary action up to and including involuntary termination.
 1. Oral Warning: A discussion in which the supervisor clearly explains the reason for the action being taken related to performance and/or misconduct. The supervisor should detail those steps needed to correct the performance or conduct to prevent further disciplinary action.

 2. Written Reprimand: An official memorandum or letter to the employee emphasizing the negative effect of the employee's conduct or work performance. A written reprimand should include: description and date of incident or unsatisfactory performance and action taken. Reference should be made to dates and results of prior oral warning(s), or other written reprimand(s), if any. Also included should be action that will be taken if satisfactory improvement does not occur or if employee engages in future misconduct. Reprimands will be removed from an employee's permanent file, and placed in a separate file in Human Resource Services, if requested by both the employee and the supervisor, and the employee has performed satisfactory work for a twelve (12) month period from the date of the last reprimand. The department head may request the reprimand be removed from the file prior to the end of the twelve-month period. The reprimand will remain a part of the employee's record.

 3. Suspension. The interruption (without compensation) of active employment status pending completion of an investigation and decision as to the extent of disciplinary action, if any; or for a disciplinary reason. A supervisor with authority to discharge has authority to suspend without pay, either as a disciplinary measure or to permit investigation of alleged charges. If suspension is warranted, the employee should be informed in writing that he/she is being

suspended, the number of days suspended, and the reasons for the suspension. To suspend (dock) an employee, a Payroll Authorization Form HRM-6 must be completed to remove the employee from the payroll.

Disciplinary suspensions of exempt employees under the Fair Labor Standards Act may be imposed for one or more full days for violation of a major safety rule or for a serious infraction of workplace conduct rules, including but not limited to violation of the sexual harassment, workplace violence, and drug and alcohol policies; and violation of state or federal law. Disciplinary suspension of exempt employees for any reason other than violation of major safety and workplace conduct rules must be in full work week increments.

4. Involuntary Termination. Before involuntary termination can be considered, the supervisor must consult with Human Resource Services. If the supervisor determines that employment should be involuntarily terminated, then the employee will be presented with a letter of dismissal.
 - i. Notice of Reason(s) for Involuntary Termination. Staff employees must be informed in writing of the reason(s) for involuntary termination at the time of discharge.
 - ii. Basis for Involuntary Termination. All involuntary terminations, except discharges listed in section 3 of this policy, must be based on the employee's failure in one or more of the following responsibilities to be:
 1. Prompt and timely in attendance.
 2. Honest in all work related communications, disclosures, submissions, and financial responsibilities.
 3. Responsive to all lawful work-related requests from a System or Institution official and to the needs of the work unit.
 4. Respectful, cooperative and professional to all.
 5. Competent in fulfilling the responsibilities of the position.

6. Compliant with all federal and state laws, and applicable Regents Rules, System Regulations and policies.

Responsible Party: Department Official/Human Resource Services

2. **Review of Involuntary Termination.** All staff employees, except those who directly report to the President, may request review of a termination action. Staff employees who report directly to the President may not request review of a termination action. A review of a termination action shall be performed by a reviewing official. The reviewing official must have authority to take remediating action and be in a management position above the level of the individual taking the termination action and over the area in which the terminated employee worked.
 1. A request for review must be submitted to Human Resource Services no later than five (5) workdays after the staff employee receives notice of termination or after the employee receives notice of a decision by reviewing official, as applicable.
 2. Staff employees below the level of Assistant Vice President (or an equivalent position) will be allowed two levels of review. The reviewing official has five (5) workdays in which to respond to the review request. The response must be submitted to Human Resource Services. A second review if requested, must be conducted by a person in the position of Vice President or above. The request for a second level review must be submitted to Human Resource Services within five (5) workdays after the staff employee receives notice of completion of the first level review. The second reviewing official has ten (10) workdays in which to respond to the review request. The response must be submitted to Human Resource Services. The decision of the second reviewing official is final.
 3. Staff employees at the level of Assistant Vice President (or an equivalent position) will be allowed one level of review. The reviewing official has ten (10) workdays to respond to the request for review. The response must be submitted to Human Resource Services. The decision of the reviewing official is final.
 - d) A reviewing official must consider all written information submitted by the terminated employee for review and has sole discretion to allow the employee to present information in person. A reviewing official may obtain and consider any additional information he/she believes is appropriate in performing the review.
 - e) A reviewing official must inform the staff employee of the reason(s) for the decision, in writing.
 - f) The entire review process shall be completed no later than forty-five (45) workdays from the date the first request for review is received by Human Resource Services. The President

may authorize an extension when a delay is outside the control of a reviewing official. The authority to grant an extension may not be delegated.

g) No action may be initiated to fill the position of a terminated staff employee who has requested review until the review process is complete.

h) The Executive Director of Human Capital Management or his or her designee, acting as a neutral party, may advise the employee and management regarding procedural matters and interpretation of policy.

i. In the event a terminated employee makes an allegation of a nature that requires investigation (such as discrimination, harassment, retaliation or a violation of other policies) during the review process, the allegation will be referred to the appropriate office to determine whether an investigation is warranted and the review process will be suspended until a determination is made by that office. Suspension of the review process for purposes of making a determination under this section does not extend the time for completing the review process unless approved by the President, in writing.

Responsible Party: Department Official/Human Resources Services

3. Involuntary Terminations Other Than Discharge. Discharges for reasons other than performance or conduct are governed by other UNT Health Science Center policies.

Responsible Party: Department Official/Human Resources Services

References and Cross-references.

UNT System Regulation 05.100

UNTHSC Policy 05.210

UNTHSC Policy 05.902

Forms and Tools.

Approved: September 2006

Effective: September 2006

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