

NUMBER: 4.4.02**DATE: 09/14/2000****REVISION: 12/04/2013; 04/27/2017; 1/10/2020; 06/01/2022; 03/21/2023****PAGE: 1 of 4****SECTION: HUMAN RESOURCES****AREA: EMPLOYEE RELATIONS****SUBJECT: EMPLOYEE DISCIPLINE****PURPOSE**

To outline the expectations for addressing unacceptable employee behavior-related incidents at the University of Arkansas for Medical Sciences (“UAMS”) and help and encourage all employees to achieve and maintain high standards of performance and conduct that align with UAMS’ core values.

SCOPE

This policy applies to all UAMS employees, excluding tenured or tenure-track faculty.¹

POLICY

UAMS will use a progressive disciplinary process when an employee demonstrates substandard performance, misconduct, or other serious offenses in violation of UAMS rules, regulations, or policies. *See Administrative Guide 4.4.01, Basic Code of Conduct.* Supervisors shall generally follow the progressive discipline process by implementing 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 correct the behavior, retain employees, and improve an employee’s performance while at the same time documenting the corrective efforts of the employer. All disciplinary actions must be taken without regard to race, religion, sex, sexual orientation, age, national origin, citizenship, genetic information, disability or veteran status.

Appropriate corrective measures will be undertaken with objectivity and full consideration for the rights and interests of both the employee and UAMS. UAMS encourages fair, just, efficient, and equitable processes to address concerns associated with an employee’s failure to meet performance and conduct expectations.

PROCEDURE

The Division of People and Culture (“DPC”) will assist and review the determination of appropriate corrective action steps before such action is taken. Each case will be reviewed individually, on its own merit while giving consideration to the intent of the behavior. Proper documentation is essential with regards to each level of progressive discipline outlined below.

¹ Tenured and tenure-track faculty discipline is guided by the Board of Trustees policies for the University of Arkansas System.

While *counseling* is not considered “progressive discipline,” it is a proactive method used for assisting the employee to improve performance and conduct. Counseling should be used in a fair and cooperative manner to identify and proactively correct behavior concerns. Supervisors can reference the “*counseling session*” template and the “*employee disciplinary action repository*” at www.hr.uams.edu.

A. Levels of Progressive Discipline:

Prior to issuing a for cause dismissal notice, consultation with DPC Employee Relations must occur.

- (1) **Oral/Verbal Warning:** In general, the first step in progressive discipline is an oral/verbal warning. The supervisor may issue a documented oral/verbal warning for first-time occurrences of minor offenses or misconduct. The supervisor must refer to the guidance materials located at www.hr.uams.edu, Employee Relations, Corrective Actions, or Manager’s Toolkit.
- (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 of issuing an oral warning first. The supervisor **must** refer to the guidance materials located at www.hr.uams.edu, Employee Relations or Manager’s Toolkit, prior to taking action.
- (3) **Dismissal:** Dismissal for cause may be appropriate under the following circumstances (The supervisor **must** refer to the guidance materials located at www.hr.uams.edu, Employee Relations, Corrective Actions, or Manager’s Toolkit, prior to taking action.):
 - (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 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:
 - a. Theft of UAMS property or money
 - b. Carrying of unauthorized firearms on the premises
 - c. Use of drugs or alcohol on the premises
 - d. Acts of violence or a threat directed at another employee, visitor or patient
 - e. Violating employee or patient confidentiality
 - f. Acts or omissions which seriously jeopardize patient safety
 - g. Propping open external doors after the UAMS Police Department locks them for the evening
 - h. Falsification of UAMS records in connection with work

B. Other Disciplinary Actions:

Prior to placing an employee on suspension without pay or administration leave, consultation with and approval from DPC Employee Relations must occur.

- (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. 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 workplace 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 is in the best interest of the employee and UAMS. The employee is placed on leave without pay pending the conclusion of the investigation. While on administrative leave, an employee may not use accrued leave and must be available upon request by the Division of People and Culture. At the conclusion of the investigation, the employee may either be dismissed (effective the last day worked) or reinstated. If the allegations are **not substantiated**, the employee will be reinstated without loss of pay. If the allegations **are substantiated** and disciplinary action, other than dismissal, is administered, the employee will not be paid for the administrative leave time however, the employee may utilize accrued paid leave time, if any, to compensate for missed hours. Please refer to the Employee Relations, Corrective Actions, area of the website to reference the *Discipline-Required Supportive Documentation* handout to assist supervisors in this process.
- (3) Suspensions and Administrative Leave requests must be completed in Workday as a business process. Supervisors must complete the employee disciplinary action and upload all relevant documentation to support the request. Please refer to the Employee Relations, Corrective Actions, area of the website to reference the *Administrative Leave/Suspension Checklist for Managers* and *Discipline-Required Supportive Documentation* handout to assist supervisors in this process.

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 4.4.16, Employee Grievance Procedure*. Only oral/verbal, written warnings, and terminations can be grieved. Counselings are not discipline and shall not be grieved.

D. Documenting Disciplinary Actions

- (1) Disciplinary warnings and dismissals must be completed in Workday as a business process. Supervisors **must** complete the employee disciplinary action and upload all relevant documentation to support the request. Quick reference guides (QRGs) on the

Workday business processes are available in the Workday Learning area.

- (2) **DPC Employee Relations** must review corrective actions due to **HIPAA violations (all levels)**, corrective actions advancing directly to a written warning, administrative leave and suspensions, and all dismissals.
- (3) Employees are sent an electronic copy of their disciplinary action in Workday for comments and acknowledgment. If an employee fails to acknowledge their disciplinary action within 48 hours, it will be considered as “refused to sign” and DPC Employee Relations will advance the disciplinary action process to closure, without the acknowledgment.

REFERENCES

UAMS Administrative Guide Policy 4.4.01, Basic Code of Conduct
UAMS Administrative Guide Policy 4.4.16, Employee Grievance Procedure
UAMS Administrative Guide Policy 4.5.17, Employee Transfer/Promotion

Signature: _____

A handwritten signature in black ink, appearing to read "C. F. Smith", is written over a light blue rectangular background. The signature is cursive and fluid.

Date: March 21, 2023