

## Disciplinary Action

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### Scope

All employees of the University of Nebraska Omaha (UNO).

### Policy Statement

A supervisor may impose disciplinary action for numerous reasons. The type of disciplinary action taken by the supervisor usually depends upon the severity of the offense but can also be affected by the circumstances surrounding the offense. It must be noted that some offenses are quite severe on their face, while others would not be considered so severe unless they involved repetition, maliciousness, etc. on the part of the employee.

### Reason for Policy

In an effort to assist supervisors in dealing with employee problems as they arise, guidelines have been established to provide supervisors with examples of disciplinary action that may be taken for various types of offenses. The following examples are not intended to limit actionable offenses to those listed nor are they intended to delineate the type of disciplinary action that must be taken in any individual situation. The supervisor must examine each situation as it occurs.

Decisions to discharge an employee should be reviewed in advance by the Human Resources Office.

## **Procedures**

### **Step 1: Counseling and Verbal Warning**

In effect for 18 months

- Creates an opportunity for the immediate supervisor to schedule a meeting with an employee to bring attention to the existing performance, conduct or attendance issue.
- The supervisor should discuss with the employee the nature of the problem or violation of company policies and procedures.
- Listen to the employee's response and make a note of it. Further investigate the situation if appropriate.
- The supervisor clearly states that this constitutes a verbal warning.
- The supervisor is expected to clearly outline expectations and steps the employee must take to improve performance or resolve the problem.
- The supervisor will state the consequences of failure to demonstrate immediate and sustained improvement.
- The supervisor will document the conversation and follow up within two (2) days with the verbal warning document recapping the meeting.
- Document will indicate that failure to demonstrate sustained improvement will lead to further disciplinary action.
- If e-mailed, ask employee to acknowledge receipt of verbal warning. If hard copy given, encourage employee to sign. If employee refuses to acknowledge or sign document, acknowledge this on the document, sign, and forward to Human Resources. Keep a copy for your file.

### **Examples of offenses that may lead to a verbal warning include, but are not limited to:**

- Tardiness
- Unauthorized absence from the job
- Failure to maintain satisfactory and harmonious working relationships with the public or other employees
- Smoking in unauthorized areas
- Failure to punch time clock
- Foul and abusive language
- Inefficiency, incompetency or negligence in the performance of duties

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### **Step 2: Written Warning**

In effect for 18 months

- State clearly at the outset of the letter that it is a written warning
- Describe for the employee the performance/behavior problem(s) or work rule violation(s) in a very specific manner
- Make reference to previous counseling and verbal warning(s) on the issue
- Listen to and make note of employee's explanation, if any
- Make your expectations regarding behavior and/or performance clear.

- Management will outline the consequences for the employee of his or her continued failure to meet performance and/or conduct expectations. A formal performance improvement plan (PIP) requiring the employee's immediate and sustained corrective action will be issued within five business days of a step 2 meeting.
- Clearly tell the employee that if immediate and sustained corrective action is not taken the consequence will be further disciplinary action, up to and including dismissal.
- Deliver the written warning to the employee, obtain his signature and send to Human Resources for the document to be placed in the employee's file. Should the employee choose not to sign the warning, acknowledge this on the document, sign it, and send to Human Resources.

**Examples of offenses that may lead to a written warning include, but are not limited to:**

- Failure to demonstrate sustained improvement following a verbal warning; behavior persists.
- Careless, negligent or improper use of UNO property
- Gambling in/on UNO property
- Unauthorized or improper use of any type of leave
- Failure to report to work without notification for a period of two (2) or more days
- Sleeping on the job
- Any type of harassment of another individual in UNO property or function
- Violation of, or failure to comply with, an executive order, published rules and regulations of UNO, or the Board of Regents Bylaws.

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**Step 3: Recommendation for Termination of Employment/Discharge**

The last and most serious step in UNO's progressive disciplinary process is a recommendation to terminate employment. Generally, UNO will try to exercise the progressive nature of this policy by first providing warnings, final written warning and/or suspension from the workplace before proceeding to a recommendation to terminate employment. However, UNO reserves the right to combine and skip steps depending upon the circumstances of each situation and the nature of the offense.

Furthermore, employees may be terminated without prior notice or disciplinary action.

Behavior that is illegal is not subject to progressive discipline and may be reported to local law enforcement.

Management's recommendation to terminate employment must be approved by HR and division director or designate.

**Examples of offenses that may lead to immediate dismissal or dismissal following progressive discipline include, but are not limited to:**

- Continued failure to demonstrate sustained improvement following a written warning; behavior persists.
- Sexual harassment
- Intoxication or use of illegal drugs on the job
- Fighting or other acts of violence
- Gross Insubordination
- Willful destruction of UNO property
- Theft
- Gross misconduct unbecoming of a UNO employee
- Releasing confidential or sensitive information that could be damaging or embarrassing to UNO
- Conviction of a felony charged by a court of proper jurisdiction provided the felony is relevant to the position.

- Carrying a concealed weapon
  - Falsifying time cards
  - Falsification, fraud or omission of information in applying for a position
  - Misappropriation of university funds or resources
  - Use of undue influence to gain or attempt to gain promotion, leave, favorable assignment or other individual benefit or advantage
  - Failure to report to work without notification for a period of three days
  - Job abandonment
  - Failure to obtain or maintain a current license or certificate required by law or UNO standards as a condition of employment.
  - Any other act which endangers the safety, health or well-being of another person or which is of sufficient magnitude that the consequences thereof cause or act to cause
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### **Suspension—may be used by exception**

If necessary, supervisors may suspend an employee until an investigation has been completed. There may be performance, conduct or safety incidents so problematic and/or harmful that the most effective action may be the temporary removal of the employee from the workplace. If the immediate action is necessary to ensure the safety of the employee or others, or to diffuse a possibly volatile situation, the immediate supervisor may suspend the employee pending the results of an investigation.

Depending upon the seriousness of the infraction, the employee may be suspended without pay in full-day increments, typically one (1) to five (5) days, consistent with federal, state and local wage, and hour employment laws. Non-exempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. HR will provide guidance so that the discipline is administered without jeopardizing the FLSA exemption status.

Pay will be restored to the employee in an unpaid suspension if an investigation of the incident or infraction absolves the employee.

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### **Appeal Process**

Employees may appeal any step of the process in accordance with the University of Nebraska Omaha (UNO) Human Resources policy.

## **Forms**

### **Verbal/Written Warning Forms**

[Verbal Warning Template](#)

[Written Warning Template](#)

### **Termination of Employment Forms**

[Discharge/Termination Letter Template](#)

### **Suspension Form**

[Suspension Letter Template](#)

## Related Information

Contact Human Resources for a copy of the UNO Employee Handbook.

## History

This policy was developed and approved prior to the implementation of the campus policy development and approval process approved by the Chancellor's Cabinet in October 2015.

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