



**SUBJECT: TERMINATION OF NON-ACADEMIC STAFF EMPLOYEES AND
DISCIPLINARY SANCTIONS**

- I. **PURPOSE:** To establish the University policy on termination of non-academic staff employees, including resignation, dismissal, and reduction in force, and outlining procedures for imposition of disciplinary sanctions.
- II. **POLICY:**
- A. **Definitions:**
1. **Blue Slip** - An official separation notice designed to meet the requirements of the Utah Employment Security Act and applicable regulations thereunder.
 2. **Resignation** - This form of termination includes formal notice of leaving, leaving work without proper approval, failure to report to work for two (2) consecutive work days, or failure to return to work following approved leave (vacation, sick leave, L.W.O.P., etc.) for two consecutive work days. Resignation constitutes a break in continuous service, regardless of any subsequent reemployment unless specific approval is obtained from the President's Staff for reinstatement of previous service time.
 3. **Release** - This form of termination is due to completion of temporary work assignment or by failure to meet required work standards during the probationary period (6 months).
 4. **Layoff** - Such termination is because of reduction in force due to lack of funds, work, or other compelling reasons.
 5. **Termination** - Includes dismissal, reduction in force, and end of temporary employment.
 6. **Discipline** - Counseling or other employment action (including imposition of sanctions) undertaken to correct or modify unacceptable job performance or behavior to acceptable standards.
 7. **Sanctions** - Disciplinary measures authorized to be imposed upon non-academic staff personnel, including an oral or written reprimand, warning, warning letter, temporary reduction in pay (not to exceed 10% of the gross amount payable for any two-week or semi-monthly



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payroll period), probation, suspension with or without pay, or dismissal from employment.

B. General Policy

1. It is the aim of the University to provide working conditions in which all employees carry out, as closely as possible, the instructions of their supervisors and abide by established rules of conduct in the organization. It is recognized that to provide this condition, some measure of discipline is required for unacceptable behavior or poor performance by an employee. The University strives to provide continuous employment through effective planning and proper selection of non-academic staff members. Under University policy, disciplinary actions and terminations are expected to be handled in a manner to achieve the least adverse effect upon the staff member and the University.
2. Employees in Probationary Status (New Employees)
 - a. Non-academic staff members are considered as being on probationary status during the first six months in University employment. It is expected that staff members will make every effort to become competent and qualified in their jobs during the probationary period.
 - b. Termination may be effected prior to the end of the six-month probationary period with or without "cause" as described in Section 3, below, and without giving the employee a written statement of cause for termination, for any lawful reason deemed adequate by the University, including but not limited to unsatisfactory performance, unacceptable behavior, or lack of motivation.
 - c. The employing department should maintain written documentation relating to the termination of probationary personnel, stating problems encountered, attempts to correct them, and reasons for the termination decision. Upon termination, the department's personnel file relating to the terminated employee shall be forwarded to the Human Resources Office.



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3. Employees in Nonprobationary Status (After Six Months) The imposition of sanctions, including the dismissal of a nonprobationary employee for cause, may result for any of the following job-related reasons under circumstances that demonstrate the inability or unwillingness of the employee to meet his or her responsibilities to the University.
 - a. Negligence.
 - b. Incompetence.
 - c. Excessive absence or unauthorized absence without leave.
 - d. Misuse, misappropriation, theft, or destruction of State or University property or funds, or of the property of other employees or of students.
 - e. Disorderly conduct.
 - f. Fraud or falsification on employment application.
 - g. Unsuitability to job requirements.
 - h. Unacceptable job performance.
 - i. Use of alcohol or drugs, or being under the influence thereof while working.
 - j. Insubordination.
 - k. Unjustified interference with the work of others.
 - l. Violation of applicable statutory requirements or University regulations relating to employment practices, including but not limited to regulations prohibiting discrimination or harassment because of race, color, ethnic origin, religion, sex, age, disability, or other legally impermissible grounds.
 - m. Dishonesty or fraud.



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- n. Discourteous, threatening, abusive, or violent treatment of the public, students, or other employees.
 - o. Violation or disregard of any University policies or procedures.
 - p. Falsification or misrepresentation of records, documents, requisitions, travel requests, payroll information, time cards, leave, reimbursement claims or reports.
 - q. Conviction of a crime by a court of competent jurisdiction.
 - r. Violation of other generally accepted standards of conduct, where such violation creates substantial inefficiency and/or an unacceptable work atmosphere at the institution.
4. Reduction in Force
- a. Non-academic staff employees may be terminated as the result of a decision to effect a reduction in force, subject to the provisions below.
 - b. The identification of personnel to be terminated due to a reduction in force in any operating unit will be based upon position elimination. After the positions to be eliminated are identified, terminations will be based upon documented job performance and seniority. Seniority will govern the selection when the relative job performance of the affected employees is regarded as substantially equal.
 - c. New employees who have not completed the six-month probationary period will be terminated before employees who have satisfactorily completed probation.
 - d. Employees who were given a written performance review within the preceding 12 months, which documents relative performance substantially lower than other employees with the same classification, or who have been given a written warning for unsatisfactory job performance or discipline for cause within the preceding 12 months, may be considered



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for reduction in force before other employees. The preceding 12-month period means the 12 months preceding the date on which the Human Resources Director has determined that a reduction-in-force situation exists.

- e. In planning for reduction terminations, the department shall seek the advice of the Human Resources Department to assure compliance with all University policies and procedures, and with federal and state laws and regulations.
- f. An employee with satisfactory job performance ratings and with five years or more of continuous salaried service whose position is subjected to a reduction in force will be referred to the Human Resources Department where he/she will be given preference and made eligible for an open position at the same or lower level for which he or she is qualified. This eligibility will continue for six months from date of reduction in force.
- g. A department having an open position(s) will be expected to accept such an employee (described in paragraph f above) provided the employee meets the qualifications for the position. The employee will be placed on a six-month probationary period. A department accepting a reduction-in-force employee to fill an open position will not be required to post the opening or consider other applicants.
- h. Employees who are terminated due to a reduction in force and who thereafter are rehired within six months, will be reinstated with their original date of hire and without loss of time-related benefits (i.e., benefits relating to seniority, vacation, accrued sick leave, etc.); however, the employee will not accrue sick leave and vacation during the period between termination and rehire.
- i. Eligibility for payment of severance pay upon termination due to reduction in force will be determined in accordance with Policy and Procedure 8.3.4.



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- j. Each nonexempt employee who is terminated due to a reduction in force should be given written notice of termination at least two weeks prior to the effective date of termination. For exempt employees, the notice period is four weeks. The written notice should indicate that the termination is due to reduction in force.
- k. Reestablishment of a position which has been subject to a reduction-in-force action before 12 months has elapsed will require the prior recommendation of the Director of Human Resources and approval from the cognizant Provost, Vice President, or President's staff-level member.

5. Payments Upon Termination

Eligibility for payment of accrued and unused vacation time upon termination of employment will be determined in accordance with Policy and Procedures 8.3.4 and 9.2.

III. PROCEDURES

A. Disciplinary Sanctions Generally

- 1. Whenever feasible, both probationary and nonprobationary employees should be warned and given an opportunity to improve their performance before sanctions are imposed. Supervisors are required to consult with the Director of Human Resources, or designee, before initiating written warning procedures for disciplinary purposes.
- 2. Sanctions may be imposed upon staff personnel only for one or more of the grounds described in Section B 3, where the supervisor determines that such sanctions will tend to induce a beneficial change in conduct, deter future violations, promote respect for and commitment to the observance of applicable regulations, or promote the efficient and economical administration of University affairs. Sanctions ordinarily should be limited to measures that are deemed likely to achieve the purposes set out above, should not be disproportionately severe in relation to the grounds for their imposition, and should be calculated to give due consideration to any



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special circumstances that may tend to reduce the seriousness of the employee's sanctionable actions or omissions.

3. Employees being formally disciplined by imposition of sanctions must be advised by their supervisor of their right to use the available avenues of review and redress, including:
 - a. Employment Grievances.
 - b. Discrimination Procedure Policy.

B. Types of Disciplinary Sanctions

1. For the purpose of achieving consistency, a standard set of disciplinary actions has been formulated to be used as a guide for correcting violations of the University's rules. It is not necessary that any of these disciplinary actions precede the use of another. Any disciplinary action can be used in series or separately with the others or by itself, depending on what is appropriate.
 - a. Oral Reprimand or Warning
 - (1) The oral reprimand (given in private) is the most often used and the least severe of the formal groups of actions.
 - (2) This is a warning procedure and should serve to forestall the employee from placing himself/herself in a situation demanding a more severe action.
 - (3) It should be a cooperative attempt at determining and overcoming the source of difficulty.
 - (4) It should be stated to the employee that it is a reprimand or warning.
 - b. Written Reprimand or Warning Letter
 - (1) A written statement of reprimand is presented to the employee by his immediate supervisor in the event that



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a verbal reprimand has not corrected the problem or in the case where the seriousness of the violation justifies bypassing the verbal reprimand.

- (2) A copy of the written reprimand must be retained by the supervisor, a copy given to the individual, and a third copy sent to the Human Resources Director for inclusion in the individual's personnel file.

C. Probation

1. The supervisor may place the employee on probation for a three to six month period, stating the reasons for this disciplinary action and what corrective action the employee must take. Within the probationary period, if the employee has not taken the appropriate action or has not made satisfactory progress, the supervisor may take other disciplinary sanctions under this policy.
2. A copy of the written probation conditions must be retained by the supervisor, a copy given to the individual, and a third copy sent to the Human Resources Director for inclusion in the individual's personnel file.

D. Temporary Reduction in Pay

1. The supervisor with the approval of the Director of Human Resources and cognizant Provost, Vice President, or President's staff-level member, may take the disciplinary action of temporary reduction in pay (not to exceed 10% of the gross amount payable for any two-week or semi-monthly payroll period).
2. A copy of such a notice and the required personnel action request shall be sent to the Human Resources Office to be placed in the employee's personnel file.

E. Suspension Without Pay

1. Suspension without pay is a more serious form of discipline for use when appropriate.



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2. The supervisor, with the approval of the Human Resources Director, or designee, concerning conformity with policies and procedures, and cognizant Provost, Vice President, or President's staff-level member, may take such disciplinary action by notifying the employee and stating, in writing, the reasons for the suspension.
3. A copy of such a notice and the required personnel action request shall be sent to the Human Resources Office to be placed in the employee's personnel file.

F. Involuntary Termination

1. Involuntary termination is the most extreme of the formal disciplinary sanctions, and is used only when appropriate.
2. Employees terminated for cause, and employees terminated before the end of the probationary period are not entitled to advance notice of termination.
3. All involuntary terminations by a supervisor require prior approval of the Director of Human Resources, or designee, concerning conformity with policies and procedures, in addition to the approval of next level of supervision and the cognizant Provost, Vice President, or President's staff-level member.
4. Employees involuntarily terminated after the conclusion of the probationary period are entitled to receive, from their supervisors, a written statement summarizing the problems encountered, any attempts to correct them, and the cause assigned for their termination. A copy of the statement must also be forwarded to the Human Resources Office for inclusion in the employee's personnel file.

IV. VOLUNTARY TERMINATIONS

- A. Employees who intend to terminate their employment on a voluntary basis are expected to give the University advance notice of resignation whenever possible.



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- B. At least four weeks advance notice should be given, by or on behalf of exempt personnel. At least two weeks advance notice should be given by or on behalf of nonexempt personnel.
 - C. The notice of resignation should, whenever possible, be submitted to the employee's supervisor in writing, and should state the reason for the employee's decision to resign.
 - D. The supervisor should forward the original resignation notice to the Human Resources Office for inclusion in the employee's personnel file.
- V. PROCEDURES AND DOCUMENTATION
- A. As soon as the need for disciplinary action becomes evident in any situation, a full investigation should be made by the supervisor. All of the pertinent facts should be gathered as quickly as possible.
 - B. The supervisor should exert special efforts to be fair and objective.
 - C. Following the investigation, an interview should be held with the employee.
 - D. If after the investigation, one of the severe forms of disciplinary action is contemplated, i.e. temporary reduction in pay, suspension or termination, the Director of Human Resources and next level supervision should be informed.
 - E. A most difficult problem in dealing with the various types of discipline is to determine the appropriate action for a particular case. It is obviously impossible to set hard-and-fast rules concerning the many cases with which the supervisor may be faced. Nevertheless, there are two general suggestions that are offered:
 - 1. The major aim of disciplinary action is to improve the performance or behavior of the offender, rather than to punish.
 - 2. Certainty and promptness in disciplinary actions are usually more effective than if a severe course of action were applied. This does not mean that action should be taken hastily or in the heat of emotion. A "cooling off" period is generally advisable for the supervisor and for the offending employee. Once the supervisor has decided what action is necessary, however, the action should be taken promptly.



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VII. BLUE SLIP (SEPARATION NOTICE)

A blue slip (separation notice) must be completed and given to each terminating employee on his/her last working day or, if personal delivery is not possible, shall be sent to his/her last known address.

A. A copy of the blue slip must be attached to the Termination Personnel Action Form sent to the Human Resources Office. The reason for termination shown on the blue slip must correspond with the reason shown on the Termination Personnel Action Form.

B. Any of the following reasons for termination must be accompanied by explanation and/or documentation:

Voluntary Quit
Dismissal for Cause
Health or Illness
Family
Violation of University regulations
Other personal reasons not related to work

VIII. ALTERNATIVE STEPS OR PROCESS

A. If any steps, process, levels of supervision, or levels of approval (supervisor, immediate supervisor, intermediate supervisor, next level of supervision, Vice President, Provost, or President's staff-level member) are overlapping, duplicative, or impractical for any reason, the Director of Human Resources may prescribe alternative steps or process which to the maximum practicable degree will assure that fair and adequate administrative levels of steps, process, reviews, or approvals are provided.