Clinical Support Services (CSS) Disciplinary Policy

POL12.40.01 Current Version

Authority: Board of Trustees as delegated to the Vice Chancellor for Health Sciences and Associate Vice Chancellor for Human Resources

History: First Issued: December 2006; revised July 22, 2010, to be effective August 1,2010

Related Policies:

Additional Resources: Clinical Support Services (CSS) Work Rules -- Guide for Disciplinary Action

Contact Information: Director for Employment and Clinical Support Services, Department of Human Resources (telephone: 252-328-9847)

1. Purpose

To provide written guidelines covering some of the more serious or specific problems regarding Clinical Support Services ("CSS") employee activities, practices, or conduct which could lead to disciplinary action.

2. Policy

CSS work rules are provided as minimum guidelines for CSS employee conduct and work performance, but are not all-inclusive (Refer to Section 7, below, for CSS Work Rules). This list may be supplemented by additional regulations where employees are subject to professional and/or state regulation or licensure.

At the time of hire, all new CSS employees are required to read and acknowledge by signature that they have received a copy of the CSS Disciplinary Policy and CSS Work Rules. Any questions regarding

interpretation or application of the CSS Disciplinary Policy and CSS Work Rules should be referred to the Employee Relations Specialist assigned to the Health Sciences Division.

Depending upon a review of circumstances, the violation of a work rule may result in disciplinary action. Disciplinary steps provided for each work rule are suggested as guidelines for reasonable, consistent action. Consideration will be given to the seriousness of the offense, whether the employee has committed previous violations of this and/or other work rules, whether the employee self-reported the violation and/or cooperated in the investigation, the employee's overall work record, and other mitigating or extenuating circumstances. Progressive disciplinary action may be taken based on continued infractions of the same work rule, or the same disciplinary track may be continued based on infractions of other related work rules.

3. Procedure

There are four categories upon which disciplinary action may be taken:

Unacceptable Customer Service:
Employee fails to meet expectations for acceptable customer service standards as outlined by the ECU Core Work Values.

Unsatisfactory Job Performance:
Work-related performance that fails to satisfactorily meet job requirements as set out in the relevant job description, work plan, or as reasonably directed by the management of the work unit or agency.

Unacceptable Personal Conduct:
• conduct for which no reasonable person should expect to receive prior warning; or
• job-related conduct which constitutes a violation of State or federal law; or
• conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the State; or
• the willful violation of known or written work rules, including insubordination; or
• conduct unbecoming a State employee that is detrimental to State service; or
• the abuse of animals owned by the State, client(s), patient(s), student(s), or person(s) over whom the employee has charge or to whom the employee has a responsibility; or absence from work after all authorized leave has been exhausted; or

• negative leave balances causing payroll adjustments; or
• falsification of an employment application or other University records.

Unacceptable personal conduct also pertains to all University-affiliated resources managed or owned by an external entity (e.g., University Health Systems of Eastern Carolina or Pitt County Memorial Hospital). If a University employee's responsibilities require the routine use of resources (e.g., computer applications, equipment, facilities) of an external entity, and the employee's ability or approval to use the resource(s) is (are) terminated by the external entity due to the action of the employee, the employee will be subject to this Disciplinary Policy's processes up to and including dismissal.

Gross Inefficiency:
Failure to satisfactorily perform job requirements as set out in the job description, work plan, or as directed by the management of the work unit; and, the act or failure to act causes or results in:
• death or serious bodily injury or creates conditions that increase the chance of death or serious bodily injury to an employee or a member of the public, or to a person for whom the employee has responsibility; or
• failure to obtain or maintain legally required certificates, licenses, bonds of other credentials; or
• the loss of or damage to state property or funds that results in a serious adverse impact on the State and/or work unit.

Some work rule violations may fall under one or more of the categories of unacceptable customer service, unsatisfactory job performance, unacceptable personal conduct, and/or gross inefficiency. No disciplinary action shall be invalid solely because the disciplinary action is categorized incorrectly.

Disciplinary action should be taken as soon as possible after a work rule violation or unacceptable behavior. When the work rule violation is minor, the employee's supervisor may elect to counsel the employee for the first offense rather than initiating discipline, although it may be appropriate to document the counseling session for future reference.

Each of the disciplinary actions listed below should be applied in accordance with actions recommended in the CSS Work Rules. Those actions are:

1. Oral Warning
2. Written Warning
3. Suspension Without Pay: A suspension without pay may be issued when it is determined that the incident warrants action more severe than a warning but less severe than a demotion or dismissal. Before a

suspension without pay may be issued for any CSS employee, the Employee Relations Specialist for the Health Sciences Division ("Employee Relations Specialist") must be consulted and the Employee Relations Specialist must schedule a pre-disciplinary conference with the employee.

4. Demotion or Dismissal: An employee may be dismissed from employment after other disciplinary measures have failed and/or when an incident warrants it. An employee may be dismissed at any time without regard for any progressive steps if he/she commits an offense for which immediate dismissal is specified and/or warranted. Before a demotion or dismissal of any CSS employee, the Employee Relations Specialist must be consulted and the Employee Relations Specialist must schedule a pre-disciplinary conference with the employee.

At each step in this sequence, the supervisor should:

1. Meet with the employee, and explain the error or work rule violation to the employee.
2. Employee should be given adequate opportunity to provide comments/details regarding the situation.
3. If no further action is necessary, thank employee for meeting and clarifying the situation.
4. Should further investigation be needed, tell employee this will occur and schedule follow up meeting.
5. If determined corrective action is warranted:
   a. Explain to employee that corrective action is warranted.
   b. Tell the employee what is expected of him/her.
   c. Indicate that it is the employee's responsibility to correct the behavior or improve performance.
   d. Tell the employee specifically what he/she can expect in the event of future similar work rule violations.
   e. Set a follow-up date to review behavior/performance, if appropriate.
   f. Summarize the interview on the Corrective Action Report. An Employee Relations Specialist must review each Corrective Action Report before it is issued to the employee to ensure compliance with University policy. Obtain the employee's signature on the Report (if the employee refuses to sign, his/her refusal should be documented on the Report). Provide the employee with a copy of the Report and advise the employee that a copy of the Report will be placed in his/her personnel file.

If it is determined that suspension without pay, demotion, or dismissal is the appropriate course of action, the supervisor must consult with the Employee Relations Specialist and, at a predisciplinary conference with

the employee, review the facts leading to suspension without pay, demotion, or dismissal. The employee must be told clearly why he/she has been suspended without pay, demoted or dismissed, and advised of the appeals process. A formal disciplinary letter and a copy of the appeals process will be issued to the employee and placed in the employee's personnel file.

4. Disciplinary Appeals

Probationary and temporary employees may be terminated without cause or advance warning and do not have grievance rights under this policy. The progressive disciplinary process does not have to be applied to probationary employees.

Oral/written warnings and/or placement on investigatory leave with pay are not grievable. Disciplinary actions for CSS employees are not grievable to the State Personnel Commission. However, depending on what is being alleged, they may have rights under State and Federal EEO and FLSA as well as State and Federal criminal and/or civil statutes. CSS employees who achieved career State employee status on/by October 31 1998, shall be subject to the rules regarding discipline or discharge that were effective on October 31, 1998, and shall not be subject to the rules regarding discipline or discharge adopted after October 31, 1998.

Permanent CSS employees, having successfully completed the probationary period, may submit disciplinary appeals on the basis of the following:

• Dismissal, demotion, or suspension without pay without just cause

Step 1: Department Head/Medical Director. An employee may submit a written appeal to the department head or Medical Director within ten (10) workdays of receiving written notification of disciplinary action, along with a copy to the Director of Employee Relations in Human Resources. The department head or Medical Director will provide written response to the appeal within five (5) workdays of receiving the written appeal, with a copy of the response to Human Resources, Director of Employee Relations.

Step 2: Vice Chancellor. If the employee is not satisfied with the Step 1 decision, he/she may submit a written appeal to the Vice Chancellor for Health Sciences, with copy to Human Resources, Director of Employee Relations, within ten (10) workdays of receiving written notification of

Step 1 decision. The Vice Chancellor will provide written response to the appeal within ten (10) days of receiving the written appeal, with a copy of the response to Human Resources, Director of Employee Relations. The ruling of the Vice Chancellor for Health Sciences to the Step 2 appeal is the final agency decision for the University.

5. Disciplinary Appeals Alleging Discrimination

A CSS employee wishing to file an internal complaint alleging discrimination prohibited in the University's Nondiscrimination Policy should contact the University's Office for Equity, Diversity and Community Relations (EDC) for additional information/procedures. Contact information for the Office of EDC is as follows:

Dr. Taffye Benson Clayton
Associate Provost for Equity, Diversity, and Community Relations
Office for Equity, Diversity and Community Relations
East Carolina University
Old Cafeteria Building, Suite G-406
Greenville, NC 27858
(252) 328-6804
http://www.ecu.edu/edc/

6. Maintenance of Disciplinary Actions

Corrective Action Reports remain active for 18 months unless additional corrective action is necessary. Otherwise, they remain a part of the employee's personnel file and may be taken into consideration in determining progression of steps if future corrective action is necessary. Active disciplinary actions may result in an overall annual performance rating of "below expectations". Additionally, an overall annual performance rating of "meets expectations" or better does not render any active disciplinary actions as inactive.

When an employee transfers to another department or work unit, any active written warnings or disciplinary actions will transfer with the employee, and will remain in full force at the new work unit.

7. Clinical Support Services (CSS) Work Rules

The attached grid, captioned Clinical Support Services (CSS) Work Rules -- Guide for Disciplinary Action is a guide for disciplinary actions with respect to infractions and violations of laws, University and/or ECU Physicians rules, regulations, policies, and/or standards. This list is not exhaustive of all types of conduct which may constitute grounds for

disciplinary action including, but not limited to, suspension without pay, demotion and/or dismissal from employment.

Any of the steps set forth in these guidelines may be skipped or eliminated, at the University's sole and absolute discretion, depending on the seriousness of the offense and any other relevant circumstances of the specific case. As a general rule, disciplinary action shall be more severe for conduct which is a knowing, intentional, or willful violation of the law and/or of the rules, regulations, policies, and/or standards of the University and/or ECU Physicians. Nothing in this policy should be construed as preventing, limiting, or delaying the University from taking any and all appropriate disciplinary action(s) including, but not limited to, suspension without pay, demotion and/or dismissal, in any circumstances where the University, in its sole and absolute discretion, deems such action appropriate and warranted.

Key: Recommended Disciplinary Actions

O: Oral Warning (written documentation of such is necessary)
W: Written Warning
S: Suspension Without Pay
D: Demotion/Dismissal