

Old Dominion University

Progressive Disciplinary Guidelines for Classified Employees

A quick reference guide for managers and supervisors prepared by the Department of Human Resources

Prior to the issuance of any formal disciplinary action, management should consult with the Employee Relations Manager or the Human Resources Director.

1. When working with non-probationary classified employees, supervisors must adhere to the procedures specified in the Commonwealth of Virginia's Standards of Conduct Policy 1.60 as revised April 15, 2008. This policy directs a system of increasingly significant measures that are used to provide feedback to employees so they can correct conduct or performance problems. It is most successful when provided in a way that helps employees become fully contributing members of the organization. Progressive discipline also enables agencies to fairly, and with reliable documentation, terminate an employee who is unable or unwilling to improve his/her workplace conduct and/or job performance. Supervisors are expected to document the progressive efforts made to address employee performance and behavior concerns.

2. Corrective action is any intervening informal or formal counseling action taken by management to address employment problems, such as unacceptable performance, behavior or misconduct. Typically counseling is the first level of corrective action. It may be an informal (verbal) or formal (written) communication which conveys that an employee's conduct or performance was improper. This level of corrective action would be appropriate for most first offenses resulting in minimal impact to business operations, to the safety or wellp0being of others, or that involve minor infractions of policies or laws. Supervisors are expected to use the counseling memo template available through Human Resources.

a. **Informal (Verbal) Counseling**

Counseling should consist of private discussions between employee and supervisor regarding the desired course of action to improve performance and/or conduct, the expectations for improvement, and what may occur if the performance or conduct is not corrected. The supervisor should explain that documentation of the conversation will be placed in the supervisory file. Supervisors are encouraged to provide a written summary to the employee as well.

b. **Formal (Written) Counseling**

A written memorandum should be issued to emphasize the significance of relatively minor acts of misconduct or unacceptable performance when discussions with the employee have not resulted in the required improvement.. It may also be issued as the initial means to address first instances of misconduct or unsatisfactory performance.

A copy of the memorandum must be given to the employee. Counseling documentation should be retained in the supervisors' files, not in employees' personnel files, except as necessary to support subsequent formal disciplinary action.

When issuing a counseling memo, the supervisor should meet privately with the employee to discuss the conduct or performance issues and the desired course of action for improvement, including the supervisors' expectations and what may occur if the performance or conduct is not corrected.

3. When the level of an offense warrants formal disciplinary action, a **Written Notice** form may be issued to the employee. This written notice becomes a part of the employee's official personnel file. **Prior to issuing formal disciplinary action (written notice), supervisors must provide written notification of the offense to the employee along with an explanation of the facts that support of the charge, and a reasonable opportunity to respond. The template for this notification and the Written Notice Form will be provided to the supervisor during consultation with Human Resources.**
4. **Prior to issuing a written notice that involves suspension, demotion or termination, supervisors must provide written notification of the offense, an explanation of the agency's evidence in support of the charge, and a minimum of 48 hours to provide a response.** The employee is placed on paid pre-disciplinary leave until the process is concluded. After considering the employee's response, if the decision to suspend, demote or terminate remains, employee may be offered the **option to resign** in lieu of termination. The employee continues on paid pre-disciplinary leave until the following day when they must either submit a resignation or be terminated.
5. Resignations must be in writing and an email is often acceptable. If the employee chooses not to resign, the Written Notice noting termination and signed by the supervisor and the dean or director of the department will be issued.
6. Employees who are considered to be a threat to the welfare of the University or to other employees, may be suspended or removed immediately from the premises. The employee will be given a written explanation for such a suspension or removal and will be given an opportunity to respond to the action. Please contact Human Resources immediately if you have a situation which may warrant immediate removal from the campus.

Please contact the Employee Relations Manager in Human Resources (683-4564) to discuss application of policy and procedures and to take progressive corrective actions.

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Progressive Disciplinary Guidelines for Wage [Hourly] and Probationary Employees

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Hourly and probationary employees are expected to meet the standards given in the Standards of Conduct Policy 1.60. However, they are not covered by the protections that the policy offers full-time, non-probationary classified employees. It is the practice at Old Dominion University to use a progressive approach when addressing performance issues with hourly and probationary employees.

1. There are three levels of corrective action available when addressing performance or behavior issues with hourly and probationary employees. Typically, the first level of corrective action is verbal counseling. The verbal counseling should be documented in the supervisor's file including date of meeting, topic discussed, and expectations communicated to the employee. It is often helpful to provide written documentation of the conversation to the employee.
2. When the level of an employee offense warrants stronger corrective action, the behavior is documented and a **Letter of Reprimand**. The supervisor may issue more than one verbal counseling or letter of reprimand depending on the circumstances and any mitigating and aggravating factors.
3. If a decision is made to terminate employment after consulting with the Employee Relations Manager, the employee is given an "Opportunity to Respond" memorandum providing a minimum of **48 hours to respond** to the intended action. The employee does not remain at work while this process is conducted. Probationary employees are placed on paid pre-disciplinary leave while this process is conducted. Hourly employees are not paid during the time that they do not work.
4. After considering the employee's response, if the decision to terminate stands, the **option to resign** should be offered. The employee should be given **24 hours to submit a written resignation**.
5. If the employee chooses not to resign, a **Letter of Termination** signed by the supervisor and dean or director will be issued to the employee. Before issuing the letter of termination, the action must be reviewed by the Employee Relations Manager.
6. Employees who are considered to be a threat to the welfare of the University, or to other employees, may be suspended or removed immediately from the premises. The employee will receive an explanation for such a suspension or removal and will also be given an opportunity to respond to this action. Please contact Human Resources immediately if you have a situation that may warrant immediate removal from the campus.

Please contact the Employee Relations Manager in Human Resources (683-4564) to discuss application of policy and procedures and to take progressive corrective actions.