

Policy HR-E-PO3

Discipline and Dismissal of Classified Employees

Contents

- I. Title
 - II. Policy
 - III. Definitions
 - IV. Relevant Federal and State Statutes
 - V. Relevant UT System Policies, Procedures and Forms
 - VI. Who Should Know
 - VII. UT Arlington Office(s) Responsible for Policy
 - VIII. Dates Approved or Amended
 - IX. Contact Information
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I. Title

Discipline and Dismissal of Classified Employees

II. Policy

- A. Purpose: It is the policy of The University of Texas at Arlington to encourage fair, efficient and equitable solutions for problems arising out of the employment relationship and to meet the requirements of state and federal law. UTA prohibits discriminating against an individual in connection with the terms, conditions or privileges of employment; or limiting, segregating or classifying an employee or applicant for employment in a manner that would deprive or tend to deprive an individual of any employment opportunity or adversely affect in any other manner the status of the employee because of race, color, national origin, religion, sex, age or disability. No provision of this policy or any implementing procedures shall confer rights to employees that are contrary to the employment-at-will doctrine.
- B. Scope of Policy: This policy is applicable to conduct or job performance of an employee that results in a decision to impose a disciplinary penalty of demotion, suspension without pay or dismissal based on lawful, job related and non-discriminatory criteria. Decisions to impose a disciplinary penalty of demotion, suspension without pay or dismissal will be periodically reviewed to ensure EEO compliance, based on criteria that impact EEO compliance (e.g. adverse impact indicators, underutilization, termination ratios, etc.) This policy does not apply to:
 - 1. Institutional police, faculty or teaching staff who are subject to other approved discipline or dismissal procedures;

2. Suspension with pay pending investigation of allegations relating to an employee;
3. Decisions not to offer reappointment to persons whose appointment for a stated period of one year or less expires at the end of such period without the necessity of notice of non-renewal as provided in the Rules and Regulations of the Board of Regents or the rules and regulations of the institution;
4. Administrative and professional employees who are appointed to positions without fixed term and serve at the pleasure of the President;
5. Persons who are employed in positions that require student status as a condition of employment; or
6. Dismissal of employees
 - a. who are appointed to positions without fixed term and under applicable rule or regulation serve at the pleasure of a specific administrative officer;
 - b. who occupy positions that are dependent upon funding from a specific source and such funding is not received;
 - c. as a result of a reorganization or reduction in force,
 - d. because of financial exigency,
 - e. during the 180-day probationary period,
 - f. who are appointed for a stated period that is less than 180 days, or who are appointed at a per diem or hourly rate and work on an as needed basis.
 - g. who have not attained or maintained the necessary clearance, certification, or licensure for their position; or
7. who have exhausted applicable leave entitlements.

C. Requisite Standards of Employee Conduct

1. Each employee is expected to be acquainted with performance criteria for their particular job and with all rules, procedures and standards of conduct established by the Board of Regents, The University of Texas System, UTA and/or the employee's department or unit. An employee who does not fulfill the responsibilities set out by such performance criteria, rules, procedures and standards of conduct may be subject to corrective action up to, and including, termination.
2. Misconduct Subject to Disciplinary Action
 - a. All employees are expected to maintain standards of conduct suitable and acceptable to the work environment. Disciplinary

action, including dismissal, may be imposed for unacceptable conduct.

- b. Examples of unacceptable conduct include, but are not limited to:
- i. falsification of time sheets, application or personnel records or other University records;
 - ii. neglect of duties or wasting time during working hours;
 - iii. smoking on the UTA campus;
 - iv. gambling, participating in lotteries or any other games of chance on the premises at any time;
 - v. soliciting, collecting money or circulating petitions on the premises other than within the rules and regulations of the institution;
 - vi. bringing intoxicants or drugs onto the premises of the institution, using intoxicants or drugs, having intoxicant or drugs in one's possession, or being under the influence of intoxicants or drugs on the premises at any time;
 - vii. abuse or waste of tools, equipment, fixtures, property, supplies or goods of the institution;
 - viii. creating or contributing to unhealthy or unsanitary conditions;
 - ix. violations of safety rules or accepted safety practices;
 - x. failure to cooperate with supervisor or co-worker, impairment of function of work unit or disruptive conduct;
 - xi. disorderly conduct, harassment of other employees (including sexual harassment) or use of abusive language on the premises
 - xii. fighting, encouraging a fight or threatening, attempting or causing injury to another person on the premises;
 - xiii. neglect of duty or failure to meet a reasonable and objective measure of efficiency and productivity;
 - xiv. theft, dishonest or unauthorized use of institutional property including records and confidential information;
 - xv. creating a condition hazardous to another person on the premises;

- xvi. destroying or defacing institutional property or records of the property of a student or employee;
- xvii. refusal of an employee to follow instructions or to perform designated work that may require of an employee or refusal to adhere to established rules and regulations;
- xviii. repeated tardiness or absence, absence without proper notification to the supervisor or without satisfactory reason or unavailability for work and,
- xix. violation of state or federal law, or the rules, regulations, and policies of UTA or The University of Texas System.

3. Discipline Process: The following process will be followed when an employee who is subject to this policy is demoted for disciplinary reasons, suspended without pay, or dismissed.

- a. The supervisor will review the evidence and the proposed disciplinary action with the department head or administrative equivalent to whom he or she reports before proceeding with the proposed disciplinary action.
- b. When the supervisor has sought and obtained concurrence of the department head, he or she must then review the evidence and the proposed disciplinary action with the Vice President for Human Resources or his or her designee before proceeding with the proposed disciplinary action.
- c. The supervisor shall inform the employee in writing of the reasons for the proposed disciplinary action. The employee shall be provided with an opportunity to respond to the charges either verbally or in writing within a reasonable time not to exceed five (5) working days and to persuade the supervisor that the grounds for the disciplinary action are incorrect before a final decision is made to take disciplinary action. This pre-disciplinary notification serves as an opportunity to avoid incorrect decisions to impose discipline and is not intended to definitely resolve the propriety of the disciplinary action being considered.
- d. If the supervisor is not persuaded by the employee's response that the decision to take disciplinary action is incorrect or mistaken, the supervisor will proceed to impose the disciplinary action. The supervisor shall inform the employee in writing of the following:
 - i. whether the disciplinary penalty is demotion, suspension without pay or dismissal;
 - ii. the effective date of demotion or dismissal;
 - iii. a specific period for a suspension without pay;

- iv. the specific incident, conduct, course of conduct, unsatisfactory work performance or other basis for the disciplinary penalty;
 - v. any previous efforts to make the employee aware of the need to change or improve work performance or conduct; and
 - vi. reference to any relevant rule, regulation or policy.
 - vii. The supervisor shall inform the employee of the right to appeal the disciplinary action and provide him/her a copy of the appeal process.
- e. Effect Upon Employee Benefits
- i. An employee who is demoted or suspended without pay for less than one month continues to accrue vacation and sick leave, is covered by group insurance and is entitled to other employee benefit programs. An employee demoted or suspended without pay for one month or longer will not continue to accrue vacation and sick leave or be covered by group insurance programs.
 - ii. If a demotion or suspension without pay is appealed and it is determined that there was not good cause for the demotion or suspension, the employee shall be entitled to payment for wages lost as a result of the demotion or suspension.
 - iii. If it is determined upon appeal that a dismissal was not for good cause, the employee shall be reinstated to the same or similar position and shall be entitled to payment of back wages less any unemployment benefits received by the employee after the date of dismissal. Employee benefits such as sick leave shall be credited back to the date of dismissal. Vacation accrual will be credited back to the date of dismissal provided that the terminating employee has not received payment of such time.
4. Process for Written Appeal: Disciplinary actions resulting in dismissal, suspension without pay, or demotion may be appealed by the affected employee by submitting a written appeal to the vice president or administrative equivalent for the employee's department within ten (10) working days following the date of the disciplinary action. The written appeal must be delivered to the supervisor who signed the disciplinary action. The time limits set forth in the appeal process must be adhered to by both the employee and the appropriate supervisory and administrative personnel unless the time limits are extended for good cause by the Vice President for Human Resources. When the written appeal has been submitted, no additional changes or additions may be made unless granted by the vice president or administrative equivalent. The failure of the employee to process the appeal in a timely manner to

the next level shall constitute a withdrawal of the appeal. A written appeal shall contain:

- a. A clear and concise statement of the reasons the employee believes the disciplinary action to be inappropriate;
 - b. The name(s) and contact information of any witness that may have information relevant to the employee's disciplinary action;
 - c. The specific remedy sought by the employee;
 - d. Any additional relevant information to be considered in support of the employee's written appeal; and
 - e. The name and contact information of the employee's representative, if any.
5. Within five (5) working days following the receipt of the written appeal, the employee's supervisor shall submit the employee's written appeal, his or her written response and all documentation relevant to the disciplinary action to the vice president or administrative equivalent. A copy of the employee's personnel file may also be submitted by the supervisor to the vice president or administrative equivalent, if requested.
 6. Within ten (10) working days following receipt of the information from the supervisor, the vice president or administrative equivalent will render a written decision. The written decision will be mailed to the employee's last known home address that is maintained by the university's Office of Human Resources. The employee is responsible for keeping the Office of Human Resources notified of his or her current mailing address. The decision of the vice president or administrative equivalent is final.
 7. Copies of all documents pertaining to disciplinary actions shall be filed in the employee's personnel file.

- III. **Definitions**
Classified Employee: any employee in a position that has been designated as a classified employee in the Classified Personnel Pay Plan of UTA.
Financial Exigency: a state in which financial demands call for budget cuts.
Work Performance: all aspects of an employee's work, including the performance of job duties and adherence to work conduct standards.

IV. **Relevant Federal and State Statutes**

Texas Government Code Section 554.002, Retaliation Prohibited for Reporting Violation of Law

Texas Government Code Section 617 et seq., Collective Bargaining and Strikes

V. **Relevant UT System Policies, Procedures and Forms**

Regents' Rule 30501, [Employee Evaluations](#)

Regents' Rule 30602, [Employee Grievance](#)

Regents' Rule 30103, [Standards of Conduct](#)

Regents' Rule 30601 [Discipline and Discharge of Classified Employees](#)

UTS133, [Classified Pay Plan](#)

- VI. **Who Should Know**All UTA administrators, supervisors, and classified staff
- VII. **UT Arlington Office(s) Responsible for Policy**Vice President for Human Resources and the University Attorney
- VIII. **Dates Approved or Amended**August 17, 2016
- IX. **Contact Information**All questions regarding this policy should be directed to the Vice President for Human Resources