

STOCKTON UNIVERSITY



PROCEDURE

Disciplinary Guidelines

Procedure Administrator: Director of Human Resources

Authority:

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Approved By: Dr. Herman J. Saatkamp, Jr., President

I. EMPLOYEES COVERED: All Employees

II. PROCEDURE:

A. One of the most unpleasant tasks of the supervisor is to recommend disciplinary action for a subordinate. These guidelines have been established to provide general direction for the administration of discipline.

STOCKTON UNIVERSITY
DIVISION OF HUMAN RESOURCES

DISCIPLINE GUIDELINES FOR SUPERVISOR

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1.00 PREFACE

- 1.1 One of the most unpleasant tasks of any supervisor is to recommend disciplinary action for a subordinate. Though there may be hesitancy to initiate such measures, it is a duty which should not and cannot be avoided. Administering discipline is an essential component of the supervisor's job. The manager shall execute this responsibility without regard to race, creed, national origin, age, or sex of the subordinate.
- 1.2 To assist each supervisor in carrying out this responsibility, these guidelines have been established to provide general direction for the administration of discipline. They are to serve as an informational source and not be considered a standard that cannot be modified. Each circumstance may dictate the imposition of lighter or harsher penalties than suggested. When these circumstances occur, the supervisor should include justification for proposing either the lighter or harsher penalty for the infraction in their recommendation for disciplinary action and contact Human Resources to discuss.
- 1.3 Disciplinary action should be a corrective tool rather than a punitive measure, and the result should provide an opportunity for employee growth. The only purpose of discipline is to change the employee's behavior for the better.
- 1.4 To be effective, disciplinary action must be timely, appropriate, and related directly to the seriousness of the infraction committed.
- 1.5 Normally, unless an infraction is of such severity that immediate action is required, the supervisor approving the disciplinary measure should be completely familiar with the case and of the circumstances related to the infraction of the employee. A consultation with the employee and their union representative prior to recommending disciplinary action is encouraged. This will serve to uncover any mitigating circumstances and let the employee know the reason for discipline. We have included in the guidelines examples of the most common infractions.
- 1.6 Generally, disciplinary action is progressive in nature. Discipline starts with the minimum range of disciplinary action and progresses to the next step for recurrence of the same offense. However, it is important to understand that the first incident of a particular offense can result in a disciplinary action that falls within the range of the second step, when an employee has a previous disciplinary action on their record, which is related in nature to the current offense (such as attendance related offenses, for example). This can likewise occur at later steps within the guidelines.

When this situation exists, the seriousness of the current offense must be weighed in relation to the employees overall work history in order to determine the appropriate level of discipline. If an employee has previous disciplinary offenses on their record that are unrelated in nature to the current offense, the previous record may be grounds for utilizing the higher end of the range of disciplinary action.

2.00 LEVELS OF PROGRESSIVE DISCIPLINE

2.1 Symbol: C/ Type of Action: Counseling

2.1.1 Description: Privately informing employees to correct their behavior to comply with rules and/or performance. Advise employees of potential disciplinary actions if unacceptable conduct or performance is repeated. Supervisors should counsel as part of the record for future reference.

2.2 Symbol: W.W./ Type of action: Written warning

2.2.1 Description: A written notice to employees that their conduct or performance has been unacceptable and warning that any recurrence will result in disciplinary action. Copies are to be retained in departmental records but not the official personnel file in the Office of Human Resources.

2.3 Symbol: O.R./ Type of action: Official reprimand

2.3.1 Description: A written notice to employees that their conduct or performance is unsatisfactory for a specific reason. The notice must state that it is a reprimand and should warn the employee that any recurrence may result in more severe disciplinary action. A copy must be forwarded to the Office of Human Resources for inclusion in the official personnel file.

2.4 Symbol: Day(s)/ Type of action: Number of working days of suspension

2.4.1 Description: The suspension is without pay and may include a holiday, which will also be without pay and count as one suspension day.

2.5 Symbol: D/ Type of action: Demotion

2.5.1 Description: Reduction in rank or range unrelated to change in official workweek.

2.6 Symbol: R/ Type of action: Removal

2.6.1 Description: Permanent separation from employment.

- 2.7 If a question exists or if help is required in implementing corrective action the Office of Human Resources should be consulted.

3.00 SECTION I - ATTENDANCE

- 3.1 All employees are expected to be at their work station during all scheduled work shifts and to comply with official starting and ending times, meal breaks and rest periods. Each employee should be informed of these official work hours at their orientations.
- 3.2 Failure to comply with attendance regulations, disrupt work schedules, reduce productivity and require duplication of effort in rescheduling work effort, and may result in delay and/or failure to provide necessary emergency and other high-priority services.

3.2.1 UNAUTHORIZED ABSENCE

3.2.1.1 Absence from a scheduled work shift without permission and without giving proper notice of intended absence.

W.W. – O.R. O.R. – 5 days 5-10 days Removal

3.2.1.2 Absence from a scheduled work shift without permission but with giving proper notice of intended absence (including failure to verify sick leave).

W.W. – O.R. O.R. – 5 days 5-10 days Removal

3.2.2 RESIGNATION NOT IN GOOD STANDING

Absence without notice and approval for five consecutive scheduled workdays or failure to tender a written resignation with a two week notice. This is an administrative action fixed by Department of Personnel rules and not considered to be a disciplinary action, but is included for information since it concerns an attendance problem.

3.2.3 CHRONIC OR EXCESSIVE ABSENTEEISM

Absences from work without pay after exhausting paid leave credits, can apply to either intermittent absences of short duration or repetitive long-term absences. Consult with the Office of Human Resources for guidance and review of employee's attendance record.

W.W. 2 days 3-5 days Removal

3.2.4 TARDINESS

For cases of failure to report to work on time consider the following factors when determining appropriate disciplinary action. Include amount of time late, effect on the timely starting of work assignments delays and/or special transportation requirements, causing overtime on 7-day coverage jobs, causing rescheduling of daily assignments, amount of time between infractions (decreasing, constant, or increasing interval). Employees who are more than 15 minutes late can be denied the opportunity to work the balance of the work shift and placed on authorized absence without pay.

W.W. W.W. – O.R. O.R. – 5 days 5 days-Removal

3.2.5 FAILURE TO REPORT ANTICIPATED ABSENCE OR LATENESS PRIOR TO START OF WORK SHIFT

All employees must report anticipated absences or lateness prior to the start of their shift.

W.W. – O.R. O.R. – 2 days 3-5 days 5
days-Removal

3.2.6 REFUSAL TO WORK OVERTIME, REGULAR OR EMERGENCY

Employees with a reasonable excuse shall be excused from overtime unless excuses become excessive.

W.W. – O.R. O.R. – 2 days 3-5 days 5-10 days
Removal

3.2.7 FAILURE TO BE AVAILABLE FOR EMERGENCY OVERTIME

All employees involved in emergency work operations are expected to be available to work emergency overtime as a condition of employment. Employees who are scheduled to be available for emergency work for specified periods (such as a weekly, bi-weekly or monthly period) must request to be excused from any particular 24-hour period in advance so that the request can be evaluated in terms of the University's needs. Once a request to be excused is approved, if emergency overtime work is actually scheduled, the employee shall be treated as if he rejected an offer of overtime for purposes of equalization of overtime. If a request to be excused is denied, the employee must be available for emergency work.

W.W. - 2 days 3-5 days 5-10 days 10 days - Removal

3.2.8 LEAVING ASSIGNED WORK AREA WITHOUT PERMISSION

All employees must be at their assigned work station or work site and must request permission to leave the area. Factors to consider if this infraction occurs are the amount of time away from assigned area, whether alone or with others in his/her charge, whether using department equipment, and nature of work left abandoned.

W.W. – 5 days

5-10 days

10 days-Removal

4.00 SECTION II - PERFORMANCE

4.1 INCAPACITY DUE TO PHYSICAL OR MENTAL DISABILITY

Although this problem is considered to be non-disciplinary in nature, the due process for resolving the problem may require charges being filed, and the employee has a right to a University level and Merit System Board hearing. Since medical evidence is required, this matter must be referred to the Office of Human Resources for evaluation of such evidence and review of alternatives, if available.

4.1.1 Demotion - Removal – Dependent on the Employees medical condition

4.2 INCOMPETENCY OR INEFFICIENCY

This type of breach concerns an employee's inability to perform at a satisfactory level without any evidence of the cause being a medical problem. Documented (Performance Evaluation) records and supported documentation are required to initiate this type of disciplinary action.

C-D/R

O.R.-D/R D/R

4.3 INSUBORDINATION

This breach of discipline is manifested by an employee's refusal or failure to carry out a specific legitimate work order. Assaulting a supervisor or being disrespectful through obscene language or behavior is also considered insubordination. Discussion with the Office of Human Resources is necessary to ascertain an appropriate penalty.

4.3.1 Assaulting a supervisor

10 days-Removal

Removal

4.3.2 Refusal to carry out an order, resisting authority, disrespect or use of insulting or abusive language, or gestures to a supervisor.

1 day-10 days 10 days-Removal Removal

4.3.3 An unreasonable delay in carrying out a specific legitimate order.

O.R. – 1 day 2-5 days 5-10 days 10 days-Removal

4.4 NEGLECT OF DUTY

Neglect of duty is the failure to perform or complete tasks or assignments normally required by one's job. This is never to be confused with the refusal or failure to carry out a specific order, which is insubordination. When neglect of duty creates potential danger to persons or property or actual personal injury or property damage, more severe disciplinary action is warranted.

W.W. – 5 days 5-10 days D/R

4.5 IDLENESS/LOAFING

Failure to be working without good reason when active work is underway or failure to work at a minimally acceptable pace.

C-W.W. O.R. – 5 days 2 days-10 days 5 days-Removal

4.6 SLEEPING ON THE JOB

If the sleeping incident occurs when the employee has an obligation to be alert such as when operating equipment (shop, vehicles, boilers, etc.) or has an obligation for security of assets or safety of others, the action to be taken should be extremely severe.

3 days 10 days – D/R Removal

4.7 FAILURE TO REPORT LOSS, THEFT, DAMAGE OR INJURIES

If failure to report is a result of an employee trying to avoid personal responsibility, the action to be taken should be more severe than otherwise.

O.R. – 5 days 1 day-10 days 3 days-Removal Removal

4.8 UNAUTHORIZED USE OF UNIVERSITY VEHICLES, EQUIPMENT, FACILITIES

Some aggravations factors that warrant more severe disciplinary action include when other employees are passengers and are prevented from performing their assignments, excessive time and/or mileage of unauthorized use, taking equipment or vehicles to public areas not in immediate vicinity of work site, and large amounts of unauthorized units produced on equipment (shop or office).

O.R. – 5 days 1 day-15 days 10 days-Removal

4.9 FAILURE TO REPORT SUSPENSION OF DRIVER’S LICENSE

All employees are required to report suspension of driving privileges to their supervisor as soon as they are aware of the suspension.

O.R. – 2 days 1 day-5 days 3 days-10 days Removal

4.10 DRIVING ON THE JOB WHILE LICENSE IS SUSPENDED

Removal

4.11 FAILURE TO FOLLOW DEPARTMENT POLICIES AND PROCEDURES AND/OR DEPARTMENT OF PERSONNEL RULES AND REGULATIONS

If an employee fails to follow a particular Department of Personnel rule, University policy and/or procedure and there is no specific infraction covered in this document, the following penalties should be utilized. Coordination with the Office of Human Resources should be undertaken to determine the severity of the infraction.

C – 1 day W.W. – 3 days O.R. – 5 days Removal

5.00 SECTION III - PERSONAL CONDUCT

5.1 THEFT OR MISAPPROPRIATION (ATTEMPTED OR ACTUAL)

This breach of discipline is an extremely serious matter, which warrants major disciplinary action up to and including removal. Problems of this nature must be referred to the Office of Human Resources.

5.2 POSSESSION OF STOLEN PROPERTY ON UNIVERSITY PREMISES
Possession of stolen property on University premises warrants the following actions in addition to referral to appropriate law enforcement officials. If property is University property, then more severe disciplinary action is warranted.

O.R. – 5 days 5 days-Removal Removal

5.3 ARREST AND/OR INCARCERATION OR CONVICTION OF A CRIMINAL OFFENSE

Because of the complexity and scope of problems of this nature, immediate referral to the Office of Human Resources is required. Appropriate action can vary from resignation to removal.

5.4 ASSAULTING PERSONS

5.4.1 Physical contact where blows are struck or use of a weapon to strike a blow. If injuries requiring medical treatment or property damage results, more severe action is warranted.

10 days – Removal Removal

5.4.2 Brandishing weapons such as knives, guns or other lethal weapons in a threatening manner.

5 days – Removal Removal

5.4.3 Physical contact in the form of pushing or shoving with no blows struck. More severe action is warranted for same reasons listed in #1 above.

1 day – 10 days 5 days – Removal Removal

5.4.4 Verbal threats of violence, intimidation, coercing or interference.

O.R. – 3 days 2 days – 10 days 5 days – Removal Removal

5.5 POSSESSION, DISTRIBUTION OR SELLING OF ALCOHOLIC BEVERAGES

Employees are not permitted to possess or distribute alcoholic beverages in University vehicles, at job sites, in shops, yards or offices. Selling alcoholic beverages on University premises will be cause for removal on the first offense.

5 days – Removal Removal

5.6 CONSUMPTION OF ALCOHOLIC BEVERAGES WHILE IN PAY STATUS

Employees are not permitted to consume alcoholic beverages while in a pay status. An employee becoming legally impaired while performing their work duties for the University is grounds for removal on the first offense.

1 day – 5 days 3 days – 10 days 10 days – Removal
Removal

5.7 REPORTING FOR DUTY WHILE INTOXICATED BY ALCOHOL OR BECOMING INTOXICATED BY ALCOHOL DURING WORK SHIFT

This is a most serious breach of discipline warranting immediate suspension. Employees are not to be sent home driving their own vehicles. Arrangements are to be made for a relative or friend to transport employee off premises. If unable to arrange transportation by family or friend, the University will authorize supervision to transport employee off premises at the earliest possible time. In addition to disciplinary action, referral to the Employees Advisory Service may be in order.

3 days – 5 days 5 days – 20 days 15 days – Removal Removal

5.8 DRUG RELATED INCIDENTS/SELLING OR DISTRIBUTING ILLEGAL DRUGS

Drug-related incidents, including possible illegal use and/or appearance of being under the influence of, are cause for immediate suspension. For guidance on incidents of this nature, call the Office of Human Resources.

Removal – First Offense

5.9 FALSIFICATION

Intentional misstatement or omission of material fact in connection with work, employment application, attendance, or in any record, report, investigation or other proceeding. If the employee is attempting to benefit personally without justification or to hide or obscure his or her personal involvement in a breach of discipline or criminal act, the action to be taken should be very severe.

O.R. – Removal 1 day – Removal 5 days – Removal Removal

5.10 WILLFUL DAMAGE TO UNIVERSITY PROPERTY, PROPERTY OF EMPLOYEES OR VISITORS ON UNIVERSITY PREMISES

Fines are in order as restitution to recover value of University property in addition to other concurrent disciplinary action.

O.R. – Removal Plus Fine

5.11 NEGLIGENT DAMAGE TO UNIVERSITY PROPERTY

Different from willful damage in that the damage was not intentional or deliberate. Accidental damage, which could have been prevented if employee had used proper caution or followed safety requirements. Fines as restitution to recover value of University property are appropriate.

Fine Fine 5 days – 10 days plus fine 10 days – Removal plus fine

5.12 DIVULGING CONFIDENTIAL INFORMATION WITHOUT AUTHORIZATION

These incidents must be referred to the Office of Human Resources for investigation and determination of appropriate action. Removal may be appropriate for first offense.

C- Removal Removal

5.13 IMMORAL, INDECENT OR OTHER CONDUCT UNBECOMING AN EMPLOYEE IN THE STATE SERVICE

Disorderly, lewd, or indecent conduct unbecoming an employee is a serious offense, which normally is cause for removal unless there are substantial mitigating circumstances. Any improper conduct in view of the general public that may reflect poorly on the University, although seemingly minor, may also have serious implications.

Immoral or indecent conduct
10 days – Removal Removal

Improper conduct in view of the public
W.W. – 10 days 5 days – Removal

Engaging in horseplay
3 days 3 days – 10 days 5 days – Removal

5.14 INAPPROPRIATE AND/OR CONTINUAL USE OF OBSCENE LANGUAGE

Use of offensive, obscene language not reasonably associated with workplace standards.

W.W. – 5 days 5 days – Removal Removal

5.15 DISCOURTESY TO THE PUBLIC OR VISITORS

Employees are expected to deal with the public or visitors in a courteous manner at all times.

W.W. – 5 days 5 days – Removal Removal

5.16 ENGAGING IN ANY FORM OF POLITICAL ACTIVITY DURING WORKING HOURS

W.W. – Removal Removal

5.17 UNAUTHORIZED OR ABUSIVE USE OF THE UNIVERSITY’S RADIO COMMUNICATION SYSTEM

Disruptive transmissions, obscene language, “cat” calls, microphone clicking, rebroadcast of commercial stations all adversely affect the University’s ability to effectively communicate with employees and disrupt field operations. Such improper use of the radio system is a violation of Federal Communications Regulations, punishable by a \$10,000 fine and imprisonment. Uncontrolled use by individuals could result in revocation of the University’s license. This is a very serious matter, which may result in removal on the first offense.

5 days – Removal Removal

5.18 UNHYGIENIC PERSONAL HABITS

Counseling is mandatory as first step to correct breach of discipline. Employee is to be referred to the Office of Human Resources for first offense.

C. W.W. – O.R. O.R. – 5 days 3-10 days 10 days-Removal

6.00 SECTION IV - SAFETY AND SECURITY

6.1 FAILURE TO COMPLY WITH SAFETY MANUAL AND PRESCRIBED SAFETY PRACTICES

This includes failure to use appropriate safety devices and personal safety gear when available. Potentially serious breaches of discipline, which could result in removal for first offense such as willful operation of equipment and/or vehicles while intoxicated by alcohol or illegal drugs.

C – Removal W.W. – Removal 1 day – Removal 5 days – Removal
Removal

6.2 OPERATING A VEHICLE AND/OR EQUIPMENT IN A NEGLIGENT MANNER

This includes shop, laboratory and office equipment and all types of vehicles. Violation of State motor vehicle laws while on duty. Fines may be appropriate to recover costs for damaged property. Repeated incidents of negligent operation of a vehicle also require mandatory attendance in a defensive driving program.

W.W. – 3 days 1 day – 5 days 3 days – Removal 5 days – Removal

6.3 FAILURE TO SECURE FACILITIES

Employees who are deemed responsible to secure facilities by lockup or other means must ensure that tasks are completed as directed.

W.W. – 1 day O.R. – Removal Removal

6.4 LOSS OR CARELESS CONTROL OF KEYS

Keys to all premises, vehicles and equipment are to be secured by the operator or custodian of the keys at all times.

C. – 3 days O.R. – 10 days 5 days – Removal
Removal

6.5 IMPROPER POSSESSION OR USE OF FIREARMS OR OTHER WEAPONS

Employees are not permitted to have weapons such as firearms, knives and other types of implements whose designed purpose is to inflict injury on persons on University premises or at work sites on the grounds, parking lots and buildings. This is a major breach of discipline normally warranting major disciplinary action up to and including removal and referral to appropriate law enforcement officials.

Removal

6.6 FAILURE TO COOPERATE WITH OFFICIAL INVESTIGATION BY DEPARTMENT OF HUMAN RESOURCES, STOCKTON POLICE OR THE OFFICE OF AFFIRMATIVE ACTION AND ETHICAL STANDARDS

All employees must respond to questions concerning their official duties during official investigations.

O.R. – 5 days 3 – 10 days 5 days – Removal
Removal

Approval History:

| | Date |
|-----------|----------|
| President | 08/10/10 |