

## ARTICLE 26

### DISCIPLINARY ACTION

#### SECTION 26.1.

The following provides information on various communication tools that can be used throughout the progressive discipline process. The manager/supervisor should use reasonable judgement (applying when appropriate a less severe to more severe corrective action) in deciding what step or combination of steps, up to and including termination, should be used to address the issue(s). The goal when providing progressive disciplinary action is to communicate, correct, and make sustainable positive changes to an employee's performance.

Employees who receive progressive discipline are expected to adjust the noted performance issue(s)/ concern(s) in a sustainable manner. Failure to do so may result in additional disciplinary action up to and including termination.

#### SECTION 26.2.

##### **Progressive discipline definitions:**

A **verbal, written warning** is intended to be used by a manager/supervisor to notify an employee that an improvement is needed in the employee's work performance and/or behavior. The manager/supervisor will document the verbal warning through written documentation outlining the issue, date(s) when the issue occurred, and the corrective action requested.

The manager/supervisor will meet with the employee to discuss the warning. Employees are encouraged to ask any questions or seek clarification on the content of the warning document. At the end of the meeting, the employee will be asked to sign the verbal, written warning indicating they have read and understand the warning. Should an employee refuse to sign the verbal, written warning, the manager/supervisor will note this on the warning. The original verbal, written warning will be placed in the employee's Personnel File and a copy provided to the employee.

A **written warning** provides notice to an employee regarding continued work performance issues and/or inappropriate workplace behavior that have not been resolved after giving the employee a verbal counseling. The written warning will communicate the issue, date when the issue(s) occurred, and the desired performance and/or behavior expected from the employee.

The manager/supervisor will meet with the employee to discuss the warning. Employees are encouraged to ask any questions or seek clarification on the content of the warning document. At the end of the meeting, the employee will be asked to sign the written warning indicating they have read and understand the warning. Should an employee refuse to sign the written warning, the manager/supervisor will note this on the written warning. The original written warning will be placed in the employee's Personnel File and a copy provided to the employee.

At the manager's/supervisor's discretion and depending on the nature of the issue(s), a second written warning may be given and could include a suspension without pay. Additionally, at the manager's/supervisor's discretion and depending on the nature of the issue(s), a written warning may be issued as the first progressive discipline document.

A Performance Improvement Plan (PIP) is ~~the third~~ an alternative step of progressive discipline. A PIP is a formal written plan used by the manager/supervisor as a final attempt to resolve a serious issue that has not been addressed by the employee after a verbal warning(s) and/or a written warning(s) have been given.

The PIP is ~~given~~ generally for a specified period of up to ~~(90 days)~~ but can be terminated should the unit be able to identify that the employee shows no sign of improvement prior to the end of the PIP but no less than at least 30 days.

A PIP document will include information about the issue(s) that need correction, including any prior verbal counseling(s) or written warning(s), the work performance and/or behavior issue that must be addressed and corrected during the PIP period, and the dates on which the employee's work performance and/or behavior will be reviewed. When appropriate, this document may also outline any identified resources, support, and/ or trainings the employee may be offered throughout the PIP to support a successful change to the employee's performance and/ or behavior.

The manager/supervisor will be responsible for meeting with the employee to discuss the issue(s) and to provide the PIP to the employee. Employees are encouraged to ask any questions or seek clarification on the content of the PIP document. They are also encouraged to provide feedback and requests for support needed to be successful in making sustainable changes to their performance. At the end of the initial meeting, the employee will be asked to sign the PIP indicating they have read and understand it. Should the employee refuse to sign the PIP, the manager/supervisor will note this on the PIP and date the document. The original PIP will be placed in the employee's Personnel File and a copy provided to the employee.

As with all of the other progressive discipline steps, the goal is a successful resolution of the issue. Even if the employee successfully meets the terms of a PIP, that employee can be subject to additional disciplinary action if the same or other performance/behavioral issues arise in the future. If a serious incident occurs while an employee is on a PIP, the employee may be subject to termination of employment.

Termination of employment is the last step of progressive discipline after an employee has failed to meet the requirements of ~~the unit,~~ a PIP or a serious incident has occurred during the PIP period. Termination of employment can also occur when an employee, who is not on a PIP, is involved in a serious offense that warrants termination and/ or demonstrates performance/ behavior inconsistent with the expectations set forth. An immediate termination of employment may occur when the severity of the incident/ concern or collective employment history warrants such action.

### **SECTION 26.3.**

The parties agree that corrective and disciplinary action, when imposed, in most instances be implemented in progressive stages from minor to severe. However, in ~~some~~ serious circumstances, where acts or omissions of a bargaining unit member have resulted, or will result, in serious harm to the institution, or members of the campus community, ~~severe actions~~ severe actions may be imposed in the first instance.

Just cause Actions resulting in termination may include, but shall not be limited to the following with each discipline being treated on a case-by-case basis:

- A. Willful neglect or non-performance of one (1) or more assigned duties.
- B. Violation of company policy or procedure.
- C. Demonstrated incompetence in the performance of one or more assigned duties.
- D. Behavior that seriously interferes with the normal operation of the institution, the department, or any members of the workforce.
- E. Insubordination, which shall mean a refusal to carry out a direct order.
- F. Dishonesty in the performance of assigned duties.
- G. Chronic absenteeism or tardiness without reasonable excuse.
- H. Unauthorized possession or use of alcohol or another behavioral modifying substance that is not prescribed, controlled, or used in alignment with its prescribed use during any period of assigned work.
- I. Institutional theft.
- J. Permitting another to use one's University identification, or using another person's identification or altering a university identification card (not Ucard);
- K. Threatening, intimidating, or bullying another campus community member such as, but not limited to, employee(s) or a supervisor.

#### **SECTION 26.4.**

In the event of termination of an employee, ~~the Employer/University Administration-Labor Relations~~ shall notify the ~~Campus Chair-Union president~~ within ~~two (2)three (3) working days~~24 business hours of ~~such~~ action being taken.

#### **Section 26.5**

The Union shall receive notice of all disciplinary charges, hearings, and decisions within 24 business hours of action being taken.