Guide to Employee Conduct & Consequences “Guide”
Supervisor Training
General Overview:

- The Guide is a resource document to advise supervisors and employees regarding conduct infractions and potential consequences.
- The Guide is not intended to cover every conceivable infraction.
- The Guide is subject to the terms of the Exempt and Nonexempt Memoranda of Understanding (MOU) and University policy, applicable to employee discipline.
Employee Responsibilities

- Managers, Supervisors and Employees have certain responsibilities with regard to discipline, such as:
  - Ensure a safe, secure and non-disruptive work environment
  - Adherence to policies, regulations, and workplace rules
  - Apply rules in a fair and consistent way (Supervisors)
Purpose of Discipline

What does discipline accomplish?

- Provides an opportunity for learning. Helps to re-focus the employee’s behavior and actions on what they must do (learn to do) in order to align his/her behavior with the needs and expectations of the organization.
- Corrects inappropriate workplace behavior.
- Discourages repetition of negative conduct.
- Reinforces performance and behavioral expectations when other efforts have been unsuccessful.
- Maintains orderly business operations.
- Removes the disruptive employee from the workforce.
What’s the harm in failure to discipline?

- Demoralizes the rest of the workforce
- Creates an imbalance regarding workplace expectations
- Gives an employee the false impression that directions, policies and other regulations can be ignored without consequences
- Insures continuation of repetitive and problematic behavior
- Creates disharmony and disruption within the workgroup
- Increases the University’s liability i.e. allegations of favoritism, discrimination, or “unfairness.”
Guide to Employee Conduct & Consequences

Common Terms and Definitions

- Coaching
- Mitigating Factors
- Aggravating Factors
- Facts
- Progressive Discipline
Coaching

- Coaching is part of the day-to-day interaction between a supervisor and employee
- It is non-disciplinary in nature
- The goal of coaching is to verbally communicate to the employee a behavior or performance expectation in order to engage support and compliance
- Provide an opportunity to explain/teach where there may be questions or concerns
Mitigating Factors

Circumstance(s) or factors that do not necessarily excuse the behavior, but may be considered in determining whether to reduce the consequence associated with the offense.

In other words, information that should be kept in mind when making a decision.

Note: Whether disciplinary action is taken or not, all policy and rule violations must be documented.
Mitigating Factors

Examples can include, but are not limited to:

- Provocation
- Weather
- Involvement of others who might have contributed to the situation
- Impact
- Compelling circumstances e.g. family considerations, etc. (reasonable person standard)
Aggravating Factors

Are relevant facts and circumstances that increase the severity or blame on the part of the employee involved.

Examples include:

- Wantonly offensive behavior or actions
- Intentional acts
- Actively and disrespectfully challenging supervisory instructions
- Making threats or using coercion or physical violence
- Using abusive language or making malicious statements
Facts

“Seek truth from facts”
– Deng Xiaoping

- Something that actually exists; reality; truth
- Something known to exist or to have happened by actual experience or observation.
- A thing that is indisputably the case, or information that can be used to support a statement or claim.
- Facts can only be supported by direct knowledge or information based on real occurrences, such as: Who, What, When, How, Where and, whenever possible “eye witness” testimony/statements.
Management Representative (SUPERVISORS)

Should have knowledge of an incident by virtue of their position and is responsible for taking the appropriate action:

- Investigate and resolve
- Report to Sr. Manager, Director and FM HR
- Document the incident
Guide to Employee Conduct & Consequences

FM HR Staff Relations

- Act as a resource to Managers, Supervisors and Employees
- Monitor the application of any policies, laws or MOU provisions that should be considered
- Maintain awareness of what is going on in other areas of FM and the campus, in order to help ensure equity and consistency
Progressive Discipline

Is a system of discipline where the consequences increase upon repeat occurrences

May not begin at the minimal step, depending on the circumstances and facts of each situation

No prior warnings are required

Note: Employee signature on disciplinary documents does not imply agreement or disagreement only that the document has been received. Refusal to sign such documents will not affect the official file of record.
Progressive Discipline

Under the Guide potential disciplinary consequences include:

- Oral Reminder
- Written Reminder/Letter of Reprimand
- Disciplinary Suspension
- Termination from University Service
Forms & Records –

At the discretion of the supervisor disciplinary actions may be documented via the standards forms or, formal memorandum or letter.

Employees shall be given a copy of all disciplinary actions at the time of issuance.

All suspensions actions must be reviewed and approved in advance by the departmental Executive Director; in consultation with HR prior to issuance.**

All terminations must be reviewed and approved in advance by the departmental Executive Director; in consultation with FM/HR and UHR prior to issuance.

All disciplinary actions shall remain a permanent part of the employees service record.

** Suspensions must be implemented within 3 days of the incident or Management having obtained knowledge that an infraction occurred.
Disciplinary Exceptions

- Depending on the specific facts of a given situation, it may be appropriate to refrain from issuing discipline.
- When this occurs, supervisors are expected to document these exceptions.
Disciplinary Process

Steps:

1. Meet with employee to discuss incident

2. Based on the facts and mitigating circumstances involved, decide whether to submit and approve a disciplinary exception on behalf of the employee

1. Issue the appropriate document e.g. oral reminder, written reprimand etc.
Disciplinary Process

4. Obtain employee signature and provide them a copy of the document issued.

5. Provide the original copy of the completed form with all signatures to FM/HR and maintain a copy in departmental files.

Supervisors and Managers are expected to document all disciplinary exceptions.

Employee signature on disciplinary documents does not imply agreement or disagreement only that the document has been received. Refusal to sign such documents will not affect the official file of record.
Attendance Expectations:

The work of employees in Exempt positions is not measured solely by the hours worked. Employees in Exempt positions are expected to work the hours necessary to complete assignments on a schedule that satisfies the requirements of the job.

A full-time commitment typically requires a minimum of eighty (80) hours per bi-weekly payroll period.”

Generally at the time of hire, the Supervisor is responsible for establishing and communicating to the employee their core hours of work.

Any changes to these core hours must be approved in advance by the supervisor.
Attendance Expectations:

All employees are expected to notify their Supervisor in advance of any unscheduled absence from work.

Employees may be allowed up to 3 unscheduled absences for 60 minutes or more or, 3 unscheduled lateness up to 60 minutes or less each calendar year provided that:

a) The employee notifies the supervisor prior to their normal arrival time (as determined by the supervisor)

b) The employee has accrued paid leave to cover the absence

c) The employee (exempt) has made provisions to insure adequate coverage of their responsibilities
Attendance Expectations:

Employees are expected to submit leave requests in advance e.g. 24 hrs., 1 day absence; up to 5 days in advance for any consecutive period of absence (non-medical related).

Employees must insure they receive a written response back from their supervisor before assuming any leave requested has been approved.

The supervisor is responsible for communicating the method to be used to submit leave requests, but in all cases the method must be in writing.
Guide to Employee Conduct & Consequences

**Discharge**

Shall be considered, but not limited to the following circumstances:

- The behavior is repetitive in spite of previous warnings
- There has been a gross violation of policy, procedure, substantial financial impact or,
- The behavior presents a significant safety risk to the individual or others
- The behaviors has the effect of bringing the classified service into public disrepute.
General Considerations

- Supervisors are expected to meet privately with an employee to discuss problematic behavior and concerns.
- Both parties are expected to maintain their professionalism and a mutual respect during these conversations at all times.
- Inappropriate conduct shall be addressed through progressive discipline.
Guide to Employee Conduct & Consequences

• Don’t wait until there is a build-up and you are frustrated, address problems as they occur.

• Apply rules and consequences equitably and consistently without discrimination or retaliation intent.

• Insure the employees is aware of the rules and expectations before taking disciplinary action; apply the reasonable person standard.

• Be clear regarding conduct and performance expectations

• Don’t make idle or veiled threats regarding discipline

• Provide and review a copy of the Guide to all new employees
Frequently Asked Questions (FAQ)
What happens if I elect to take no action at all?

In the event you elect not to take disciplinary action, you must complete and submit a Disciplinary Exception Form for approval.

What happens if I elect not to report an incident or use the disciplinary exception process?

Supervisors found to be in violation of the rules will be subject to disciplinary action.
What are the timelines for issuing disciplinary and suspension actions?

Oral Reminders: 10 days from the date of incident or having obtained knowledge of an infraction

Written Reprimands: Same as Oral Reminders (10 days)

Suspension Actions: Must be reported to FM/HR immediately and issued within 3 days of the date of incident or having obtained knowledge of an incident

All disciplinary suspensions must be approved in advance by the Executive Director in consultation with FM/HR – Staff Relations
Guide to Employee Conduct & Consequences

Medical Case Management
Medical Case Management

Policies and MOU provisions include (but are not limited to):

- VII – 7.45 – USM Policy on Sick leave for Exempt and Non Exempt Staff Employees
- Article 9, Sections 9 - 17 of the MOU
- MOU Side Letter #6 – Medical Certification of Absences
Medical Case Management

Sick Leave is to be used for:

- Illness or disability of the employee or an immediate family member
- Pre-scheduled and/or approved: medical appointments, exams, treatment, or medical emergencies, etc...

Supervisors and employees are encouraged to schedule medical appointments during non work hours when possible.
Medical Case Management

Medical Certification must:

1. Cover all periods of absence/lateness.
2. Specify the duration of absence.
3. Indicate a return to work date.
4. Confirm return to work status e.g. full duty or modified duty with specific restrictions and the expected duration of the restrictions.

Employees who fail to provide acceptable medical documentation when requested are subject to disciplinary action e.g. Unauthorized Absence (U/A) in most cases.
Medical Case Management

Medical Certification of Absences (i.e. Med Doc Requirement)

In certain cases supervisors may require an employee to provide medical documentation to address concerns regarding a pattern of absence or abuse of leave, due to medical reasons. In such cases, the employee will be notified when medical documentation is required.

All medical documents submitted must be signed by a licensed medical provider and cover all periods (dates) of the absence due to medical reasons (full/partial days; personal/family).

Medical documentation must be provided immediately upon the employees return to work; except as provided below:

- Depending on the duration of absence i.e. generally (4) or more consecutive days, an employee may be required to provide medical documentation prior to returning from work.

There are four (4) types of medical certification requirements:

- One Time Request
- Initial Placement
- Initial Extension
- Repeater Placement
Medical Case Management

Medical Certification of Absences

- One Time Request
  - Single Occurrence (based on individual factors)

- Initial Placement
  - 6 months

- Initial Extension
  - Additional 6 months

- Repeater Placement
  - 12 months
Medical Case Management

Medical Certification of Absences

Reasons for placement include (but may not be limited to):

1. Pattern of absence e.g. 4 hours or more during a 6 month period
2. Repetitive use of sick leave in less than eight (8) hour increments.
3. Consistently low or no sick leave balances.
4. Use of Leave Without Pay (LWOP).
5. Patterns of absences such as before and/or after weekends, holidays, scheduled vacation etc.
6. Absences during peak operational periods e.g. Maryland Day, Student Move-in Day, Special Projects, etc.
7. Denial of annual leave then calling out sick (One Time Request)
Personal Responsibility

- Employees are encouraged to access the FM/HR Staff Relations website below: https://www.facilities.umd.edu/staff/Staff_HR.aspx in order to familiarize themselves with other university policies and procedures applicable to their employment or interest.

- This overview does not cover all policies, procedures, rules and regulations governing University employees. Therefore, please take time to access the campus website http://uhr.umd.edu/policies/ in order to familiarize yourself with other applicable University policies and procedures.

- Your supervisor is always available to assist you. Due to the complexity of the campus environment, FM/HR Staff Relations should also be utilized as a resource.
Guide to Employee Conduct & Consequences

Resource Documents

- Guide to Employee Conduct & Consequences
- Memoranda of Understanding for Non-exempt and Exempt employees
- USM Policy VII-8.00 and 8.10 – Disciplinary Action and Appeal Rights

Contacts

- Your Manager/Supervisor
- FM Human Resources
  - Sharon Simmons, Assistant Director – X58937
  - Vandaliah Thompson (VJ) – HR Coordinator – X52265
  - Sheila Bowling – HR Coordinator – X57648