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SECTION: HUMAN RESOURCES

AREA: EMPLOYEE RELATIONS

SUBJECT: EMPLOYEE DISCIPLINE

PURPOSE

This policy outlines the UAMS procedures for disciplining employees.

SCOPE

This policy applies to all UAMS employees. For purposes of this policy, “employee” does not include tenured or tenured-track faculty.

POLICY

UAMS will use a progressive disciplinary process when an employee demonstrates substandard performance, misconduct, or other serious offenses or behavioral problems in violation of UAMS rules, regulations, or policies. *{See Administrative Guide Policy 4.4.01, Basic Code of Conduct}* The progressive disciplinary process implements the least severe level of disciplinary action applicable to the situation prior to implementing a more harsh level of discipline. The goal of progressive discipline is to retain employees and improve an employee’s performance while at the same time documenting the efforts of the employer. All disciplinary action must be taken without regard to race, religion, sex, sexual orientation, age, national origin, citizenship, genetic information, disability or veteran status.

PROCEDURE

A. Levels of Progressive Discipline:

Prior to issuing a written warning or dismissing an employee for cause, a supervisor must consult with OHR Employee Relations.

- (1) **Oral Warning:** In general, the first step in disciplinary actions is an oral warning. The supervisor may issue an oral warning for first-time occurrences of minor offenses or misconduct.
- (2) **Written Warning:** A supervisor may issue a written warning upon the second or third occurrence of the same or related infraction as the previously issued oral warning. Depending upon the severity of an employee’s offense or misconduct, a supervisor may advance directly to a written warning instead issuing an oral warning first. The supervisor **must** discuss this option with OHR Employee Relations prior to taking action.

- (3) **Dismissal:** Immediate dismissal for cause may be appropriate under the following circumstances:
- (a) If within a twelve month period, an employee receives (i) a third disciplinary warning (oral warning, written warning & termination) for the same infraction or (ii) three written warnings for unrelated infractions;
 - (b) Substandard performance, misconduct, or other offenses or behavioral problems during an employee's probationary period; or
 - (c) Acts of gross misconduct. Acts of gross misconduct must be considered individually and cannot be listed in simple form. However, acts of gross misconduct may include, but are not limited to, theft of UAMS property or money; carrying of unauthorized firearms on the premises; use of drugs or alcohol on the premises; physical violence directed at another employee, visitor or patient; violating employee or patient confidentiality; acts or omissions which seriously jeopardize patient safety; propping open external doors after the UAMS Police Department locks them for the evening; or falsification of records.

B. Other Disciplinary Actions:

Prior to placing an employee on suspension without pay or administration leave, a supervisor must consult with and receive approval from OHR Employee Relations.

- (1) **Suspension Without Pay:** If immediate dismissal for cause is not appropriate for repeated infractions or a single serious offense, a supervisor may place an employee on suspension without pay. This means while immediate dismissal for repeated offenses or a single serious offense is too severe, suspension without pay is appropriate. An employee may be suspended without pay for one to five workdays, but a suspension period may not exceed 40 work-hours. While on suspension without pay, an employee may not use accrued leave. Infractions warranting suspension without pay must be considered individually, but may include HIPAA policy violations, sexual harassment, or violations of patient or work-place safety.
- (2) **Administrative Leave:** An employee may be placed on administrative leave during investigations of suspected gross misconduct. Administrative leave is appropriate when an employee's absence during an investigation of gross misconduct is in the best interest of the employee and UAMS. At the conclusion of the investigation, the employee may either be dismissed (effective the last day worked) or reinstated without loss of pay.
- (3) Supervisors must consult with OHR Employee Relations regarding appropriate documentation of suspension without pay and administrative leave.

C. Employee Grievance

If an employee desires to grieve any employee disciplinary action, it is the responsibility of the employee to follow the procedures outlined in *UAMS Administrative Guide Policy 4.4.16, Employee Grievance Procedure*.

D. Documenting Disciplinary Actions

- (1) Disciplinary warnings and dismissals should be documented on an *Employee Disciplinary Notice form (“EDN”)*, which can be found online at www.hr.uams.edu. (See directions below for completing an EDN.) Supervisors **must** provide a copy of completed EDNs for **written warnings or immediate dismissals to the employee and OHR**. OHR will review and process the EDN for inclusion in the employee’s personnel file. All EDNs for oral warnings stay in the employee’s department file and do not go to OHR.
- (2) If an employee refuses to sign the written warning or dismissal EDN, the supervisor **must** state in the comment section “employee refused to sign.”

EMPLOYEE DISCIPLINARY NOTICE INSTRUCTIONS FOR COMPLETING THE FORM

Section 1 (oral warnings, written warnings & dismissals)

- (1) **Employee Name and SAP Number:** Enter the full name and SAP number of the employee receiving the disciplinary action. (Please use only the employee’s full name as it appears in the SAP system, not the employee’s nickname.)
- (2) **Date:** Enter the date the EDN is being issued.
- (3) **Work Telephone Extension:** Enter the work telephone number of the individual initiating the EDN.
- (4) **Employee's Position:** Specify the employee's position or job title.
- (5) **Department:** Enter the name and number of the department where the employee being disciplined works.
- (6) **Oral, Written & Immediate Dismissal (Employee’s last day will be):** Check the appropriate box that describes the disciplinary action. If the employee is being terminated, the date of the employee's last day of work must be entered.

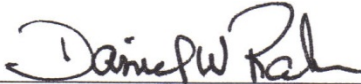
- (7) **Purpose of the Warning:** A detailed explanation of the reason for the disciplinary action is required in the space provided. Please be specific about the behavior and be sure to exclude personal opinions. This area of the online form automatically expands as you type; however, if more space is needed for hand written comments, complete on a separate piece of paper and attach to the EDN.
- (8) **Supervisor & Department Director's Signature:** The employee's supervisor and department director must sign and date the EDN in this space. The supervisor's and department director's SAP numbers are required.

Section 2 (written warnings & dismissals only)

- (9) **Employee Signature and Comment Section:** The employee must indicate agreement or disagreement by checking one of the two statements listed and sign and date the EDN.
- (10) **Comments:** If the employee refuses to sign the EDN, the employee's supervisor must state so in this section and also sign and date the form in the space provided.

REFERENCES

UAMS Administrative Guide Policy 4.4.01, Basic Code of Conduct
UAMS Administrative Guide Policy 4.4.16, Employee Grievance Procedure

Signature: 

Date: **December 4, 2013**