

Discipline & Dismissal of Classified Employees

Updated: 7/09/2016

Purpose

It is the policy of The University of Texas at El Paso to encourage fair and efficient processes to resolve disputes arising out of the employment relationship and to meet the requirements of State and federal law.

The purpose of this policy is to provide a procedure for the discipline and dismissal of classified employees who are subject to its provisions. Classified employees are at-will employees who serve without tenure. No provision of the policy and procedures that follow shall confer rights to employees that are contrary to the employment-at-will doctrine.

These policies are applicable to classified employees conduct or job performance of a staff employee that results in a decision to impose a disciplinary action of demotion, suspension without pay, or dismissal. These are reflected in the Handbook of Operating Procedures, Section V, Chapter 6.

Procedures

As an employee you are expected to acquaint yourselves with performance criteria for your particular job and with all rules, regulations, procedures, and standards of conduct established by the Board of Regents of The University of Texas System, the University of Texas at El Paso (UTEP), and the employee's department or unit. Acknowledgement of these policies and procedures is conducted annually through the compliance certification modules.

If you do not fulfill the responsibilities set out by your performance criteria, rules, regulations, procedures, and standards of conduct, you may be subject to adverse personnel action. Failure to maintain satisfactory work performance standards can constitute cause for disciplinary action, including dismissal. The term "work performance" includes all aspects of an employee's work to include personal and professional conduct.

The quality and quantity of your work performance will be evaluated by your supervisor. When work performance is below standard, your supervisor is expected to take the necessary action to assist you in elevating those standards to meet expectations. It is your responsibility to participate and adhere to the guidance or directives provided to elevate your performance, conduct, and behavior.

Before any disciplinary action is taken, an investigation into the matter will be conducted by your supervisor or other designated official in conjunction with the Office of Human Resources. In the event, your performance or conduct needs to be addressed, the University may exercise its progressive discipline process.

In the event proposed disciplinary action taken results in a demotion, suspension without pay, or dismissal, the employee has an opportunity to respond in writing before a final decision is made. This pre-disciplinary option only serves as an opportunity to avoid mistaken decisions and is not intended to definitively resolve the propriety of the disciplinary action being considered. An appeal is provided to the next level of management and is facilitated by the Office of Human Resources.

Upon completing the pre-disciplinary appeal procedures and obtaining the approval of the appropriate department head or administrative equivalent, the supervisor may cancel or proceed with the proposed disciplinary action. If the decision is to proceed, the supervisor shall inform the employee in writing of the following action; demotion, suspension without pay, or dismissal within 30 days of the appeal.

Employees have the right to appeal the disciplinary action and a copy of the appeal procedure may be found in the Handbook of Operating Procedures, Section V, Chapter 6.

Applicability

These policies and procedures are applicable to conduct and/or job performance of a classified employee as stated in the Handbook of Operating Procedures Chapter 5, Section 6.4 that results in a decision to impose a disciplinary penalty of demotion, suspension without pay, or dismissal. It does not apply to:

1. Institutional police or faculty who are subject to other approved discipline or dismissal procedures;
2. Suspension with pay pending investigation of allegations relating to an employee;
3. Decisions not to offer reappointment to persons whose appointment for a stated period of one year or less expires at the end of such period without the necessity of notice of non-renewal as provided in the Regents' Rules and Regulations or the policies of UTEP;
4. Administrative and Professional (A&P) employees who are appointed to positions without fixed term and serve at the pleasure of the University President;
5. Persons who are employed in positions that require student status as a condition of employment; or
6. Dismissal of employees:
 - who occupy positions that are dependent upon funding from a specific source and such funding is not received or renewed,
 - as a result of a reduction in force,
 - due to financial exigency,
 - during any probationary period of employment,
 - who are appointed for a stated period that is less than 180 days,
 - who are appointed at a per diem or hourly rate and work on an as needed basis, or
 - who have not attained or maintained the necessary clearance, certification, licensure, proper visa authorization, or suitability (this includes but is not limited to maintaining a satisfactory criminal background and sex offender registration check under the University's criminal background check policy for their position, or
 - who have exhausted applicable leave entitlements.

Procedure for Appeal

Disciplinary actions resulting in dismissal, suspension without pay, or demotion may be appealed by the employee pursuant to the process set out below by submitting a written appeal (may use electronic delivery) to the Vice President or administrative equivalent over the employee's department. The written appeal must be made within ten (10) working days following the date of the disciplinary action. The written appeal must be delivered to the supervisor who signed the disciplinary action. Once the written appeal is submitted, no additional changes or additions may be made unless granted by the Vice President or administrative equivalent. Failure to submit the appeal in a timely manner shall constitute a withdrawal from the appeal process.

A written appeal shall contain:

1. A clear and concise statement of the reasons the employee believes the disciplinary action to be inappropriate or misguided.
2. The specific reason(s) the employee believes the disciplinary action decision should be changed.
3. The name(s) and contact information of any witness that may have information relevant to the employee's disciplinary action and supports the decision to reverse the disciplinary action.
4. The specific remedy sought by the employee.
5. Any additional relevant information to be considered in support of the employee's written appeal.
6. The name and contact information of the employee's representative, if any.

Within five (5) working days following the receipt of the written appeal, the employee's supervisor shall submit the employee's written appeal, his or her written rebuttal, and all documentation relevant to the disciplinary action to the Vice President or administrative equivalent and the Office of Human Resources. A copy of the employee's personnel file may also be requested and submitted by the supervisor to the Vice President or administrative equivalent from the Office of Human Resources.

Within ten (10) working days following receipt of the information from the supervisor, the Vice President or administrative equivalent will render a written decision. The written decision will be sent electronically to the employees university account and sent by certified mail to the employee's last known home address that is maintained by UTEP's Office of Human Resources. The employee is responsible for keeping the Office of Human Resources notified of his or her current mailing address. The decision of the Vice President or administrative equivalent is final, concluding the appeal process, and will be placed in the employees personnel file within the Office of Human Resources.

Responsible Party

Associate Vice President, Office of Human Resources